

CITY OF ALAMEDA RESOLUTION NO. \_\_\_\_\_

UPHOLDING PLANNING BOARD DECISION TO APPROVE DESIGN REVIEW AND USE PERMIT FILE NO. PLN15-0198 FOR THE CONSTRUCTION OF A FIVE-BUILDING MIXED USE DEVELOPMENT CONSTRUCTED WITH SHIPPING CONTAINERS 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 outdoor seating; 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 duly noticed public hearings and examined pertinent maps, drawings, and documents on the project on July 27, 2015, and September 14, 2015, and approved the application on October 26, 2015; and

WHEREAS, the City Council held a public hearing on December 1, 2015, in response to a Call for Review from City Council Member Tony Daysog;

NOW, THEREFORE, BE IT RESOLVED, that the City Council finds that:

**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 is consistent with the property's General Plan Land Use Designation of Community Commercial, which encourages retail, office and residential uses. The project is also consistent with the North Park Street - Gateway zoning district goals to facilitate urban, pedestrian-oriented development. The project design, with modular shipping containers, reflects the maritime and industrial heritage of the City, as well as continues the industrial look of the nearby Park Street Bridge, which is consistent with the Design Review Manual guidelines for new development to be compatible and harmonious with the project surroundings. Specific design details, such as the materials, colors and landscaping, all complement the industrial maritime context established by nearby buildings and the Park Street Bridge. The project's unique outward appearance also provides visual interest that is currently absent at one of the most important gateways into Alameda. As a whole, the project implements General Plan goals according to the North Park Street zoning regulations with a project design consistent with the Design Review Manual.

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 project site is a very small infill development with a surrounding neighborhood consisting of a mix of existing retail, light industrial, auto dealership lots, and residential. This mixed-use project design with office, retail and residential is therefore consistent with the character of the surrounding land uses. The proposed ground floor offices will provide a harmonious transition from the retail corridor of Park Street to the professional offices and light industrial uses along Blanding Avenue. Furthermore, the project's use of shipping containers invokes the maritime industrial character of the neighborhood, and the container architecture will enhance the overall appearance of the Park Street gateway. Overall, the project land uses, scale, and character will create a development that interacts well with the existing built environment.
3. **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 design of the project using shipping containers is visually compatible and harmonious with the maritime industrial character of this location and uses of the surrounding area. The project has an appropriate sense of scale for the site, and the building components are well-proportioned. Specifically, the building footprints and building height are consistent with those of the immediate surroundings. The use of stacked containers in the architecture and the tower feature enhances the overall appearance of the Park Street gateway. Design features such as outdoor seating, landscaping, and patios activates the street frontage as envisioned in the General Plan and North Park Street zoning regulations. Building colors, lighting, and accent treatment are carefully articulated to provide visual interest while matching physical features in the neighborhood. Overall, the proposed project and its design features are compatible with other existing commercial and industrial buildings on adjacent properties.

### **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. 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 Avenue. The project design is consistent with the character of the immediate surroundings and its container architecture will enhance the overall appearance of the Park Street gateway.
2. **The proposed use will be served by adequate transportation and service facilities, including pedestrian, bicycle and transit facilities.** The project's limited

size of 4,200 sf and measures to encourage alternative transportation use 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 sixteen on-site bicycle parking spaces and tenant lease agreements will include 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 be located along Blanding Avenue. Viable commercial frontage along Park Street will be utilized as a café or similar retail use. 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.** The General Plan Land Use Designation is Community Commercial, which encourages retail, office and residential uses. The project is also consistent with the North Park Street - Gateway zoning goals to facilitate urban, pedestrian-oriented development. 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 is a method to ensure 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. Therefore, the proposed use permit relates favorably to the General Plan.

BE IT FURTHER RESOLVED that the City Council finds this project exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 – Infill Development Projects. The project meets all requirements for the infill exemption, including the following:

1. **The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.** The General Plan Land Use Designation is Community Commercial, which encourages retail, office and residential uses. The project is also consistent with the North Park Street - Gateway zoning goals to facilitate urban, pedestrian-oriented development.
2. **The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.** The area of the project site is approximately 6,650 square feet, and the site is surrounded entirely by urban developed parcels.
3. **The project site has no value as habitat for endangered, rare or threatened species.** The project site has been improved as surface parking lot for several decades and currently is not habitat for any endangered, rare or threatened species.

4. **Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.** The project is a small 4,200-square-foot development that complies with all development standards. The project complies with parking requirements, while facilitating the use of alternative mode of transportation such as bicycle and public transit. The scale of this project is not anticipated to generate any traffic, noise, air quality, or water quality impacts.
5. **The site can be adequately served by all required utilities and public services.** The site is located in an established urban neighborhood that is fully developed. All required utilities and public services already exist at a capacity to serve this project.

BE IT FURTHER RESOLVED that the City Council 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. These conditions shall be printed on the first page of all building plans and improvement plans.
2. Building Permit Plans: The plans submitted for the Building Permit approval shall be in substantial compliance with the plans prepared by Timbre Architecture dated October 6, 2015, 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.
3. Vesting: This Design Review and Use Permit approval shall expire and become void unless substantial construction under valid permits has commenced within two years after this 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 expire.
4. Signage: All temporary or permanent signage is subject to a sign permit approval. Sign materials and lighting shall be consistent with the color and materials for the building.
5. Security Gate Design: The applicant shall revise the security gate design to provide a more transparent and more decorative design for final approval by the Community Development Director prior to issuance of building permits.
6. Park Street Seating Area Design: The applicant shall work with the Public Works Department to maximize the café seating area on the Park Street sidewalk.
7. Mechanical Equipment: The review of the final mechanical equipment locations shall be subject to the satisfaction of the Community Development Director. Mechanical equipment shall be located to the greatest extent feasible so they are not visible from the public right of way. In instances where it is not feasible to hide mechanical equipment from public view, decorative screening shall be required to the satisfaction of the Community Development Director.

