

CITY OF ALAMEDA PLANNING BOARD  
**DRAFT RESOLUTION**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING DESIGN REVIEW APPLICATION NO. PLN19-0056 FOR THE CONSTRUCTION OF AN APPROXIMATELY 738-SQUARE-FOOT ONE-STORY RESTAURANT, 200-SQUARE-FOOT TRASH ENCLOSURE, AND ASSOCIATED LANDSCAPE AND PARKING LOT IMPROVEMENTS LOCATED AT 1527 PARK STREET

WHEREAS, an application was made on February 11, 2019, by Maxwell Beaumont for Teresa Do, requesting Design Review approval for the construction of a 738-square-foot restaurant, a 200-square-foot trash enclosure- and associated landscaping and parking lot improvements; and

WHEREAS, the application was accepted as complete on September 4, 2019; and

WHEREAS, the project site is located within the C-C-T, Community Commercial – Theater combining district; and

WHEREAS, the project site is designated as Community Commercial in the General Plan Diagram; and

WHEREAS, restaurants are permitted by right in the C-C-T, Community Commercial – Theater combining district; and

WHEREAS, the Planning Board held a noticed public hearing to consider approval of said project application and examined all pertinent materials on September 23, 2019.

NOW THEREFORE, BE IT RESOLVED, that the Planning Board finds this project categorically exempt from environmental review pursuant to CEQA Guidelines Section 15303 New Construction of Small Structures , and finds that none of the exceptions to the categorical exemptions apply:

1. The restaurant is a permitted use in the C-C-T District
2. The structure is less than 10,000 square feet in floor area.
3. The project does not involve the use of significant amounts of hazardous materials.
4. The site is in an urban area and all necessary public services and facilities are available to the site.
5. The surrounding area is not environmentally sensitive.

BE IT FURTHER RESOLVED, that the Planning Board makes the following findings relative to the project approval:

#### DESIGN REVIEW FINDINGS

1. The proposed design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual, because the proposed new construction is compatible in design and use of materials with the existing building and surrounding neighborhood
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 restaurant is a traditional commercial building design approximately 19-feet 10-inches tall with a 14-foot interior ceiling height consistent with the Design Review Manual. The proposed building height, parking, and site plan complies with General Plan policies and Zoning Ordinance requirements. The design utilizes large wood-framed glazing with transom windows to provide a prominent storefront on front elevation. The building fronts along the public sidewalk to facilitate a harmonious pedestrian oriented experience as intended in the Community Commercial – Theatre combining district. The surface parking lot is hidden behind the building as recommended by the Design Review Manual, and meets the parking requirements of the Zoning Ordinance. The parking lot design also includes landscaping along the rear perimeter to facilitate a harmonious transition between the property and adjacent properties.
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. The building includes large windows, exterior materials, architectural elements, and building colors to match and complement the buildings in the surrounding neighborhood. The building uses smooth stucco siding with a ceramic tile bulkhead and a stucco molding that wraps around the base of the building. Roof treatment consists of a flat roof embellished with a parapet, decorative corbels, and stucco molding to provide visual interest to the building. Ornamental goose neck lighting elegantly illuminate the street side pedestrian entrance and the restaurant signage. The landscaping in the rear of the building is consistent with the surface parking landscape requirements.

BE IT FURTHER RESOLVED THAT the Planning Board hereby approves the Design Review Application No. PLN19-0056 for an approximately 738-square-foot restaurant, 200-square-foot trash enclosure, and landscaping and parking lot improvements, subject to compliance with the following conditions:

#### **Planning**

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 Beaumont & Associates, received on September 11, 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. The Design Review approval for the 738-square-foot restaurant and trash enclosure shall expire and become void unless substantial construction under valid permits has been commenced 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.
4. The plans submitted for building permits shall include construction details for the windows, parapet design, awning, and canopy.
5. Sign Permit: The applicant shall obtain a separate sign permit for signage on the hotel pursuant to AMC Section 30-6.
6. Bicycle Parking: Prior to issuance of building permits, the applicant shall work with the Transportation Planning Division to determine the locations for the two short term and two long term bicycle parking spaces for the facility.
7. Public Art: Prior to issuance of building permits for the project, the applicant shall satisfy all applicable Public Art requirements pursuant to AMC Section 30-98 and install a mural on the south elevation adjacent to the southerly property line. Modification of this condition shall require final approval by the Planning Board.
8. Construction activities: 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 or Sunday.
9. Lighting: All new exterior lighting fixtures shall be directed downward and shielded to minimize offsite glare.
10. Mechanical Equipment: Any noise making mechanical equipment located on the ground, which generates noise exceeding ambient noise levels (prior to installation of the equipment) at the common property line with the adjacent residential neighborhoods shall be enclosed in a sound blocking enclosure meeting the noise standards established by the Alameda Municipal Code. The enclosure shall be built to the following minimum standards:
  - a) The barrier can be any thickness so long as its weight is 4lbs/ft<sup>2</sup> or greater.
  - b) The barrier must be nonporous, with a solid door.

- c) The barrier must enclose the equipment on all sides. The building walls may serve as one or more of the sides.
  - d) The wall height should be a minimum of three feet (3') greater than the tallest piece of equipment.
11. All Time and Material charges for this application shall be paid in full prior to the issuance of building permits.

