

CITY OF ALAMEDA PLANNING BOARD
DRAFT RESOLUTION

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING PLANNED DEVELOPMENT AMENDMENT, FINAL DEVELOPMENT PLAN, AND DESIGN REVIEW APPLICATION NO. PLN18-0562 FOR THE CONSTRUCTION OF AN APPROXIMATELY 12,000 SQUARE FOOT ANIMAL SHELTER AT 2331 NORTH LOOP ROAD

WHEREAS, the subject property is located at 2331 North Loop Road in the Harbor Bay Business Park, and 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 (Resolution No. 1203), and subsequently amended by PDA-85-4 and PDA05-0003; and

WHEREAS, an application was made by John Lipp on behalf of Friends of the Alameda Animal Shelter ("Applicant") requesting approval for the construction of an approximately 12,000 square foot, two-story animal shelter facility for indoor boarding of up to 37 animals, adoption and veterinary services, administrative offices, and community events; and

WHEREAS, upon review of submittal application materials, it was determined that the project would require a Planned Development Amendment, Final Development Plan, and Design Review approval, and the proposed location of an animal shelter within 200 feet of a residential district would necessitate an amendment to the C-M zoning district use regulations (collectively, "the Project"); and

WHEREAS, PD-81-2 requires the Planning Board approve a Final Development Plan for every new development proposal within the Business Park; and

WHEREAS, the Planning Board held a duly noticed public hearing on June 10, 2019 for the Project and examined pertinent maps, drawings, and documents.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board makes the following findings regarding the Project's compliance with the California Environmental Quality Act (CEQA):

1. The City previously prepared and certified/adopted the Final Environmental Impact Report for Harbor Bay Isle, State Clearinghouse No. 1984112706 (EIR), and the Addendum thereto (together, Previous CEQA Documents), in accordance with CEQA, which contemplated development of the entirety of the Harbor Bay Business Park. A review of environmental factors for the Project, including, but not limited to, traffic, airport land use compatibility, noise, and biological conditions revealed that none of the circumstances necessitating further CEQA review are present, thus the City can rely on the Previous CEQA Documents.

BE IT FURTHER RESOLVED that the Planning Board makes the following findings relative to the application (PLN18-0562):

PLANNED DEVELOPMENT AMENDMENT/ FINAL DEVELOPMENT PLAN FINDINGS (AMC Sections 30-4.13(f), (m)):

1. **The development is a more effective use of the site than is possible under the regulations for which the PD district is combined.** The previously adopted development regulations for the Harbor Bay Business Park did not consider the unusual circumstances specific to the project site, such as the irregular shape of the property and the presence of a public utility easement, that greatly reduce the buildable area of the property. The building footprint, parking, and overall site layout reflect a more appropriate use and design of the lot than would be possible under the existing development regulations for this property. The Planned Development Amendment and Final Development Plan reflect a balance between the site constraints and building placement and orientation. The resulting plan is an effective commercial development that provides compatible interfaces with the adjacent properties and uses, while addressing the operational needs of an animal shelter and associated landscaping, parking, and pedestrian access amenities.
2. **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 proposed animal shelter is compatible with the surrounding office park and adjacent residential neighborhood. The design of the building is complementary to existing buildings in the business park, and the building itself is visually interesting with architectural detailing and articulation. The Project is sensitive to the adjacent single family homes by incorporating a “sensory garden” with landscaping and trees to separate the building and the homes. Furthermore, the overall building height is two stories and 30 feet tall, matching the maximum height of the adjacent two-story homes. Therefore, the proposed project, with conditions of approval, will be compatible with the adjacent surrounding development.
3. **The proposed use will be served by adequate transportation and service facilities, including pedestrian, bicycle, and transit facilities.** The business park is in an urban area with adequate transportation and service facilities. The applicant will develop a vacant lot within the business park and make improvements to the project frontage that is required for all development in Alameda. The proposed parking lot and shared parking agreement with a nearby property owner will provide adequate parking facilities for the project. Furthermore, the project will continue to provide access between the adjacent lagoon and North Loop Road, allowing the residential neighborhood to access the shoreline trail. The project will provide both long term and short term parking for employees and visitors to the facility.
4. **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 deleterious effects on existing business districts or the local economy.** The proposed Project will not adversely impact surrounding land uses, including the residential neighborhood directly adjacent to the property. The use of the building as an animal shelter will be subject to subsequent use permit approval to ensure all operational characteristics of the facility will address any potential nuisance issues so as to not interfere with the public health, safety and welfare. As designed, the building will provide adequate sound proofing to keep all animal noises at a minimum. Outdoor animal runs will be used periodically during the day under staff supervision, who will monitor the behavior of animals and promptly collect waste to avoid noise and odor nuisances.

