

CITY OF ALAMEDA PLANNING BOARD
DRAFT RESOLUTION

APPROVING A DESIGN REVIEW APPLICATION NO. PLN18-0079 FOR THE DEMOLITION OF 40 EXISTING RESIDENTIAL UNITS AND THE CONSTRUCTION OF A NEW FOUR-STORY BUILDING CONTAINING 78 AFFORDABLE HOUSING UNITS ON 2.45 ACRES OF LAND LOCATED AT 727 BUENA VISTA AVENUE AND RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING ALAMEDA MUNICIPAL CODE SECTION 30-5.12 DEFINITION OF REQUIRED OPEN SPACE

WHEREAS, an application was made on January 7, 2018, by the Housing Authority of the City of Alameda for a Design Review Application to allow the demolition of 40 existing residential units and the construction of a new four-story building containing 78 affordable housing units and associated parking, landscaping and other improvements on property located at 727 Buena Vista Avenue;

WHEREAS, the application requires an amendment to Alameda Municipal Code Section 30-5.12 Definition of Required Open Space;

WHEREAS, the subject property is designated as Medium Density Residential on the General Plan Diagram;

WHEREAS, the subject property is located in a R-3-RD, Garden Residential – Planned Development, and the R-5, General Residential Zoning Districts;

WHEREAS, the Planning Board approved Development Plan No. PLN17-0115 for this project on September 11, 2017, which allowed development of up to 80 new affordable housing units and associated parking; and

WHEREAS, the Planning Board held a public hearing on July 9, 2018, on the proposed Design Review and Zoning Text Amendment, and examined all pertinent maps, drawings, and documents.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resource Code 21159.23 exemption for low-income housing, because the project is an affordable residential project for lower-income households for 100 percent of the units. In addition, on a separate, independent basis, this project is exempt from CEQA pursuant to CEQA Guidelines Section 15332 – Infill Development Projects, and the proposed zoning text amendment is exempt from CEQA under Section 15305 – Minor Alterations in Land Use Limitations. The project meets all requirements for the infill exemption, including the following:

- a. The project, as conditioned, 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 Medium Density Residential General Plan designation, the R-3, Garden Residential District, the R-5, General Residential District, and the 1990 Guyton Settlement Agreement. Although the project requires a minor zoning text amendment with regard to how open space is distributed, the project complies with, and exceeds, the total open space requirement for this project under the zoning ordinance.

- 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 R-3, Garden Residential District, the R-5, General Residential District, which is a heavily urbanized area within the city limits. The project site is designated as Medium Density Residential by the General Plan and is approximately 2.45 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 vacant lot within a heavily urbanized area of the Webster Street commercial area. 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 quality, or water quality. The project is a residential development 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, air quality, traffic, 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 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 made the following findings relative to the Design Review approval:

- 1. The proposed project design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual. The proposal includes materials, architectural elements, and building colors to match and complement the existing buildings on the site and the surrounding neighborhood.
- 2. The project will be compatible with adjacent or neighboring buildings and promotes harmonious transitions in scale and character in areas between adjacent land uses. The project is a four story residential building surround a court yard configuration. Design elements found in the surrounding neighborhood are incorporated into the building designs including building materials, articulation and roof forms. The design

utilizes varying roof lines and materials to articulate and reduce the scale of the structures for a more harmonious transition along the street. The site plan maximizes the amount of landscaped grounds and parking spaces on the site.

The open space design includes outdoor seating and innovative play areas for children that promote imagination and creative play. Landscape amenities include lounge furniture, a fire pit, outdoor workspace, benches, play area with synthetic lawn, dining tables, barbecue pit, and a covered pergola. Additionally, the facility will provide a community multi-purpose room to host social gatherings, a social services office to serve the tenants, and bicycle storage room to provide secure parking. The Housing Authority is able to budget for these community amenities by reducing the total private balconies on the upper floors to less than the minimum number of balconies required by the Zoning Ordinance for the property. The change allows the Housing Authority to achieve the ideal design that provides the community interaction and services that best meets the needs of their tenants.

3. 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. Fiber cement siding, panels, and board and batten, are used to emulate and accentuate the vertical proportions of the building. Porches and balconies, varying roof lines stepping down, and the tall windows are carefully designed to further break up the mass of each building and articulate the individual units. The materials, design, and scale of the buildings are compatible with the residential character of the adjacent properties.

BE IT FURTHER RESOLVED, that the Planning Board of the City of Alameda hereby recommends that the City Council approve the following Zoning Text Amendment to Section 30-5.12 to add new subsection c.:

c. Exemption to Allow Redistribution of Private and Common Open Space. In exception to the common and private open space provisions of this section, Design Review applications may be approved with more or less private or common open space provided the following findings can be made: 1) the design meets the amount of total useable open space required, and 2) the combination of private open space and common open space provides a better open space plan for the residents of the site and/or a better architectural design for the building.

