

**CITY OF ALAMEDA PLANNING BOARD  
DRAFT RESOLUTION**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING DESIGN REVIEW APPLICATION PLN15-0468 TO CONSTRUCT A NEW COMMERCIAL BUILDING FOR THE BANK OF MARIN ON A 5,000 SQ. FT. SITE AT THE SOUTHWEST CORNER OF THE SOUTH SHORE CENTER, 523 SOUTH SHORE CENTER

WHEREAS, an application was made on September 22, 2015, by Lev Weisbach, architect, representing Jamestown L.P., for design review approval of a new commercial building and associated pedestrian and bicycle and landscape improvements; and

WHEREAS, the application was accepted as complete on December 22, 2015; and

WHEREAS, the project site is located within a C-2-PD, Central Business District, Planned Development Combining Zoning District; and

WHEREAS, Resolution PB-09-06, adopted on April 27, 2009, permits the continued redevelopment of the Alameda Towne Centre, now known as South Shore Center, including up to 657,000 sq. ft. of gross leasable floor area, and mandates new pedestrian, bicycle and transit improvements; and

WHEREAS, a development plan for the expansion of the Alameda Towne Centre by Field Paoli, adopted on April 13, 2009, establishes development phases during which identified pedestrian, bicycle and transit improvements for the Center are mandated; and

WHEREAS, the new building will include 3,000 sq. ft. of gross leasable floor area, thereby reducing the permitted expansion capacity of South Shore Center to 654,000 sq. ft. of gross leasable floor area; and

WHEREAS, the project, as a part of Phase 2 of the development plan, will satisfy the required pedestrian and bicycle improvements for the site by constructing a new sidewalk and installing *bicycle route* stencils; and

WHEREAS, the project is consistent with the Planned Development Amendment, PDA05-0004, approved by the Planning Board on April 27, 2009; and

WHEREAS, Planning Board held a study session on this application on January 11, 2016; and

WHEREAS, Planning Board held a public hearing on this application on February 8, 2016.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board has made the following findings concerning the Design Review:

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

The project has been reviewed for consistency with City development regulations, policies and design guidelines. General Plan policies support the continued improvements to South Shore Center as a regional shopping center. The design is compatible with the surrounding development and will enhance an existing shopping center. The development will encourage the use of alternative modes of transportation by constructing a new sidewalk, providing bicycle parking and stenciling the adjacent street as a Class III bicycle route.

**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 will be constructed on a small infill site and will be of a compatible scale with adjoining buildings, the shopping center as a whole, and nearby residential buildings. It will activate and visually complete a prominent corner of the shopping center and provide an improved pedestrian connection to the shoreline.

**3. The proposed design of the structure and exterior materials and landscaping are visually compatible with the surrounding development, and design elements have been incorporated to ensure the compatibility of the structure with the character and uses of adjacent development.**

The massing and scale of the proposed building are compatible with the adjacent buildings and the exterior materials, stucco, siding, and glass, and are also in keeping with exterior materials seen in the shopping center. The modern design is divergent from the overall style of the center; however, the architecture provides contrast and interest at this entry corner. The quality of the pedestrian environment will be softened by landscape plantings around the building.

BE IT FURTHER RESOLVED THAT, the project is covered under the Environmental Impact Report for the expansion of the Alameda Towne Centre, certified by the City on October 7, 2008, and none of the circumstances necessitating preparation of additional environmental review as specified in CEQA, including without limitation Public Resources Code Section 21166 and CEQA Guidelines Section 15162, are present in that there are no substantial changes proposed in the project or the circumstances under which the project is undertaken that would require major revisions of the previous EIR due to the involvement of new environmental effects or a substantial increase in the severity of previously identified significant effects; and there is no new information of substantial importance as described in CEQA Guidelines Section 15162(a)(3). All relevant mitigation

measures will be incorporated into the project.

BE IT FURTHER RESOLVED THAT the Planning Board of the City of Alameda hereby approves Design Review application PLN15-0468 to construct a new commercial building for the Bank of Marin on a 5,000 sq. ft. site at the southwest corner of the South Shore Center (523 South Shore Center) subject to compliance with the following conditions:

#### CONDITIONS OF APPROVAL

1. This approval is valid for two years and will expire on February 8, 2018, unless construction has commenced under valid permits. Please note: The approval may be extended to February 8, 2020, upon submittal of an extension request and the associated fee.
2. Conditions relating to Planning Board Resolution PB-09-06 are incorporated by reference.
3. 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.
4. Building Permit Plans: The plans submitted for the building permit shall be in compliance with plans prepared by Lev Weisbach, stamped received on January 26, 2016, which are on file in the office of the City of Alameda Planning Division, except as modified by the conditions in this resolution.
5. These conditions shall be printed on the first page of all building plans and improvement plans.
6. Signage: Any temporary or permanent signage is subject to a sign permit approval. All signage shall be consistent with the requirements of the approved signage program for South Shore Center.
7. Window Schedule: Building Permit plans shall incorporate the approved window schedule.
8. Lighting Design: The Building Permit plans shall include final lighting details for all exterior areas and wall surfaces consistent with the plans approved by the Planning Board on February 8, 2016. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
9. Landscape Plans: Landscape plans and irrigation plans for improvements in the public right-of-way and on-site shall be prepared, and signed and stamped as approved, by a licensed landscape architect. The plans shall be compliant with the most recent "Bay Friendly Landscaping Guidelines" and Alameda Municipal Code (AMC) requirements and shall be designed to minimize runoff, promote surface infiltration, and minimize the

use of fertilizers and pesticides that can contribute to stormwater pollution.

