

CITY OF ALAMEDA PLANNING BOARD  
**DRAFT RESOLUTION**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING DESIGN REVIEW APPLICATION NO. PLN14-0517 FOR A NEW 7,100 SQUARE FOOT MIXED-USE COMMERCIAL BUILDING ON AN APPROXIMATELY 20,000 SQUARE FOOT SITE LOCATED AT 712 LINCOLN AVENUE

WHEREAS, an application was made on April 20, 2014 by Simon Kwan for Kevin Lam for Design Review Application No. PLN14-0517 to permit the construction of a 7,100 square foot mixed-use commercial building and associated parking, landscaping and other improvements, located at 712 Lincoln Avenue, and;

WHEREAS, the application was accepted as complete on March 14, 2016; and

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

WHEREAS, the subject property is located in a C-C, Community Commercial Zoning District; and

WHEREAS, the Board held a study session on April 11, 2016 for this application, and

WHEREAS, the Board held a public hearing on July 25, 2016, for this application, and examined pertinent maps, drawings, and documents.

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

- A. **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 project meets this criterion because as proposed it is consistent with the Community Commercial General Plan land use designation and the commercial mixed-use building is a permitted use in the C-C zoning district. The project also complies with all applicable development regulations for the C-C zoning district and Webster Street Design Manual.
- B. **The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.** The project site is located within the Webster Street Business District, an urban commercial shopping district, and the project site parcel is approximately 0.5 acres in size.

- C. **The project site has no value as habitat for endangered, rare or threatened species.** The area of the proposed development is currently a former car sales lot within a heavily urbanized area of the Webster Street Business District. The site is surrounded by urban uses and is subject to high levels of disturbance from foot and vehicle traffic from the surrounding city streets. The vacant site has no habitat value for any endangered, rare, or threatened wildlife species.
- D. **Approval of the project would not result in any significant effects relating to traffic, noise, air navigation, air quality, or water quality.** The project is an approximately 7,100 square foot mixed use building with two ground floor commercial units, and two second floor residential units located within an urbanized area with sewer and water infrastructure to support the development. Construction noise and dust will be minimized by local regulations and proposed conditions of approval for the project. The proposed project will not result in any significant noise, traffic, air quality, or water quality impacts.
- E. **The site can be adequately served by all required utilities and public services.** The project site is located within an urban business district that already has the basic water, sewer, and other utility infrastructure necessary to support the proposed project. The site has access to all other public services provided by the City.

BE IT FURTHER RESOLVED, that the Board makes the following findings relative to the Design Review approval:

- A. The proposed project design is consistent with the General Plan, Zoning Ordinance, and City of Alameda Design Review Manual. The proposed building height and site plan complies with General Plan policies and Zoning Ordinance requirements for building height, parking location, and providing a continuous street wall on Lincoln Avenue. The proposed design is consistent with the Webster Street Design Manual because the proposed new construction is compatible in design and use of materials with the surrounding neighborhood and the adjacent commercial building.
- B. The proposed project design is compatible with the adjacent or neighboring buildings and promotes harmonious transitions in scale and character with surrounding land uses. The project utilizes contemporary design features on a traditional commercial building type to complement the surrounding commercial buildings. The proposal incorporates zero setbacks on Lincoln Avenue along with recessed entries and large store front glazing consistent with the Webster Street Design Manual. The two story height of the building and separation from the adjacent residential properties promote a harmonious transition with the surrounding residential land uses. The continuous commercial street wall and ground floor retail design promote a harmonious transition with the surrounding commercial land uses. The site plan maximizes the amount of landscaped grounds, open space, and parking spaces on the site. Existing residential homes at the rear of the lot will also receive improvements that include ancillary bike storage, reconfigured parking, and additional open space areas. The overall project design is harmonious with the

neighborhood, and it complements the Webster Street Business District.

- C. The proposed design of the structures and exterior materials and landscaping are visually compatible with the surrounding development. Design elements have been incorporated to ensure the compatibility of the structures with the character and uses of adjacent development. Evenly spaced brackets supporting the roof top and belt line sunscreens echo the horizontal elements of the roof cornices found on Webster Street. The design utilizes fiber cement siding and smooth stucco to delineate the two stories consistent with the Webster Street Design Manual. Second-story double-hung windows are distinguished individually with wood trim, and large ground floor storefront glazing is enhanced with transom windows to tie the architectural character of the building with the adjacent commercial structures. The design also incorporates bay windows, recessed entries, and material changes to provide articulation and break up the massing of the building. Overall, the design and materials are compatible with the surrounding residential development and the Webster Street commercial district.
- D. Pursuant to Alameda Municipal Code (AMC) Section 30-4.9A(g)(8), a parking exception may be approved for new construction reducing the number of parking spaces to less than the number specified in the parking schedule in Section 30-7.6 provided the following findings are made by the Planning Board:
- a. The parking demand of the project will be reduced less than the requirements in Section 30-7.6 by 1) provision of bus transit passes to the residents and commercial businesses, 2) bicycle parking facilities, 3) proximity to bus transit on Webster Street and 4) creating space for on-street parking on Lincoln Avenue. Staff believes these elements of the project will adequately offset parking demand by one parking space.
  - b. The probable long-term occupancy of the building or structure based on its design, will not generate additional parking demand because the project is for an approximately 7,100 square foot building limited to two residential units and approximately 3324 square feet of commercial retail space.