BE IT FURTHER RESOLVED, that the Planning Board of the City of Alameda hereby approves Design Review Application No. PLN18-0079 subject to the following conditions:

COMMUNITY DEVELOPMENT DEPARTMENT

1. Zoning Text Amendment: This approval shall not become effective until and unless the Alameda City Council approves the recommended Zoning Text Amendment necessary to allow the proposed distribution of private and common open space within the project. In the event that the Text Amendment is not approved, the Applicant shall redesign the project for Planning Director review and approval consistent with the open space requirements.
2. These conditions shall be printed on the first page of all building plans and improvement plans.
3. Building Permit Plans: The plans submitted for building permits shall be in substantial compliance with the plans prepared by Dahlin Group, date stamped June 27, 2018 and on file in the office of the City of Alameda Community Development Department.
4. Vesting: The Design Review approval for the four-story affordable housing building shall expire and become void unless substantial construction under valid permits has taken place 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 and payment of fees per the Master Fee Resolution.
5. The plans submitted for building permit shall be consistent with the Design Review Approval and shall show details of the following for review and approval by the Community Development Director or his or her designee:
 - a. Final Planting and Irrigation Plans;
 - b. Final window and door details
 - c. Lighting Plan, including fixtures. All new exterior lighting fixtures shall be directed downward and shielded to minimize offsite glare;
 - d. Final bicycle parking plan.
6. Any additional exterior changes shall be submitted to the Community Development Department Director or designee for review and approval prior to construction.
7. Prior to submittal of building permits, the applicant shall submit an application to merge the 1.98-acre Parcel No. 1 and the 0.47-acre Parcel No. 2 on the subject site.
8. WELO Landscape Documentation: Prior to issuance of building permits or improvement plans, applicant/developer shall submit a complete WELO Landscape Document Package, as defined by AMC Section 30-58.3(d), subject to the approval of the Community Development Director.
9. All construction activity shall be consistent with the limitations of the Alameda Municipal Code and Alameda Noise Ordinance. Construction activities shall be limited to the hours of 7:00 AM to 7:00 PM.

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

PUBLIC WORKS

Engineering

10. Sanitary sewerage shall be in accordance with the EBMUD Regional Standards for Sanitary Sewer Installation. The City participates in the EBMUD Regional Private Sewer Lateral Program; therefore the AHA shall comply with the provisions of this program prior to the issuance of Certificate of Occupancy. Please review the program requirements and cost for Compliance Certificates: <http://www.eastbaypsl.com/eastbaypsl/>.
11. Prior to issuance of building permits, the AHA shall secure all necessary permit approvals from the East Bay Municipal Utility District (EBMUD) regarding the installation of all water or sewer service connections for the project. Accumulated wastewater must be drained to the sanitary sewer. Approved backflow prevention devices shall be installed on all new and existing domestic, commercial, irrigation, and fire water services and as required by EBMUD. These devices must be tested by an AWWA certified tester from a list of testers provided by EBMUD. Fire sprinkler system test water discharges shall be directed to the sanitary sewer system or to appropriately-sized onsite vegetated area(s).
12. A sanitary sewage flow analysis, acceptable to the PWD, identifying the total peak sanitary sewage flow quantities to be generated by the proposed development, shall be prepared by a registered civil engineer licensed in the State of California and submitted as part of the construction improvement plans. The engineer shall sign and stamp the analysis as approved. AHA shall pay for the cost of the analysis. The City will determine the required improvements, if any, to ensure sufficient sewage capacity for this project and anticipated cumulative growth in the associated sewer sub-area. The AHA shall include the City and EBMUD recommended improvements, if any, from the sewer study into the project's improvements plans prior to approval of the improvement plan. All permits, easements, and/or approvals for modifications to the sewer system required by EBMUD shall be obtained prior to the Final Map.
13. Storm drainage shall be designed in accordance with the Alameda County Flood Control District Hydrology and Hydraulics Manual and the latest scientifically informed climate predictions. A storm drainage hydrology analysis, acceptable to the PWD, identifying the total peak drainage flow quantities to be generated by the proposed development shall be prepared by a registered civil engineer licensed in the State of California and submitted as part of the construction improvement plans. The engineer shall sign and stamp the analysis as approved. The City will provide this data to an independent consultant who will assess the impact of the proposed development on the City's storm drainage system using a hydraulic model and determine the improvements, if any, to ensure sufficient capacity for this project and anticipated cumulative growth in the associated drainage basin. The AHA shall pay for the cost of the modeling study.

The AHA shall include the recommended improvements into the project's improvements plans prior to approval of the improvement plan.

