

**CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-19-16**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING FINAL ARCHITECTURAL ELEVATIONS, LANDSCAPE PLAN, LIGHTING PLAN AND PARKING PLAN FOR DESIGN REVIEW APPLICATION NO. PLN18-0381 FOR THE CONSTRUCTION OF A 172-ROOM HOTEL AND RESTAURANT LOCATED AT 2900 HARBOR BAY PARK PARKWAY

WHEREAS, an application was made by Robert Leach for Harbor Bay Hospitality, LLC. ("Applicant") on August 27, 2018, requesting Design Review and Development Plan Amendment for the construction of a new 172-room five-story hotel and restaurant on an approximately 5.5 acre site located approximately 467-feet northwest of the corner of Harbor Bay Parkway and Bay Edge Road, within 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 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, and subsequently amended by PDA-85-4, PDA05-0003; PLN07-061, and PLN15-0092; and

WHEREAS, the Board held a study session on October 8, 2018 and provided comments on the proposed design and development plan amendment; and

WHEREAS, on December 10, 2018, the Planning Board independently reviewed, considered, and determined based on substantial evidence in light of the whole record that no further review pursuant to the California Environmental Quality Act (CEQA) is required for the proposed project because the proposed modifications to the approved development result in no new significant or substantially more severe environmental effects than were previously identified in the existing environmental documents; and

WHEREAS, the Board held a public hearing on December 10, 2018, and approved Planning Board Resolution PB-18-23 for the Design Review and Development Plan Amendment, and required that the applicant return to the Planning Board with final architectural design, landscape plan, lighting plan, and parking plan for final review and approval by the Planning Board, and

WHEREAS, on December 18, 2018, appellant Brian Tremper filed a timely appeal of the Planning Board's decision to approve the project; and

WHEREAS, on December 19, 2018, appellant Laborers International Union of North America, Local Union 304 filed a timely appeal of the Planning Board's decision to approve the project; and

WHEREAS, the City Council held a de novo public hearing on February 5, 2019 to consider an appeal of Planning Board decision to approve Resolution PB-18-23, which includes the Planning Board's CEQA findings regarding the project, and after considering all of the

information on the record and hearing from the appellants, upheld Planning Board Resolution No. PB-18-23; and

WHEREAS, the Planning Board held a public hearing on May 28, 2019 and approved the final building setback, building footprint, building massing, and parking plan of a 172-room hotel and restaurant in the Harbor Bay Business Park immediately adjacent to the Harbor Bay Ferry Terminal (the project). At the meeting, the Planning Board also directed the applicant to return to the Board for final approval of the architectural elevations, landscaping, and lighting plan for the project; and

WHEREAS, on July 22, 2019, the Planning Board reviewed the applicant's revised final architectural design, landscape plan, and lighting plan and considered testimony from the public.

NOW, THEREFORE, BE IT RESOLVED, the Planning Board finds adoption of this resolution not subject to the California Environmental Quality Act under *McCorkle Eastside Neighborhood Group v. City of St. Helena* (2018) 31 Cal.App.5th 80, which found that design review for by right projects is a ministerial decision under Public Resources Code section 21080; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Planning Board finds that the proposed revisions to the architectural plans, landscape plans, lighting plans, and parking plans do not create any new environmental impacts or worsen any impacts previously identified that were not previously considered in the December 10, 2018 resolution.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Board approves the Final Design Review of the proposed hotel project as described in Exhibit 1: Marriott Residence Inn Alameda Design Review, subject to the following conditions:

1. Planning Board Resolution PB-18-23: The project shall comply with all conditions of approval in Planning Board Resolution No. PB-18-23. In the event in a conflict between the conditions contained in this this resolution and resolution PB-18-23, the conditions of approval in this resolution shall govern.
2. Building Permit Conditions: These conditions and the conditions of PB-18-23 shall be printed on the first page of all building plans and improvement plans.
3. Building Permit Plans: The plans submitted for the building permit shall be in substantial compliance with the plans prepared by HRGA Architecture, (Exhibit 1 to the July 22, 2019 Staff Report) 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.
4. Lighting: All hotel and parking lot lighting shall be compliant with AMC Section 30-5 (Dark Skies). *The final parking lot lighting plan submitted for building permits shall be consistent with Section 30-7.17 and shall provide a maximum of ½ foot-candle, with a ratio of no greater than fifteen to one to be provided by light standards no taller than 16 feet. Along the northern edge of the parking lots, 16 foot light standards shall be limited to the driveway entrances. Bollard lighting shall be provided at along the rest of the northern edge of the parking lot. The plan shall also include automatic dimmers to reduce the lighting levels during the late night hours from midnight to dawn to minimize impacts on adjacent residential neighbors.*

5. Landscape Maintenance: The applicant and successor owners shall be responsible for the timely maintenance (i.e. watering, fertilizing, trimming, pruning, removal of diseased plantings and replanting plants of comparable size) and prompt replacement of all landscaping on the property consistent with the approved landscaping plan on sheets L1.0, L1.1, and L1.2 of the approved plan set, as modified by Conditions No. 6 and No. 7 below. Prior to Certificate of Occupancy, the applicant shall provide proof of a service agreement in place for regular landscape maintenance on the property.
6. Final Landscape Plan: Prior to issuance of building permits, the final landscaping plan shall show full landscaping along the southern banks of the lagoon facing the residents to the north, and include evergreen trees and plants where landscape screening is required. Any proposed changes to the landscape plan shall be reviewed by the adjacent HOA prior to any final decision on the proposed change by the City of Alameda.
7. Headlight Barrier: Prior to issuance of building permits, the final landscape plan submitted for building permits shall include construction details for a 4.5-foot tall barrier along the north side of the parking lot to shield vehicle headlights from the residential properties across the lagoon. The applicant shall work with the community to select a barrier design that will provide screening of headlights along the northern side of the vehicle parking lot, to the satisfaction of the Planning Director. The barrier shall be designed to allow wildlife to cross the barrier at ground level. Along the south side of the parking lot, the plans shall reflect a 3-foot landscape berm with evergreen shrubs to shield the Bay Trail from headlights.
8. Signs: Hotel signs shall be limited to a back lit halo sign above the porte cochere on the north elevation of the first floor and a back lit halo sign on the north side of the building.
9. Architectural Elevations: The final architectural plans submitted for building permits shall include:
 - a. Clear story glazing above all ground floor canopies. Venting louvers shall be used only above those canopies where ventilation units are provided.
 - b. The roof cornice shall be increased in width to 24 inches in width.
 - c. A four (4) inch window recess on all windows.
10. Public Art: Prior to issuance of Certificate of Occupancy, the applicant shall install public art that have been approved by the City of Alameda Public Art Commission. The cost of the art installation shall be a minimum of 1% of the construction costs.
11. Garbage pick-up: Garbage truck access and garbage pick-up shall be limited to the daylight hours after 7 AM.
12. Access Road: Final parking lot driveway design shall be subject to Planning Director and City Engineer approval.
13. Expiration: This Development Plan Amendment 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.

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 Planning, Building, and Transportation Department a written notice of appeal stating the basis of appeal and paying the required fees.


I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 22nd day of July 2019, by the following vote to wit:

AYES: (6) Cavanaugh, Curtis, Hom, Rothenberg, Ruiz, and Teague

NOES: (0)

ABSENT: (1) Saheba

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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