## **Public Works**

### **General**

- 12. The project shall comply with Chapter 30, Article 6 of the Alameda Municipal Code (Real Estate Subdivision Regulations) and Chapter 22 of the Alameda Municipal Code (Streets and Sidewalks) as determined by the City Engineer.
- 13. The project shall comply with all current, applicable, plans, standards, policies and guidelines including the Alameda Municipal Code (AMC), Standard Plans and Specifications, and Standard Subdivision Specifications and Design.
- 14. Prior to issuance of building permits, a current title report, less than 6 months old, shall be submitted to identify current ownership and any existing easements or land use restrictions.
- 15. An Encroachment Permit is required for all work within the Public Right-of-Way. The Encroachment Permit is required prior to issuance of any Building Permits for the proposed development.
- 16. No permanent structures or portions of structures shall project over the City right-of-way. Awnings and signage are acceptable with approval of appropriate sign/encroachment permits.
- 17. Rebuild the driveway and associated sidewalk to City Standard 6297-24 for a commercial driveway which is 6-inches thick.
- 18. Prior to submittal of building permits, the applicant shall show on the building permits that the new trash enclosure will serve both the existing and new restaurant. The old trash enclosure shall no longer be used for trash pick-ups.
- 19. The trash enclosure drain shall be connected to the sanitary sewer and the trench drain shall discharge to the storm drain system.

### **Improvement Plans**

- 20. The Applicant shall submit for review and approval construction Improvement Plans for all on- and off-site improvements, including design calculations, for all improvements listed below, as applicable. 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.

21. An Engineer's Cost estimate for frontage and site improvements shall be submitted. The developer shall provide a construction performance bond(s) equivalent to the cost of the public improvements within the right-of-way along the project frontage.
22. The roadway in front of the driveway entrance shall be stripped "KEEP CLEAR".
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, 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. All material testing reports shall be attached to the certification letter report.
26. All developments shall be designed to account for future predicted sea level rise to Elevation 13 feet, NAVD88 Datum.

### **Drainage and Stormwater Treatment**

27. The development 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.
28. 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 detail and cross-sectional drawings of any stormwater full trash capture device(s).
29. Provide the Public Works Department Clean Water Program, a copy of the construction phase appropriate erosion and sedimentation program and plan for review and approval. The plan shall describe construction activity best management practices to be implemented in conformance with the City's erosion, sediment and discharge-control standards.
30. 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.

31. The applicant shall submit for approval a completed City of Alameda Stormwater Checklist.

32. Roof leaders discharges shall be directed to landscaped areas.

### **Utilities**

33. Sanitary sewage shall be in accordance with the EBMUD Regional Standards for Sanitary Sewer Installation.

34. 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.

35. The Applicant 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 or parcel/final map, whichever comes first. All permits, easements, and/or approvals for modifications to the sewer system required by EBMUD shall be obtained prior to the Final Map.

36. 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. Please review the program requirements and cost for Compliance Certificates: <http://www.eastbaypsl.com/eastbaypsl/>.

37. 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.

38. The Applicant shall design and construct water, power, telecom, gas, and other utilities in accordance with applicable utility standards.

39. Fire sprinkler system test water discharges shall be directed to the sanitary sewer system or to appropriately-sized onsite vegetated area(s).

### **Other Standard Conditions**

40. The project shall be designed to 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).

41. 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 improvement plans, parcel/final map(s), or the building

permit, whichever comes first. The trash enclosure shall be located as close as reasonably possible to the Clement Avenue driveway to reduce noise from the backup alarms of the trash collection trucks.

42. Trash enclosure(s) shall comply with Best Management Practices in accordance with the Clean Water Act. These facilities shall be designed to prevent water run-on to the area, runoff from the area, and to contain litter, trash and other pollutants, so that these materials are not dispersed by the wind or otherwise discharged to the storm drain system. The trash enclosure shall have a floor drain plumbed to the sanitary sewer system and have a water supply connected to a hose bib.
43. The Development shall comply will Alameda Municipal Code 23-24 and submit a Waste Management Plan documenting the diversion of project related construction and demolition debris to the satisfaction of the Public Works Director.
44. 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.

#### **Public Works Clean Water Program**

45. The trash enclosure facility and surrounding grades shall be designed to prevent water run-on to the area, runoff from the area, and to contain litter, trash and other pollutants, so that these materials are not dispersed by the wind or otherwise discharged to the storm drain system. The trash enclosure facility shall be roofed and shall also drain to the sanitary sewer.
46. The Improvement Plan sheets shall describe/include construction activity best management practices to be implemented in conformance with the City's erosion, sediment and discharge-control standards to prevent any water quality impacts during construction activity.

#### **Transportation Planning**

47. Prior to issuance of building permits, the applicant shall work with the Transportation Planning Division to provide short and long term bicycle parking for the facility consistent with AMC 30-7.15 Bicycle Parking.

#### **Fire Department**

48. Prior to issuance of Building Permits, the applicant shall work with the Fire Department to ensure permitting compliance for the following:
  - Automatic Fire Sprinklers
  - New Fire Alarm System
  - Suppression system – Hood & Duct
49. Prior to Certificate of Occupancy, the applicant shall install the following unless modified by the Fire Department:

- 1 Fire Extinguisher 10-B:C.
- Lighted exit signs on both exits
- Address clearly marked on Park Street side of the building
- Fire Department Knox box with keys to all doors, mounted to the building on the left side of the front door.

### **Indemnification**

50. HOLD HARMLESS. 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 Planning, Building and 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 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 23rd day of September, 2019, by the following vote to wit:

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