14. No new street lighting is shown. If new street lighting is proposed, it shall be consistent with City of Alameda's and Alameda Municipal Power's (AMP) standard specifications and AMP's "Material and Installation Criteria for Underground Electrical Systems". All street lights shall be designed to preserve "dark skies" and direct light downward toward the public right of way. Review proposed project driveways and verify that pedestrian and vehicular lighting meets City standards for crosswalks, sidewalks, and intersections.
15. The AHA shall design and construct power, telecom, gas, and other utilities in accordance with applicable utility standards.
16. New street trees, if any, shall maintain clearances from utilities, signs, signals, driveways, curb ramps, bus stops, cross walks, parking meters, and intersections in accordance with Appendix 2 of the Alameda Master Tree Plan. Verify minimum clearance distances of street trees/shrubs from electrical transformers with AMP.
17. Installation of street paving shall include reconstruction of the existing pavement section to provide adequate conforms. The limits of the reconstruction shall be established by the PWD prior to approval of the improvement plans. Work shall include resurfacing the existing street pavement whenever a street is cut, either by a longitudinal or transverse cut, for utility or other improvement installations, or damaged by construction traffic, so the street is restored to pre-project conditions, including striping. The resurfacing shall extend a sufficient distance beyond any cut or damage to ensure a smooth transition, as determined by the PWD, and shall consist of a one and a half (1½) inch asphalt concrete overlay, or the depth of the existing street asphalt, whichever is greater. AHA's contractor shall also provide dig-outs and reconstruction of any potholed and/or alligatored areas adjacent to the project.
18. For off-street parking facilities, the AHA shall submit the improvement plans to the Community Development Department (CDD) and PWD for review and approval. The plans shall be prepared by a registered civil engineer licensed in the State of California and shall be signed and stamped as approved. The CDD shall review and approve the parking lot layout, including number of spaces, dimensions of spaces, and Americans with Disabilities Act (ADA) requirements, and the PWD shall review and approve the internal and external circulation of the parking lot, including lane widths and access points, prior to approval of the improvements plans.
19. No signs shall be installed or mounted on street light poles owned and/or maintained by the City. All new and replacement signs shall be installed on dedicated sign posts.
20. The trash rooms shall have fire sprinklers. Collection and storage area and the individual bins and containers provided, shall be adequate in capacity, number, and distribution to serve the anticipated demand for trash, recycling, and organics as determined by the PWD.

21. Prior to commencement of construction, The Alameda Housing Authority (AHA) shall provide five print copies and one Mylar (or approved equal) set of the permit-approved (or PWD approved) on-site/off-site civil improvement plans and landscape plans, 5 print sets of the specifications, and a CD or DVD digital copy of the plans and specs acceptable to the PWD. The design consultant shall also provide GIS SHP files for the as-built sanitary sewer, and storm drain lines, curbs, curb ramps, signage, signalization, striping, and street light facilities.
26. EBMUD will inspect and test public and private sanitary sewer mains, manhole and other appurtenances in public or private streets within the subdivision, including lower laterals.
27. Maintenance of public improvements during construction shall be the responsibility of the Contractor.
28. Contractor shall replace any damaged street, curb, gutter, sidewalk, pathway, striping, storm drainage, sewerage, and signage to the satisfaction of the PWD, in accordance with the Public Works Department's Standard Plans and Specifications prior to acceptance of the project.
29. Construction activities are restricted 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, unless a permit is first secured from the City Manager or designee based upon a showing of significant financial hardship. Work hours within the public ROW are limited to 8:30 AM to 4:30 PM, Monday through Friday. Uninterrupted traffic circulation within the public right-of-way is mandatory during the commute hour of 7:30 a.m. to 9:00 a.m. and 3:00 p.m. to 4:30 p.m. Costs for inspection by the PWD construction inspectors during non-working hours shall be at time and one half. Work on Saturday's requiring inspection shall not be done unless approved in advance by the PWD. No work allowed on Sundays or State/Federal holidays. Any work done without inspection may be rejected at the contractor's expense.
30. Contractor shall comply with the City's Noise Ordinance. Construction equipment shall have state of the art muffler systems as required by current law. Muffler systems shall be properly maintained. Noisy stationary construction equipment, such as compressors, shall be placed away from developed areas located off-site and/or provided with acoustical shielding. Grading and construction equipment shall be shut down when not in use.
31. At no time shall there be more than 200 lineal feet of the trench opened within the public ROW along any single conduit alignment, including the section opened ahead of the pipe laying and the section behind the pipe laying which has not been completely backfilled and has a temporary cap. This also dictates the maximum length of right-of-way that may be posted with no parking signs at any one time.
32. All utilities within the work area shall be located and marked by USA prior to excavation, trenching micro-tunneling, boring, or pipe-bursting within existing street areas. Where

boring or micro-tunneling work is proposed, all adjacent utility lines shall be closed circuit television (CCTV) inspected prior to the commencement of work and after the completion of work. Pipe cleaning shall be performed prior to CCTV inspection and all debris shall be removed from the pipeline. If the pipeline is damaged, it shall be replaced at the Contractor's expense to the satisfaction of the City Engineer or his designated agent.