5. **The proposed use relates favorably to the General Plan.** The project is consistent with Policy SN-55 of the Safety and Noise Element, which encourages the City utilize the development entitlement process to require local businesses to reduce noise impacts on the community by following operating procedures that limit the potential for conflicts. The proposed project also supports General Plan policies for the development of Harbor Bay Business Park and to increase complementary business opportunities and job generation in Alameda.

DESIGN REVIEW FINDINGS (AMC Section 30-37.5):

1. **The proposed project design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual.** The proposed building includes materials, architectural elements, and building colors that are compatible the General Plan and Zoning Ordinance. The design of the building is complementary to existing buildings in the business park, and the building itself is visually interesting with architectural detailing and articulation as set forth in the Design Review Manual. Site features such as landscaping are incorporated to soften interfaces with adjacent residential homes. The overall development plan also conforms to the Harbor Bay Business Park development regulations and guidelines for compatibility with the adjacent airport environment and commercial development.
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 proposed building design is compatible with the surrounding office park and adjacent residential neighborhood. The Project is sensitive to the adjacent single family homes by incorporating a “sensory garden” with landscaping and trees to separate the building and the homes. The building is similar in design and scale with other buildings in the business park and the adjacent office buildings. The overall building height is two stories and 30 feet tall, matching the maximum height of the adjacent two-story homes. Therefore, the proposed project, with conditions of approval, will be compatible with the adjacent surrounding development.
3. **The proposed design of the structure(s) 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.** Design elements have been incorporated into the building and site plan to ensure the compatibility of the project with the character and uses of adjacent development. Specifically, these design elements including keeping a building height of two-stories to match adjacent residential homes, including landscaped buffers along the property lines, and providing a formal walkway connecting the site along the path between the lagoon and the Harbor Bay shoreline.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board recommends the City Council adopt an ordinance containing amendments to AMC Chapter XXX (Development Regulations) pertaining to creating a definition for animal shelters and enumerating animal shelter, including supervised outdoor runs as uses requiring use permits within the C-M, Commercial Manufacturing District.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Board approves file no. PLN18-0562 for Planned Development Amendment, Final Development Plan, and

Design Review for the construction of an approximately 12,000 square foot animal shelter at 2331 North Loop Road, subject to the following conditions:

1. Building Permit Conditions: These conditions shall be printed on the first page of all building plans and improvement plans.
2. Building Permit Plans: The plans submitted for the building permit shall be in substantial compliance with the plans prepared by Forge Architects, date stamped received on April 16, 2019, and on file in the office of the City of Alameda Planning, Building, and Transportation Department, except as modified by the conditions listed in this resolution.
3. ALUC/FAA Compliance: Prior to issuance of building permits, the applicant shall provide verification of final Federal Aviation Administration (FAA) and Alameda County Airport Land Use Commission compliance. The applicant shall provide the 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 also provide evidence that any construction crane height is acceptable to the Port of Oakland. 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 Planning Director of compliance efforts.
4. Planning Board Resolution No. 1203 Compliance: Prior to issuance of Building Permits, the applicant shall provide verification of compliance with the conditions of Planning Board Resolution No. 1203, which are incorporated by reference and which shall be printed on the first page of all building plans and improvement plans.
5. Use Permit: If the recommended Zoning Text Amendments regarding animal shelters in the C-M Zone become effective, the applicant shall obtain a Use Permit for operation of an indoor animal shelter and supervised outdoor runs prior to the issuance of building permits.
6. Dust Control: Prior to issuance of building or grading permits, the developer/applicant shall ensure that a dust control program is implemented consistent with City and BAAQMD requirements. 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, unless a permit is first secured from the City Manager or designee based upon a showing of significant financial hardship. Design specifications shall incorporate Waste Management and Recycling elements for building and site demolition debris.
7. Noise: Prior to the issuance of building permits and prior to any future change in building use, the applicant shall submit an acoustical analysis meeting the requirements of Condition No. 60 of Resolution No. 1203 with the building permit applications.
8. 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.

