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Via Electronic Mail

January 20, 2017

City of Alameda Planning Board
2263 Santa Clara Avenue
Alameda, CA 94501

**Re: January 23, 2017 Planning Board meeting
Agenda Item 7-C: PLN16-0544 – 800 W. Tower Avenue (Bladium)
Tentative Parcel Map-Applicant: City of Alameda**

Dear Members of the Planning Board:

On behalf of Bladium Inc., we submit the following comments with regard to the above-referenced Agenda Item. In particular, we respectfully request that the draft approval Resolution be modified in order to remove ambiguities contained therein.

It is important to remember that the City is the applicant for this subdivision, which is for conveyance purposes only and is not related to any pending development. As such, the bulk of the proposed conditions of approval, which relate to development, are not appropriate for this subdivision approval. As Bladium has communicated to Staff, development-related conditions of approval should be imposed when a development application is submitted, but not at this point.

If this Board decides to retain the proposed development-related conditions, modifications are necessary to resolve some current definitional issues. Several conditions (*e.g.*, Nos. 7, 9, 13, 18, 23, 25) impose development-related obligations on the applicant "Prior to issuance of any Building Permit or Site Improvement Permit." Neither "Building Permit" nor "Site Improvement Permit" is defined in the Staff Report or draft Resolution. Moreover, there is no definition of a "Site Improvement Permit" in the City Code or the City's website. The Resolution's lack of clarity regarding its defined terms is problematic. Clearly, a ministerial permit for minor interior work would not trigger the development-related obligations set forth in the above conditions, but the current text of the Resolution creates an unnecessary vagueness.

At a minimum, the draft conditions of approval should be modified so that there is internal consistency in the Resolution. Some conditions (Nos. 10 and 11) provide better clarity with this additional text: "Prior to issuance of a Building Permit or Site Improvement Permit *in preparation of exterior changes to existing buildings or new vertical development....*" (Italics added.) The

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conditions at issue should include this clarifying text, or the terms "Building Permit" and "Site Development Permit" should be defined to make clear that the applicant's development-related obligations are not triggered until the applicant receives a discretionary approval from the City. The mere issuance of a building permit, which is ministerial, cannot trigger any such obligations.

Thank you for your consideration of these comments.

Very truly yours,

A handwritten signature in blue ink that reads "David H. Blackwell". The signature is written in a cursive style with a large initial "D".

David H. Blackwell

DHB:kem