8. Trash Can Screen: The Building Permit plans shall include plans for a trash can screen to visually screen the individual trash cans to be stored along the eastern edge of the site as shown on the Design Review plans.
9. Accessible Parking Space: Staff and the applicant shall work with the Public Works Department to identify a location along the project frontage for one handicapped accessible on-street parking space.
10. Off-Site Parking: 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. Directional Signage: 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. Parking Agreement: 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 as a party, 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.
11. Security:
  - a. Perimeter Gates: All perimeter gates shall be closed and be locked after regular business hours, or no later than 10:00 p.m. Monday-Sunday.
  - 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 (APD), prior to issuance of Certificate of Occupancy. The location of motion-sensor lighting and security cameras shall be shown on Building Permit plans for purposes of coordinating APD review prior to issuance of Building Permits.
12. Encroachment Permit: Applicant shall obtain approval of an Encroachment Permit for any portion of the project that is cantilevered into the public right-of-way.
13. Color and Materials Board: Prior to the issuance of building permits, the applicant shall submit a revised color and materials board for review and approval by the Planning Board.

#### **Public Works Conditions**

14. The applicant/developer shall submit 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, paving and solid waste storage and recycling areas. 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 Alameda Municipal Code (AMC), the City of Alameda Standard Plans and Specifications, Standard Subdivision Specifications and Design Criteria. The plans shall be reviewed and approved by the Public Works Director prior to approval of the improvements plans or the

building permit, whichever comes first. The engineer shall also assume responsibility for inspection of the on-site construction work, including but not limited to parking lots, pathways, storm facilities, sewer facilities, etc., and 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 (excluding the building and foundation) was constructed in accordance with the approved plans.

15. The improvement plans shall include a landscape and irrigation plan compliant with Bay-Friendly Landscape Guidelines. Final 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.
16. 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 6295B, case 24.
17. The applicant/developer shall submit a soils investigation and geotechnical report prepared by a registered geotechnical engineer licensed in the State of California. The report shall address the structural and environmental analysis of existing soils and groundwater. The improvement plans shall incorporate all design and construction criteria specified in the report.
18. 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.
19. All project related grading, trenching, backfilling, and compaction shall be conducted in accordance with City of Alameda Standards and Specifications.
20. 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.

#### **Public Works Stormwater and Water**

21. 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 include any necessary detail and cross-sectional drawings of the stormwater quality design and source control measures, as relevant, consistent with the latest version of the Alameda County Clean

Water Program's Provision C3 Technical Guidance Manual and Provisions C.3.c and C.3.d of the City's Municipal NPDES storm water permit.

22. For any concentrated stormwater drainage discharge point from the project site directly to the City's municipal stormwater drainage system, the Improvement Plans shall indicate the structural stormwater trash capture measure(s) being installed on the project site consistent with City's municipal stormwater permit definition of a full trash capture device. A full trash capture system or device is any single 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. Improvement Plan sheets shall include detail and cross-sectional drawings of any stormwater full trash capture device(s). 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 ([www.cabmphandbooks.com](http://www.cabmphandbooks.com)), for all necessary and relevant sediment and erosion control measures. 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.
23. 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.
24. Fire sprinkler system test water discharges shall be directed to the sanitary sewer system or to appropriately-sized onsite vegetated area(s).
25. 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 Public Works Department. Permanently affixed thermoplastic, metallic or plastic laminate style markers are examples of acceptable forms.
26. 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.
27. Prior to issuance of the initial, temporary or first occupancy permit, whichever comes first: For any full trash capture system or device installed, the applicant/developer shall submit

for review and approval by Public Works Engineering and Operations and Maintenance (O&M) Plan that thoroughly describes the inspection, operations and maintenance requirements and responsibilities of all of those systems or devices at the site.

### **Traffic and Transportation**

28. 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.
29. Bicycle parking facility locations and type shall be shown on the improvement plans.
30. 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. The engineer shall sign and stamp the plans as approved. 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.
31. 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**

32. Prior to issuance of a grading, demolition, or building permit, whichever comes first, applicant/developer is required to obtain a construction and demolition permit approved by the Public Works Director in accordance with AMC Section 21-24.
33. During the construction/demolition/renovation period of the project, applicant/developer shall use the City's franchised hauler or a City approved permittee, in accordance with AMC Section 21-21, to remove all wastes generated during the project development.
34. Exterior solid waste and recyclable material storage areas shall 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.
35. The storage area(s) shall be accessible to residents and employees.
36. 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.

37. All solid waste containers must have fitted lids which shall remain closed at all times when the container is not being used or emptied.
38. 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**

39. 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.
40. 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.
41. 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)**

42. Concurrent with submittal of Improvement Plans, the Applicant shall coordinate with 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.
43. 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 Development 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.

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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 1st day of December, 2015, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 2nd day of December 2015.

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Lara Weisiger, City Clerk  
City of Alameda