9. Lighting: New exterior lighting fixtures shall be consistent with AMC Section 30-5.16.c, the Alameda Dark Skies Ordinance.
10. Water Efficiency Landscape Ordinance: Prior to issuance of building permits or improvement plans, Applicant/Developer shall submit a complete WELO Landscape Documentation Package, as defined by Alameda Municipal Code (AMC) Section 30-58.3(d), subject to the approval of the Planning Director.
11. Modifications: Minor project design details requested by the Applicant may be established, modified, and approved by the Planning Director. Engineering standards and specifications requested by the Applicant may be established, modified and approved by the Public Works Director, or his designee. Major modifications that are not consistent with this design review approval or these conditions shall be subject to review and approval of the Planning Board.
12. Expiration: This Final Development Plan and Design Review approval shall expire and become void unless actual construction under valid permits has commenced within two years after this approval. A one-time extension for an additional two years may be granted upon written request.
13. Prior to the issuance of building permits the applicant/developer shall provide an executed joint use and parking agreement, in a form approved by the City Attorney, with the owner of the property at 2100 North Loop Road for the shared use of 23 parking spaces. The agreement shall be for a minimum term of seven years and shall be recorded to constitute a covenant running with all affected parcels of land, specifying the terms of use of the shared parking facility, including but not limited to the posting of signs informing users that the facilities are available to all affected uses.

PUBLIC WORKS (GENERAL)

14. The project shall comply with Chapter 22 of the Alameda Municipal Code (Streets and Sidewalks) as determined by the City Engineer.
15. The project shall comply with all current, applicable, plans, standards, policies and guidelines including Alameda's Municipal Code (AMC), Standard Plans and Specifications, and Standard Subdivision Specifications and Design.
16. The fee for plan checking and inspection shall be calculated in accordance with the latest Schedule of Fees & Charges as approved by the City Council. A cash security deposit of an amount as determined by the City Engineer will be required prior to issuance of the improvement plans.
17. A current title report, less than six months old, shall be submitted to identify current ownership and any existing easements or land use restrictions.
18. An Encroachment Permit is required for all work within the Public Right-of-Way.

IMPROVEMENT PLANS

19. The Applicant shall submit for review and approval construction Improvement Plans for all on- and off-site improvements. The plans shall be prepared, signed and stamped as

approved by a registered Civil Engineer licensed in the State of California. The Improvement Plans shall be approved by the Public Works Department prior to issuance of a Building Permit for the development.

20. An Engineer's Cost estimate for frontage and site improvements shall be submitted for review and approval by the Public Works Department. The developer shall provide a construction performance bond and a materials and labor bond equivalent to the cost of the public improvements within the right-of-way along the project frontage.
21. The developer shall construct and dedicate to the public full street improvements, including concrete curb, gutter, sidewalk, paving, drainage system, streetlights and landscaping, all to the satisfaction of the City Engineer. The existing street shall be resurfaced whenever a street is cut for utility or other installations. The pavement shall be resurfaced to the centerline of the street if the existing pavement is either damaged or the structural section is determined by the City Engineer to be inadequate for the intended traffic.
22. Any improvements to street lighting shall be designed in accordance with the City of Alameda Street, Parking Lot and Pathway Lighting Design Guide, latest edition. Any adjustments to bring street lighting up to City standards will be incorporated into final permit drawings.
23. The Applicant shall submit a soils investigation and geotechnical report for the proposed development, subject to the review and approval of the City Engineer. The report shall address the structural and environmental analysis of existing soils and groundwater and provide recommendations for all grading, retaining walls, bulkheads, surface and sub-surface drainage, lot drainage, utility trench backfilling, and pavement design. The improvement plans shall incorporate all design and construction criteria specified in the report and shall be reviewed and signed by the Soils Engineer specifying that all recommendations within the report have been followed.
24. Any retaining walls, which are adjacent to a property line, shall be masonry, metal, or concrete. Any existing retaining walls to remain are to be evaluated by the Applicant's geotechnical/structural engineer for integrity and applicability to the geotechnical engineer's recommendations.
25. The geotechnical/soils engineer shall submit a letter report to the City at completion of construction certifying that grading, drainage and backfill installation was performed in general compliance with recommendations in the geotechnical report.
26. All development shall be designed to account for future predicted sea level rise to Elevation 13 feet, NAVD88 Datum.
27. Only one curb cut per parcel will be allowed.
28. The improvement plans shall include a construction phase erosion and sedimentation plan for review and approval.

DRAINAGE AND STORMWATER TREATMENT

29. All on site surface drainage shall be collected and conveyed in an adequately designed underground storm drainage system in a manner to be approved by the City Engineer. The

downstream drainage system shall be analyzed and inadequacies, if any, corrected as determined by the City Engineer. The site shall be graded so that no runoff is directed to adjacent properties.

