

CITY OF ALAMEDA PLANNING BOARD
DRAFT RESOLUTION

APPROVING AN AMENDMENT TO THE ESPLANADE FINAL DEVELOPMENT PLAN PLN15-0092 TO ALLOW AN ASSISTED LIVING FACILITY USE ON 5.5-ACRES INCLUDING THE SITE PLAN, FLOOR AREA RATIO, PARKING, BUILDING HEIGHT, AND BUILDING SETBACKS AT 2900 HARBOR BAY PARKWAY

WHEREAS, an application was made on March 23, 2016 by Lenity Architecture for an amendment to the Esplanade Development Plan No. PLN16-0165 to permit the construction of a 105,499 square foot two-story senior assisted living facility located at 2900 Harbor Bay Parkway, and;

WHEREAS, the subject property is designated as Business Park on the General Plan Diagram; and

WHEREAS, the subject property is located in a C-M-PD, Commercial-Manufacturing Planned Development Zoning District; and

WHEREAS, the Planned Development for the Business Park was approved by PD-81-2, and subsequently amended by PDA-85-4, PDA05-0003, PLN07-061, and PLN15-0092; and

WHEREAS, the Board held a public hearing on June 22, 2016, for this application, and examined pertinent maps, drawings, and documents; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board made the following findings regarding the California Environmental Quality Act (CEQA):

1. No further environmental review is required for the proposed amendment to the Development Plan pursuant to Section 15162 of the California Environmental Quality Act Guidelines because there have been no significant changes in circumstances that require revisions to the previously certified Environmental Impact Report since the City Council made the same finding in 2008 regarding the Esplanade Project.
2. The project site has no value as habitat for endangered, rare or threatened species. The Harbor Bay Isle Environmental Impact report analyzed the impacts of Harbor Bay development on wildlife, migratory birds and jackrabbits. The biological survey for the proposed assisted living facility concludes that the proposal does not substantially change the determination of the previously certified Environmental Impact Report. The area of the proposed development is currently a vacant 5.5 acre project site. The vacant site has no habitat value for any endangered, rare, or threatened wildlife species. A burrowing owl and other raptors, snowy plover, California least tern, and passerine nesting bird survey was conducted by Monk & Associates Environmental Consultants at the project site on May 4, 2016, and no

evidence of the presence of these species were observed on or within a zone of influence of the site (Exhibit 4). A condition of approval will also require an additional survey be conducted 14 days prior to construction.

During the survey, four black-tailed jackrabbits were observed on the project site. No young were present on the site at the time of the survey and no burrows or rabbit dens were detected. The black-tailed jackrabbit is not a protected species in California as they are quite common in ruderal areas, grasslands, and crop fields. The back-tailed jackrabbit's highly adaptable nature to anthropogenic communities and highly disturbed areas make them a robust species and they successfully relocate to nearby open spaces when necessary.

3. Approval of the project would not result in any substantial changes in the environmental determination in regards to traffic, noise, and air navigation. The previously certified Harbor Bay Isle Environmental Impact Report analyzed the impacts of the Harbor Bay development on traffic, noise, and air navigation. The traffic analysis, noise analysis, and Airport Land Use Commission analysis conclude that the proposed assisted living facility will not substantially change the determinations of the previously certified Environmental Impact Report. The proposed project will not result in any significant traffic, noise, air quality or water quality impacts because the project is a less intensive use than the previously approved office building use. A traffic and parking analysis conducted by TJKM traffic consultants shows that the new senior care facility proposal generates considerably fewer trips on a daily basis and especially both of the a.m. and p.m. peak hours as compared with the original office complex. Moreover, the project meets the required parking ratio of one parking space per three beds, and therefore represents no substantial change in the project traffic generation and parking demand from the previous approval. The project also received an approval letter from the Alameda County Airport Land Use Commission in regards to compliance with the safety, noise, and height development requirement of the adjacent Oakland Airport. The Noise analysis conducted by AGD Acoustics determined that the project can meet city, state, and county requirements in regards to noise levels through the implementation of standard CNEL building requirements.