33. The posting of "No-Parking" signs, as applicable, is required 48 hours in advance of the work. "No-Parking" signs are available at the Planning and Building Department, Room 190, City Hall. A fee will be charged for the signs. Only City of Alameda issued "No-Parking" signs are permitted for use within the public right-of-way.
34. Notify all property owners within the immediate vicinity of the work area in writing at least 5 days prior to the start of construction. The notification letter or door hanger must include a brief description of the work and the anticipated project completion date. All public notifications must include contractor information, including company name, license number, contact person's name, and phone number, for citizens to report their concerns while work is in progress.
35. The contractor shall notify the Public Works Inspector (510) 747-7930, 48-hours prior to beginning of any work within the City right-of-way. Work performed or covered without adequate notice will be subject to rejection. The contractor shall notify Maria DiMeglio of the Public Works Environmental Services Division at (510) 747-7958, 48-hours prior to beginning of any work within the public right-of-way.
36. All truck deliveries to the proposed work site must remain on established truck routes.
37. Storage of construction materials and equipment within the public right-of-way is not permitted.
38. At least three weeks prior to the commencement of work within the public right-of-way that affects access for pedestrian, bicyclist, and/or vehicular traffic, the Contractor shall provide a Traffic Control Plan (TCP) to the PWD for review and approval. Multiple TCPs may be needed to address driveway demo and installations, storm drain installation, and utility tie-ins. The TCPs 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 established as approved by the PWD. At locations where adequate alternate access cannot be provided, appropriate signs and barricades shall be installed at locations determined by the PWD and Police Chief. Constructed work may not commence until the applicable TCP is approved by the PWD. TCPs shall include provisions for at least one lane of vehicular traffic open at all times. This may require use of flaggers.
40. All new utilities shall be placed underground prior to issuance of any Certificate of

Occupancy, including temporary occupancy.

41. All streetlights included in the Improvement Plans shall be installed, fully functional and operating prior to issuance of a Certificate of Occupancy for any building unless a phasing plan is approved by the PWD. Contractor shall pay to City for energy costs until the applicable improvements are accepted for maintenance by City.

Stormwater, Wastewater and Water

42. The Project Improvement Plans shall incorporate permanent stormwater treatment controls and design techniques to manage the quantity and quality of stormwater runoff from the planned development to prevent and minimize impacts to water quality. Stormwater design and treatment measures shall be constructed consistent with the City's municipal stormwater permit Provision C3 requirements and the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual. Efforts shall be taken to minimize impervious surface areas, especially directly connected impervious surface areas. Roof drains shall discharge and drain to unpaved areas. Design techniques may include vegetated swales, vegetated buffer zones, bio-retention units, retention/detention basins and ponds, tree well systems, and the incorporation of pervious surface areas and/or other Low Impact Development (LID) measures.
43. Prior to issuance of the demolition, grading or combination grading/building permit, whichever comes first, and the approval of the Civil Improvement Plans, the applicant/developer shall provide the City's Public Works Department Engineering Division a copy of both the WDID# issued to the project site by the State Water Resources Control Board (SWRCB) and the required Storm Water Pollution Prevention Plan (SWPPP). These documents shall provide verification to the City that the project site is in compliance with SWRCB Order No. 2009-0009-DWQ prior to the initiation of construction activity. Information on this State Order is available at: http://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml
44. The SWPPP shall be reviewed and accepted for conformance with the City's water pollution prevention control standards.
45. The Civil Improvement Plans shall include the structural stormwater trash capture measure(s) being installed on the project site to ensure that the stormwater drainage from the entirety of the project site is also subject to full trash capture consistent with City's municipal stormwater permit definition of a full trash capture device. Civil Plan sheets shall include the relevant specific make and model option descriptions, manufacturer's specifications, Detail and cross-sectional drawings of the stormwater full trash capture device(s). 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.
46. Prior to the issuance of the final certificate of occupancy, the applicant/developer shall

provide the City a written statement (Statement) accepting responsibility for the stormwater treatment measures maintenance. The Statement shall provide assurances that the measures will be properly operated and maintained for their operational lifespans. The Statement shall include, but not be limited to: the approved O&M Plan for all post-construction (permanent) stormwater LID measures, treatment measures, and trash capture devices; identification of the party responsible for implementing the O&M Plan; assurances of City access to inspect the treatment system(s) and verify the implementation of the O&M Plan for the life of the project; and assurances of the submittal of the annual O&M report approved by the City.

HOLD HARMLESS AND INDEMNITY. 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 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.

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