BE IT FURTHER RESOLVED, that the Planning Board of the City of Alameda hereby approves Design Review PLN14-0517 subject to the following conditions:

#### **COMMUNITY DEVELOPMENT DEPARTMENT**

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 building permits shall be in substantial compliance with the plans prepared by Kwan Design Architects, dated July 6, 2016, and on file in the office of the City of Alameda Community Development Department.
3. The Design Review approval for the 7,100 square foot two-story mixed-use building shall expire and become void unless substantial construction under valid permits

has been commenced within two years after this approval. A one-time extension for an additional two years may be granted by the Community Development Director upon written request.

4. Construction activities: 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.
5. Lighting: All new exterior lighting fixtures shall be directed downward and shielded to minimize offsite glare.
6. 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/ft<sup>2</sup> 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.
7. Signage: Any temporary or permanent signage is subject to a sign permit approval. All signage shall be consistent with the requirements of the Zoning Ordinance.
8. Transportation and Parking: Prior to issuance of a building permit, the applicant shall record a restriction on the deed of the property to require that the property manager shall be responsible for:
  - a) Acquiring and distributing annually AC transit passes for use by project residents and/or business employees.
  - b) At least six of the spaces shall be reserved for residential tenants of the property. Parking spaces may be unbundled and assigned to the residential units based on actual demand.
9. Bicycle racks: The applicant shall install "inverted U" style bike racks for the twelve short-term bicycle parking spaces, and bike enclosures/lockers for fifteen long-term bicycle parking spaces on the project site as outlined in the approved bicycle parking plan. The bike racks installed in the public right-of-way shall be subject to approval of the Public Works Department.

10. Final Building Permit: Prior to submittal of final building permit plans the applicant shall provide final window details showing the window and wood trim dimensions meet the dimensions and ¾ inch installation recess requirements of the Design Review Manual.

## **PUBLIC WORKS**

### Environmental Services

11. Trash, Recycle, and Organics Waste Room: Prior to submittal of building permits the applicant shall work with the Public Works Department and the Alameda County Industries (ACI) to right-size the trash, recycling, and organic waste room according to ACI service requirements for the building. No trash chutes are permitted without organics and recycling chutes.

### Clean Water Program

*Prior to issuance of grading or combination building/grading permit, or approval of the Civil Improvement Plans, whichever comes first:*

12. Final Civil Improvement Plans sheets shall include appropriate details and cross-sectional drawings of: (a) the installation design of the pervious decomposed granite for the driveway and parking areas, and (b) the roof drains under the pavement discharging to planting area(s).
13. Final Landscaping Plans sheets shall include appropriate detail and cross-sectional drawings of: (a) the installation design of the pervious decomposed granite for the driveway and parking areas, and (b) the installation of energy dissipation and erosion/scour prevention methods at the point where the roof drains under the pavement discharge to the planting area(s).
14. 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.
15. Prior to issuance of building permits or improvement plans, applicant/developer shall submit a complete Landscape Document Package, as defined by AMC Section 30-58.3(d), subject to the approval of the Community Development Director.
16. Landscape plans submitted with final building permits shall comply with the Standard Landscape Conditions of Approval, as defined by AMC Section 30-58.3(f), on file in the office of the City of Alameda Community Development Department.
17. 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 municipal public-right-way, municipal storm water system, and/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 required cleanup, testing, and City administrative costs resulting from consequence of construction materials entering the stormwater drainage system and/or waters of the State.

18. All fire sprinkler system test water discharges shall be plumbed so as to be directed to the sanitary sewer system or to appropriately-sized on site vegetated area(s).
19. Final Civil Improvement Plan design of all external enclosures for solid waste, recycling and organics 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 discharge to the storm drain system.

*Prior to issuance of the initial, temporary or first occupancy permit, whichever comes first:*

20. The applicant/developer shall submit for review and approval by Public Works Engineering and Stormwater LID Measures Operations and Maintenance (O&M) Plan that thoroughly describes the inspection, operations and maintenance requirements to preserve and maintain all of the stormwater quality design measures at the site, such as the previous decomposed granite parking areas and roof drains discharging to planting areas. This O&M Plan shall be consistent with the relevant items of the City of Alameda's Stormwater Measures O&M Plan Checklist. This O&M Plan shall include a signed written statement from the project/property owner of the intent to maintain the approved stormwater site design measures as designed and installed for the life of the newly developed project site.
21. 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.

22. All Time and Material charges for this application shall be paid in full prior to the issuance of building permits.

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.