10. Pedestrian Improvements: The Developer shall construct pedestrian improvements in accordance with the Alameda Towne Center masterplan (Field Paoli, 2009) and consistent with the approved project plans. The work shall include construction of a new five-foot wide sidewalk and a two-foot wide planting strip from Shoreline Drive to the intersection of South Shore Center access drive and Franciscan Way, including crosswalks at driveways, and wheelchair ramps. At the northeast corner of Shoreline Drive and South Shore Center access drive the sidewalk will be reconstructed for better pedestrian access to the crosswalk spanning Shoreline Drive and to the new crosswalk spanning across the Post Office parking lot entry. The Building permit plans shall include engineering drawings for these improvements. The pedestrian improvements shall be completed prior to a final occupancy permit.
11. Agreement for Improvements: To guarantee completion of the required on- and off-site pedestrian improvements, the property owner shall enter into an agreement with the City and provide security in a form and amount acceptable to the City prior to approval of the improvement plans or the building permit, whichever comes first.
12. Engineering Plans: The 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, and paving areas. The plans shall be prepared, signed and stamped as approved by a registered civil engineer licensed in the State of California, unless the Public Works Director authorized them to be prepared by some other qualified professional, and be in accordance with the AMC, the City of Alameda Standard Plans and Specifications. The engineer shall also assume responsibility for inspection of the on-site construction work, including but not limited to parking lots, pathways, storm facilities, etc., and shall certify to the City, prior to acceptance of the work or issuance of a final occupancy permit, that the installation of the on-site work (excluding the building and foundation) was constructed in accordance with the approved plans.
13. Shared Lane Markings for Bicycles: Stencils shall be provided on South Shore Center access drive in both directions from Shoreline Drive to Franciscan Way. The centers of the Shared Lane Markings should be 5 feet from the face of the curb, or from the edge of the pavement where there is no curb. The Shared Lane Markings shall be placed immediately after the intersection and be spaced no greater than 250 feet intervals.
14. Bicycle Racks: The plans submitted for building permit and construction shall identify the location of bicycle rack(s) to the satisfaction of the Community Development Director. Said bicycle rack(s) shall be installed prior to approval of the final Certificate of Occupancy.
15. Construction Notice: At least two weeks prior to initiating any construction activities at the site, the applicant shall provide notice to businesses and residents within 500 feet of the project site including (1) project description, (2) description of construction activities, (3) daily construction schedule (i.e., time of day) and expected duration

- (number of months), (4) the name and phone number of the Noise Management Individual for the project, (5) commitment to notify neighbors at least four days in advance of authorized extended work hours and the reason for extended hours, and (6) that construction work is about to commence. A copy of such notice and methodology for distributing the notice shall be provided to the City for review and approval at least five (5) business days in advance.
16. Construction Activity: Construction activity shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Friday, and between 8:00 a.m. and 5:00 pm on Saturday. No construction-related activity shall occur on Sunday or on any Federal Holiday. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment re-design, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) wherever feasible and necessary. No construction activity that may cause excessive off-site vibration or noise from heavy machinery such as pile drivers, drilling rigs (except as necessary for elevator, shoring, and soil testing), etc. shall be allowed. Impact tools (e.g., jack hammers, pavement breakers and noise drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to 10dB. External jackets on the tools themselves shall be used where feasible. Quieter procedures shall be used such as drilling rather than impact equipment whenever feasible.
  17. Dust Control: During construction, the applicant shall ensure that construction crews undertake a program of dust control including, but not limited to, watering soil surfaces as needed to prevent dust blowing, covering trucks carrying materials to and from the site, and frequent clean-up of soil carried by construction vehicle tires from the site onto roadways. 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. Design specifications shall incorporate Waste Management and Recycling elements for building and site demolition debris.
  18. A site inspection to determine compliance with this Design Review Approval is required prior to the final building inspection and/or to the issuance of a Certificate of Occupancy. The applicant shall notify the Community Development Department at least four days prior to the requested Planning Inspection dates.
  19. The final plans, submitted for Building Permit approval, shall conform to all applicable codes and guidelines.
  20. Any additional exterior changes shall be submitted to the Community Development Department for review and approval prior to construction.
  21. Indemnification: The applicant, or its successors in interest, 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 against the City of Alameda, Alameda City Planning Board and their respective agents, officers or employees to attack, set aside, void or annul, any approval or related decision to this project. This indemnification shall include, but is not limited to, all damages, costs, expenses, attorney fees or expert witness fees arising out of or in connection with the 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 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 and Building Department a written notice of appeal stating the basis of appeal and paying the required fees.

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