

CITY OF ALAMEDA RESOLUTION NO. _____

APPROVING PARCEL MAP NO. 10960 - A PARCEL MAP FOR THE PROPOSED SUBDIVISION OF THREE PARCELS LOCATED AT 1310 HARBOR BAY PARKWAY, 1410 HARBOR BAY PARKWAY, AND 1430 HARBOR BAY PARKWAY INTO SIX PARCELS FOR CONDOMINIUM PURPOSES

WHEREAS, on February 5, 2019, Joe Ernst on behalf of srmErnst Development Partners submitted an application for a parcel map to subdivide three parcels located at 1310 Harbor Bay Parkway, 1410 Harbor Bay Parkway, and 1430 Harbor Bay Parkway in the Harbor Bay Business Park; and

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

WHEREAS, the subject property is located in the C-M-PD (Commercial Manufacturing Zoning District with a Planned Development overlay) zoning district; and

WHEREAS, the Planned Development for Harbor Bay Business Park was approved by PD-81-2, and subsequently amended by PDA-85-4, PDA-87-7, and PDA05-0003; and

WHEREAS, on June 24, 2019, the Planning Board conducted a public hearing and adopted Resolution No. PB-19-13, made California Environmental Quality Act (CEQA) findings, and recommended that the City Council approve Parcel Map No. 10960 to allow the subdivision of three parcels located at 1310 Harbor Bay Parkway, 1410 Harbor Bay Parkway, and 1430 Harbor Bay Parkway into two commercial condominium units on each parcel; and

WHEREAS, on September 17, 2019, the City Council reviewed Parcel Map No. 10960 and all pertinent maps, documents, and exhibits and determined that the Parcel Map is consistent with the General Plan and Alameda Municipal Code requirements for the property.

NOW, THEREFORE, BE IT RESOLVED, that the City Council, based on its own independent review, consideration, and exercise of its independent judgment, determined, on the basis of substantial evidence in the entire record before the City, that none of the circumstances necessitating further CEQA review are present, and makes the following findings regarding the Project's compliance with CEQA:

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; and

Furthermore, it can be seen with certainty that there is no possibility that approval of this parcel map would have a significant impact on the environment; and

BE IT FURTHER RESOLVED, that the City Council makes the following findings pertaining to Parcel Map No. 10960:

- 1. The subdivision, together with the provisions for its design and improvement, is consistent with the General Plan and Zoning for this site.** The Parcel Map is consistent with the Business Park General Plan designation, which encourages office and light industrial uses, and the C-M-PD zoning regulations for the property. The commercial uses are compatible with the objectives, policies, general land uses, and programs specified in the Business Park General Plan designation. The project, including the proposed subdivision, is consistent with General Plan Guiding Policy 2.8.a by supporting development of Harbor Bay Business Park consistent with the existing approvals.
- 2. The site is physically suitable for the type and proposed density of the development.** The proposed subdivision is consistent with the General Plan and Zoning designation for the site. This map is designed to conform to the previously approved Final Development Plan, which was found to be consistent with development standards for the C-M-PD zoning district and the Business Park designation of the General Plan. The new parcels are physically suitable for the proposed commercial development because they are located within a business park site that is already planned for future development. The physical characteristics of the project site are suitable for the intended commercial buildings because the buildings will complement nearby uses in the business park.

The proposed subdivision is consistent with density standards of the General Plan and Zoning Ordinance. The subdivision will create commercial condominium units within the previously approved office development project for which the Final Development Plan and Design Review for the project were found to be consistent with development standards for the C-M PD zoning district and the Business Park designation of the General Plan. The project complies with the setbacks and maximum lot coverage for the C-M Zoning District, and the projects floor area ratio (FAR), which is 0.51, is consistent with the allowable FAR range found in the Harbor Bay Business Park Planned Development, which is between 0.5 to 1.0. All three buildings have an overall building height of thirty-four feet (34'), which is consistent with the C-M-PD's maximum allowed building height of one hundred feet (100').

- 3. The design of the subdivision and proposed improvements, as conditioned, will not cause environmental damage or substantially and avoidably injure fish or wildlife or their habitat.** The development of the site will not introduce hazards that are inconsistent with standard commercial development within the C-M-PD zoning district and the Business Park General Plan designation. The Parcel Map implements and supports the previously approved Final Development Plan and Design Review, which included conditions of approval to ensure that no unintended environmental damage or exposure of future occupants to environmental dangers could occur. There are no identified wildlife or their habitat, because of the design and location of the development is in an urban business park.
- 4. The design of the subdivision and its improvements will not conflict with easements acquired by the public at large for access through or use of property within the subdivision.** All required easements are to be retained.

5. **The design of the subdivision and its improvements will not cause serious public health problems.** The parcel map merely facilitates the separate sale of tenant spaces within a building and will not cause any serious public health problems. Furthermore, the Final Development Plan and Design Review includes conditions that assure the property is free of hazardous materials and would not adversely affect public health.
6. **The subdivision will not result in the discharge of waste into the sewer system that would violate regional water quality control regulations.** The creation of commercial condominiums in each building will not alter the design and function of the sanitary sewer system and therefore the project will remain compliant with regional water quality control regulations.
7. **The subdivision complies with the Subdivision Map Act, and the City Engineer has reviewed Parcel Map No. 10960 and verified that it conforms to all technical requirements under the Subdivision Map Act and Alameda Municipal Code.**

BE IT FURTHER RESOLVED, that the City Council of the City of Alameda approves Parcel Map No. 10960 for the subdivision of three parcels located at 1310 Harbor Bay Parkway, 1410 Harbor Bay Parkway, and 1430 Harbor Bay Parkway into two commercial condominium units on each parcel, subject to the following conditions:

1. Covenants, Conditions and Restrictions (CC&Rs) shall be prepared to the satisfaction of the City of Alameda. Copies of the recorded CC&Rs and condominium plan shall be provided to the City Engineer. Should the CC&Rs include designation of parking spaces between different property owners, the CC&Rs shall not designate parking at a rate more than two and a half (2.5) parking spaces per one thousand (1,000) square feet of floor area to any individual property owner.

HOLD HARMLESS. The applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda City Council, 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 Council, 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 and Transportation Department, Alameda City Planning Board, the City of Alameda or the Alameda 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. 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.

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I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 17th day of September, 2019, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 18th day of September, 2019.

Lara Weisiger, City Clerk
City of Alameda

APPROVED AS TO FORM:

Yibin Shen, City Attorney
City of Alameda