BE IT FURTHER RESOLVED, that the Board made the following findings relative to the Amendment to the Development Plan:

1. The proposed use relates favorably to the General Plan. The proposed use of the property provides employment opportunities on a property that is currently vacant and assisted living and memory care services for seniors. General Plan policies recognize the need for new employment opportunities in Alameda and the growing need for senior housing. The site's General Plan designation of "Business Park" is supported by its C-M Commercial Manufacturing/Planned Development zoning designation. The proposed uses are consistent with the zoning designations. Pursuant to the Alameda Municipal Code, assisted living and memory care facilities

and services as proposed by the applicant are defined as commercial facilities. Section 30-4.10 b. lists the specific uses that are permitted in the C-M District. Item number 1 on the list references all of the uses permitted by right in the C-1 and C-2 commercial districts. Item number 3 on the list includes, *“Other commercial-manufacturing uses, which are similar to the uses permitted in the district...”*. Both Section 30-4.8.b C-1 Neighborhood Business District, Uses Permitted and Section 30-4.9.b C-2 Central Business District, Uses Permitted list *“Uses permitted in the AP District...”* as uses that are permitted in the C-1 and C-2 Zoning Districts. Section 30-4.7 –AP Administrative Professional District, subsection b. Uses Permitted includes item number 2: “Medical facilities, including but not limited to the following: (e) *Nursing and convalescent homes*, and (g) *Rest Homes*. Nursing homes, convalescent homes, and rest homes are defined by the Webster’s Dictionary as: “a privately operated establishment providing maintenance and personal or nursing care for persons (as the aged or the chronically ill) who are unable to care for themselves properly. A rest home is defined as an “establishment that provides housing and general care for the aged or the convalescent”.

2. The development is a more effective use of the site than is possible under the regulations for which the PD district is combined. The western portion of the Esplanade development site is considered the end of the Harbor Bay business park and abuts the ferry terminal and residential development. The proposed commercial assisted living facility provides a complementary transition between the nearby residential development and ferry terminal with the business park office uses.
3. 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 conditions of approval require that the Planning Board review and approve the final architectural and landscape design to ensure that project is architecturally and aesthetically harmonious with its surroundings. Operationally, the commercial assisted living use is compatible with the adjacent ferry terminal, adjacent office buildings, and adjacent lagoon and San Francisco Bay.
4. The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities. The proposed facility is served an existing roadway network, an adjacent Ferry Terminal, and an existing free Harbor Bay shuttle service connecting the site to BART. In addition, the facility will provide van services for all residents, which will reduce automobile trips from and to the site. Finally, the 53 employees will arrive and depart from the site on rotating 8 hour shifts which minimize peak hour trips from the property. From a transportation point of view, the proposed use will generate relatively few peak hour automobile trips in Harbor Bay. Based upon the traffic analysis conducted on May 6, 2016 by TJKM Traffic Consultants, the Harbor Bay facility is expected to generate approximately 14 AM peak Hour trips and about 27 PM peak hour automobile trips. The Oakmont memory care and assisted living facility approved in 2013 had similar results from the project’s traffic analysis generating approximately 10 AM peak hour trips and 10 PM peak hour trips. For comparison purposes, if the site were

developed with 67,000 square feet of commercial office use, the site would generate approximately 105 AM peak hour trips and 100 PM peak hour trips. It can be seen by the traffic generated by the proposed site will be about one-half of the traffic generated by the previously approved office development on a daily basis, and will only produce a fraction of the peak hour traffic that would come from an office.

5. 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. The assisted living facility is a commercial use that is in great demand in Alameda. Demand for such facilities far exceeds supply; therefore, the facility will not be detrimental to other similar facilities in Alameda. This type of commercial facility does not generate a large number of truck or automobile trips, does not generate significant off-site noise or odors, and is generally considered to be a compatible use for adjacent residential and business uses.