30. A storm drainage hydrology analysis, identifying the total peak drainage flow quantities to be generated by the proposed development shall be prepared in accordance with the Alameda County Flood Control District Hydrology and Hydraulics Manual by a registered Civil Engineer licensed in the State of California and submitted as part of the construction improvement plans. 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 and determine the improvements, if any, to ensure sufficient capacity for this project and anticipated cumulative growth in the associated drainage basin. The applicant will pay for the cost of the modeling study. The Applicant shall include the recommended improvements into the project's improvements.
31. The project shall incorporate permanent stormwater design techniques and source control measures to manage the quantity and quality of stormwater runoff from the planned development to prevent and minimize impacts to water quality, in accordance with the City of Alameda's National Pollution Discharge Elimination System (NPDES) Permit, and consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual. Efforts should be made to minimize impervious surface areas, especially directly connected impervious surface areas.
32. The project shall incorporate permanent post-construction stormwater quality controls in accordance with the City of Alameda's National Pollution Discharge Elimination System (NPDES) Permit. Stormwater design and treatment measures shall be constructed consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual.
33. The development is subject to full trash capture requirements of the City's NPDES permit. 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. Plan sheets shall include location, detail and cross-sectional drawings of any stormwater full trash capture device(s).
34. Prior to the issuance of any permits for the project, the Applicant shall include a finalized Stormwater Quality Management Plan with the Improvement Plans. The plans shall include detail drawings of the stormwater design and treatment measures consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance.
35. The City of Alameda C3 certification form shall be submitted along with the Stormwater Quality Management Plan. The form shall be signed and stamped by a qualified independent civil engineer with stormwater treatment facility design experience, licensed in the State of California, and acceptable to the City Engineer that indicates the treatment meets the established sizing design criteria for stormwater treatment measures.
36. Prior to the issuance of any permits for the project, the Applicant shall submit for review and approval by the City Engineer a Stormwater Operations and Maintenance (O&M) Plan that provides a thorough discussion of the inspection, operations and maintenance requirements of all of the stormwater measures, including trash capture, stormwater treatment, and the

pervious pavement measures of the site. This O&M Plan shall be consistent with the City of Alameda O&M Plan Checklist. Once approved as final, provide City Public Works a pdf file of the completed O&M plan.

37. Prior to issuance of the certificate of occupancy, the Property Owner(s) shall execute a Treatment Measures Maintenance Agreement with the City, complete with an approved Operations and Maintenance Plan, the template for annual self-reporting, and assurances for property access for City verification inspections.
38. Prior to issuance of the certificate of occupancy, the Applicant shall submit a certification report (Report) prepared by a registered civil engineer, licensed in the State of California, affirming that all project site stormwater treatment measures have been constructed per the City approved plans and specifications. As appropriate, the Report shall include, but not be limited to, assurances that: imported materials used for the treatment measure(s) are certified by the supplier; installation of these materials is per approved plans and specifications and meets the intent of the design engineer; required on-site testing results conform with approved plans and specifications; treatment measures conform to dimensions, grades and slopes on approved plans and specifications; all structural features of the treatment measures comply with plan specifications; the irrigation system is installed and functions as designed; healthy vegetation/ground cover is installed as shown on plans. The Report shall be submitted in a form acceptable to the City Engineer.
39. The Applicant shall pay for any required cleanup, testing, and City administrative costs resulting from consequence of construction materials entering the storm water system and/or waters of the State.

TRAFFIC AND TRANSPORTATION

40. The Applicant shall comply with all applicable policies and requirements of the current approved transportation plans, including Alameda's Bicycle Master Plan, the Pedestrian Master Plan, the Long Range Transit Plan, the Transportation Demand Management and Transportation System Management (TSM/TDM) Plan, and the Multimodal Circulation Plan, Transportation Element of the General Plan, and the Transportation Choices Plan. Bicycle parking shall be consistent with AMC 30-7.15 Bicycle Parking.
41. Transportation facilities, including streets, sidewalks, pathways, parking lots, striping, signage, and signalization, shall be designed in accordance with Alameda's Bicycle Facility Design Standards and Pedestrian Design Guidelines as well as the Caltrans Design Manual and Standard Plans and the California MUTCD.
42. Prior to the issuance of an Encroachment Permit, a traffic control plan that addresses pedestrian circulation around the site and parking and/or travel lane closures on the surrounding streets shall be submitted for review and approval by the City Engineer.
43. Parking layout shall be constructed in conformance with the City's off-street parking design standards, AMC Section 30-7.9 Off-Street Parking and Loading Space Regulations, and Accessible stalls and shall comply with all other applicable City and Caltrans and California MUTCD Standards.
44. No signs shall be installed or mounted on street light poles owned and/or maintained by the City. All new signs shall be installed on dedicated sign posts.

UTILITIES

45. Sanitary sewers shall be in accordance with the EBMUD Regional Standards for Sanitary Sewer Installation.
46. A sanitary sewage flow analysis 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 analysis shall identify required improvements, if any, to ensure sufficient sewage capacity for this project and anticipated cumulative growth in the associated sewer sub-area.
47. The Applicant shall include the City and EBMUD recommended improvements, if any, into the project's improvements plans prior to approval of the improvement plan.
48. The City participates in the EBMUD Regional Private Sewer Lateral Program; therefore the Applicant shall comply with the provisions of this program prior to the issuance of Certificate of Occupancy. The project must be issued a Compliance Certificate by EBMUD.
49. Prior to issuance of building permits, the Applicant shall secure all necessary permit approvals from EBMUD regarding the installation of all water or sewer service connections for the project.
50. The Applicant shall design and construct water, power, telecom, gas, and other utilities in accordance with applicable utility standards.
51. All new utilities shall be placed underground prior to the issuance of an occupancy permit.
52. Fire sprinkler system test water discharges shall be directed to the sanitary sewer system or to appropriately-sized onsite vegetated area(s).
53. The project shall accommodate three waste streams: recycling, organics, and trash; as required by the Alameda County Waste Management Authority's Mandatory Recycling Ordinance (ACWMA Ord. 2012-01). All solid waste containers shall have fitted lids.
54. All trash containers outside the building shall be stored in a roofed trash enclosure. The trash enclosure shall have a concrete pad, designed to prevent run-on to and runoff from the enclosure. The enclosure shall have solid walls on three sides with a lockable gate on the fourth side. If the trash enclosure is attached to the building it should have fire sprinklers.
55. The design, location, access, and provisions for waste hauler collection of all external enclosures for solid waste, recycling, and organics shall be of sufficient size and design to serve the development as approved by the Public Works Department prior to approval of the improvements plans, parcel/final map(s), or the building permit, whichever comes first. If no building permit is required, the plans must be approved by the PWD prior to establishment of the use.
56. The Development shall comply with AMC Section 21-24Chapter 21, Article 6 of the Alameda Municipal Code and submit a Waste Management Plan documenting the diversion of

project related construction and demolition debris to the satisfaction of the Public Works Director.

57. The landscape and irrigation plans for on-site and public right-of-way improvements shall be prepared, and signed and stamped as approved, by a licensed landscape architect. The plans shall be in accordance with the most recent version of the "Bay-Friendly Landscape Guidelines" developed by StopWaste.Org, and the Bay Friendly Coalition, the AMC, the Alameda Master Tree Plan, the Integrated Pest Management Policy, and other applicable standards.
58. 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.

FIRE DEPARTMENT

59. The applicant shall be responsible for a water main extension to serve the project, whose design shall be shown on the improvement plans to the satisfaction of the East Bay Municipal Utility District, the Public Works Director, and the Fire Chief.
60. All fire lanes within the development shall be marked as fire access roads to the satisfaction of the Fire Chief.
61. A key box (Knox Box) shall be installed at a location approved by the fire code official. Key box to contain keys to enter the building for immediate access for life-saving or fire-fighting purposes. Keys to be placed within the box are to include the exterior door key(s), electrical room key, elevator equipment room key, elevator operations key, fire alarm control panel room key, fire alarm control panel key, and the fire sprinkler riser room key.

ALAMEDA MUNICIPAL POWER (AMP)

62. The applicant shall comply to AMP's Rules and Regulations as stated in Article X and AMP's "Material and Installation Criteria for Underground Electrical Systems" (both available www.alamedamp.com) and provide completed "Service Planning Sheets" for AMP's review prior to submitting plans for building permits.
63. The applicant shall provide information on the location of transformers and total load in kilowatts or kilowatt/volts (KVA) to Alameda Municipal Power (AMP) for approval prior to building permit issuance. If necessary, the applicant shall provide (at no charge to AMP) an easement and access to all AMP facilities on the property prior to issuance of building permits.

HOLD HARMLESS. The Applicant shall defend (with counsel 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 Planning, Building & Transportation Department, Alameda City Planning Board, or City Council related 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.

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 Community Development Department a written notice of appeal stating the basis of appeal and paying the required fees.

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