BE IT FURTHER RESOLVED, that the Planning Board of the City of Alameda hereby approves Amendment to Final Development Plan and Design Review PLN15-0092 subject to the following conditions:

COMMUNITY DEVELOPMENT DEPARTMENT

1. Conditions relating to the Planning Board Resolution No. 1203, PB-08-06, and PB15-13 are incorporated by reference, except where modified in the conditions herein.
2. Design Review: The applicant shall submit plans for the architectural and landscape design for Design Review approval by the Planning Board prior to issuance of any building permits for the subject site.
3. Design Review and Building Permit Plans: The plans submitted for Design Review approval by the Planning Board and building permits for review by the Community Development Department shall be in substantial compliance with the plans prepared by Lenity Architecture, date stamped March 23, 2016, titled "Westmont of Alameda" consisting of 8 sheets, on file in the office of the City of Alameda Community Development Department.
4. BCDC Permits: The applicant/owner shall secure any necessary approvals from the Bay Conservation & Development Commission for the proposed project.
5. Biological Survey: A biological resource survey shall be conducted for nesting birds/raptors including the western burrowing owls, western snowy plovers, and the California least terns no more than fourteen (14) days prior to the commencement of construction for the project.

6. ALUC Airport Noise: The maximum aircraft-related interior noise levels for the building shall be mitigated to 45 dB CNEL.
7. ALUC Avigation Easement: Prior to issuance of building permits, the applicant shall provide evidence of an executed Avigation Easement for the Oakland International Airport, in a form approved by the Port Attorney, for this project.
8. FAA Compliance: Prior to issuance of building permits, the applicant shall submit to the Federal Aviation Administration (FAA) a Form (currently designated 7460 although FAA may designate a substitute form), completed to FAA satisfaction, which describes the electronic and light emissions and reflections from the facility toward Port of Oakland runways and related information. The FAA Form 7460 or the equivalent regulates both building external elements and construction elements including temporary use of cranes. The applicant shall conform to FAA requirements in the Form 7460 or FAA-approved equivalent process. The applicant shall conform to any process of the Alameda County Airport Land Use Commission and shall provide verification to the Community Development Director of compliance efforts.
9. Lighting: All new exterior lighting fixtures shall be directed downward and shielded to minimize offsite glare.
10. Mechanical Equipment: Any noise making mechanical equipment located on the ground, which generates noise exceeding ambient noise levels (prior to installation of the equipment) at the common property line with the adjacent residential neighborhoods shall be enclosed in a sound blocking enclosure meeting the noise standards established by the Alameda Municipal Code. The enclosure shall be built to the following minimum standards:
 - a) The barrier can be any thickness so long as its weight is 4lbs/ft² or greater.
 - b) The barrier must be nonporous, with a solid door.
 - c) The barrier must enclose the equipment on all sides. The building walls may serve as one or more of the sides.
 - d) The wall height should be a minimum of three feet (3') greater than the tallest piece of equipment.
11. Fencing: Perimeter fencing, if any, will exclude chain link fencing. Onsite storage or equipment enclosures, as required by the planned development guidelines for the Business Park, must include 8' high decorative black or dark green vinyl coated chain link fencing, with lockable gates, intended to blend the enclosure with the landscaping. Fencing along the property line adjacent to Shoreline Park shall meet a 3 foot setback.
12. 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 Harbor Bay Business Park.

13. Outdoor Storage: There shall be no outdoor storage unless approved by the Community Development Director, and any outdoor storage permitted shall be temporary for in-transit materials.
14. View Corridor The applicant shall maintain the 60 foot wide view corridor between the McGuire and Hester building and the proposed building. Landscaping, parking, and small utility structures may be allowed in the 60 foot view corridor, but no structures with habitable or conditioned space may be constructed within the view corridor.
15. Bicycle Parking The final building plans shall show two long term and five short term bicycle parking spaces for the Westmont of Harbor Bay facility.
16. The City of Alameda requires as a condition of this approval that the applicant, or its successors in interest, shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, its Redevelopment Agency, the Alameda City Planning Board and their respective agents, officers, and employees from any claim, action, or proceeding against the City of Alameda, Alameda Redevelopment Agency, 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.

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 26th day of May, 2015, by the following vote to wit: