

CITY OF ALAMEDA PLANNING BOARD
DRAFT RESOLUTION

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING DESIGN REVIEW AND PARKING RATE DETERMINATION APPLICATION NO. PLN16-0391 FOR THE REMOVAL OF A 4,847 SQUARE FOOT MODULAR BUILDING AND THE CONSTRUCTION OF AN APPROXIMATELY 10,780-SQUARE-FOOT ONE-STORY LIGHT INDUSTRIAL BUILDING AND ASSOCIATED LANDSCAPE AND PARKING LOT IMPROVEMENTS LOCATED AT 1920 MINTURN STREET

WHEREAS, an application was made on July 27, 2016, by Rick Stuart for Listo Properties, requesting Design Review approval and parking rate determination for the removal of a 4,847-square foot modular building and the construction of a 10,780-square-foot light industrial building and associated landscaping and parking lot improvements; and

WHEREAS, the application was accepted as complete on September 12, 2019; and

WHEREAS, the project site is located within the M-1, Intermediate Industrial (Manufacturing) zoning district; and

WHEREAS, the project site is designated as Mixed Use in the General Plan Diagram; and

WHEREAS, industrial uses are permitted by right in the M-1, Intermediate Industrial (Manufacturing) zoning district; and

WHEREAS, the Planning, Building and Transportation Director has determined the parking rate of 0.73 to 0.86 spaces per 1,000 square feet of floor area is appropriate for the project based on demand for comparable facilities; and

WHEREAS, the Planning Board held a noticed public hearing to consider approval of said project application and examined all pertinent materials on October 28, 2019.

NOW THEREFORE, BE IT RESOLVED, that the Planning Board finds this project categorically exempt from environmental review pursuant to CEQA Guidelines Section 15332—In-fill Development Projects, and finds that the project meets the conditions for the categorical exemptions:

1. The light industrial use is consistent with the Mixed Use general plan designation and with the M-1, Intermediate Industrial (Manufacturing) zoning district regulations.
2. The proposed development is within the city limits on a site that is less than five acres.
3. The project site has no value as habitat for endangered species.

4. The project would not result in any significant effects related to traffic, noise, air quality, or water quality.
5. The site is in an urban area and all necessary public services and facilities are available to the site.

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. The parking rate of 0.73 to 0.86 spaces per 1,000 square feet of floor area is appropriate for the project based on demand for comparable facilities as determined by the Planning, Building and Transportation Department Director. The project provides 25 parking spaces which is adequate and appropriate for the project.
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 10,780-square-foot building is a traditional industrial building design and borrows design elements from the neighboring historic industrial building. The overall building height of 21'-6" is compatible with the surrounding industrial and residential structures. The proposed building height, parking, and site plan complies with General Plan policies and Zoning Ordinance requirements. The surface parking lot provides 25 parking spaces for the subject project and the adjacent historic industrial building at 1925 Union Street. The parking lot also includes landscaping along the 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 facing the street, exterior materials, architectural elements, and building colors to match and complement the buildings in the surrounding neighborhood, in particular the adjacent historic industrial building. Roof treatment consists of a flat roof embellished with a parapet. The building uses corrugated aluminum siding for the parapet and a mix of stucco and brick for the building façade. The landscaping in the perimeter of the parking lot is consistent with the surface parking landscape requirements.

BE IT FURTHER RESOLVED THAT the Planning Board hereby approves the Design Review Application No. PLN16-0391 for the removal of a 4,847-square foot modular building and the construction of a 10,780-square-foot light industrial building, and a parking rate determination 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 Italo A. Calpestri III & Associates dated October 14, 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. Expiration: The Design Review approval for the removal of a 4,847-square foot modular building and the construction of a 10,780-square-foot light industrial building shall expire and become void unless substantial construction under valid permits has been commenced within two years after this approval. An extension for an additional two years may be granted by the Planning, Building and Transportation Department Director upon written request prior to the expiration of this approval.
4. Deed Restriction: The property owner shall prepare and execute, to the satisfaction of the City Attorney, and file with the Alameda County Recorder, a deed restriction guaranteeing that the surface parking, driveway, and trash facilities will be maintained and reserved for the duration of the project. The deed restriction shall also guarantee 1925 Union Street access to the surface parking lot, driveway, and trash facilities at 1920 Minturn Street, for the duration of the project.
5. Bicycle Parking: Prior to issuance of building permits, the applicant shall work with the Transportation Planning Division to determine the final locations for the two short term and two long term bicycle parking spaces for the facility.
6. 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.
7. 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.
8. Lighting: All new exterior lighting fixtures shall be directed downward and shielded to minimize offsite glare.
9. Billing: All Time and Material charges for this application shall be paid in full prior to the issuance of building permits.

Public Works

10. 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. All documents can be found at the City's Public Works webpage, under Key Documents, at <https://www.alamedaca.gov/Departments/Public-Works>.
11. The applicant is encouraged to contact the Public Works Department at 510-747-7930 to schedule a pre-application meeting prior to the first submittal of any improvement plans to discuss submittal requirements, project review timeline, and fees associated with the processing, filing, and construction of this project.
12. 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.
13. A current title report shall be submitted to identify current ownership and any existing easements or land use restrictions.
14. 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 project. 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.

Improvement plans

15. 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.
16. The Applicant shall submit a soils investigation and geotechnical report for the proposed project, 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.

17. 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.
18. 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.

Drainage and Stormwater Treatment

19. 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 additional runoff is directed to and so as not to impede runoff from adjacent properties.
20. Temporary Trash Enclosure: The temporary 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 temporary trash enclosure facility shall be roofed and shall also drain to the sanitary sewer.
21. Best Management Practices: The applicant/developer shall be responsible for ensuring that all contractors and sub-contractors install, implement and effectively maintain appropriate sediment control, erosion control and other water quality protection measures to prevent any pollutants from entering the municipal storm water drainage system or the Oakland Inner Harbor, either directly or indirectly, during all construction activities. All implemented measures shall be consistent with the City's urban runoff Best Management Practices (BMPs) standards. These City BMPs standards shall be included as Notes within the Civil Improvement Plans submittal set for Permit issuance. The applicant/developer shall pay for any required cleanup, testing, and/or City administrative costs resulting from consequence of construction materials entering the storm water drainage system.
22. PCBs in Building Demolition materials:
Prior to the issuance of any building demolition permit, the Applicant shall:
 - I. Review the packet "PCBs in Priority Building Materials: Model Screening Assessment Applicant Package (August 2018)" (Packet)
 - II. Complete the two-page "PCBs Screening Assessment Form" (pp 18-19 in the Packet and submit signed copy to Public Works for review.

- III. If Part 3 of the “PCBs Screening Assessment Form” is applicable and necessary, submit all necessary assessment records also referenced in attached guidance document prior to issuance of building/demolition permit AND provide verification to the City prior to closeout of the permit of the proper management and disposal of the relevant materials.
23. Storm Water Quality and Treatment Controls: The Civil Improvement Plans shall incorporate appropriate pollution prevention source control measures, permanent low impact development (LID) measures, storm water treatment controls, full trash capture controls, and design techniques to manage the quantity and quality of storm water runoff from the project site to prevent and minimize impacts to water quality consistent with the Provision C3 requirements of the City’s municipal stormwater permit and in accordance with the guidelines of the Alameda Countywide Clean Water Program. Efforts shall be taken to minimize impervious surface areas, especially directly connected impervious surface areas. Roof drains shall discharge and drain to an unpaved area wherever practicable. Design techniques may include green roofs, rainwater harvesting, vegetated swales, vegetated buffer zones, bio retention units, retention/detention basins and ponds, tree well systems, and the incorporation of pervious surface areas and LID measures. The Improvement Plans shall provide details sufficient to ensure that the storm water 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. Applicants may also refer to the Bay Area Storm water Management Agencies Association (BASMAA) Start at the Source Manual for technical guidance. All storm water design and treatment measures shall be consistent with the C3 requirements and be located on the private development pad and shall not be located on public right of way.
24. Landscape Plans: Landscaping plans shall be designed to minimize runoff, promote surface infiltration, incorporate Bay Friendly Landscaping approaches, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution.
25. Storm Water Quality Management Plan: The Civil Improvement Plans submittal shall include a finalized stormwater quality management plan to demonstrate and verify appropriate site design for LID, stormwater treatment and trash control consistent with the Provision C3 and C10 requirements of the municipal stormwater permit and the guidelines from the Alameda Countywide Clean Water Program. This submittal shall include: a completed City of Alameda’s Stormwater Requirements Checklist; the determination and identification of drainage management areas (DMAs) for all proposed impervious surface areas on the proposed project site; the establishment of Provision C.3- and Provision C.10-compliant stormwater quality measures for each DMA; a site plan map and inventory identifying each DMA and the corresponding compliance measure(s),

including area values (in square feet) for all areas; a stamped, signed City of Alameda certification form from a qualified independent civil engineer with stormwater treatment facility design experience, licensed in the State of California, and acceptable to the Public Works Department that indicates the Plan and all the LID, stormwater treatment and trash control measures designs meet the established sizing design criteria for stormwater treatment measures consistent with Provision C.3 and Provision C.10 of the municipal stormwater permit.

26. On-Site Storm Water Trash Capture: The Civil Improvement Plans shall indicate the location(s) and type(s) of storm water trash capture measure(s) being installed on the project site to ensure that the stormwater drainage from the project site is subject to full trash capture consistent with the City's municipal stormwater permit definition of a full trash capture device. Improvement plan sheets shall provide sufficient plan views and details of the full trash capture device installation(s) necessary for engineering review and approval. A full trash capture system or device is any single device or series of devices that trap all particles retained by a 5mm mesh screen and has a design treatment capacity of not less than the peak flow 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.
27. Storm Drain Markings: All new storm drain inlets shall be clearly marked with the words 'No Dumping! Drains to Bay' by means approved by the Public Works Department. Permanently affixed thermoplastic, metallic or plastic laminate style markers are acceptable forms. The Improvement Plans shall clearly indicate this.
28. Operations and Maintenance Plan: Prior to approval of the Civil Improvement Plans, the Applicant/Developer shall submit a stormwater treatment measures Operations and Maintenance (O&M) plan for review and approval to the Public Works Department. The O&M plan shall include, but not be limited to: treatment and design measure(s) descriptions and summary inventory, including all full trash capture devices; a legible, recordable, reduced-scale (8.5"x11") copy(-ies) of the Site Plan indicating the treatment and design measure(s) location(s) and site drainage patterns; treatment measure(s), including trash capture, maintenance requirements and maintenance schedule; the approved plant list and planning plan; detailed description of the integrated pest management principals and techniques and/or Bay Friendly Landscaping Program techniques to be utilized during landscape maintenance to ensure pesticide/herbicide use-minimization in landscaped areas; name and contact information of current maintenance personnel; and template of the annual O&M report submittal to the City. The O&M plan(s) for all stormwater treatment and design measures to be maintained by any HOA or CA shall be incorporated with the CC&Rs of the relevant HOA/CA.

29. Stormwater Agreement: Prior to the issuance of the certificate of occupancy, the Property Owner/Developer shall execute a Stormwater Treatment Measures Maintenance Agreement (Stormwater Agreement) with the City. The Stormwater Agreement shall include, but not be limited to: the O&M plan for all approved stormwater treatment measures; identification of the party responsible for implementing the O&M plan; assurances of access to inspect and verify the treatment system O&M for the life of the project; and assurances of the submittal of the annual O&M report to the City. The executed Stormwater Agreement shall be recorded, at applicant/developer's expense, with the County Recorder's Office of the County of Alameda.
30. Stormwater Treatment Measures Construction Certification Report: Prior to the issuance of the first occupancy permit, including a temporary occupancy permit, the applicant/ developer shall submit a certification report (Report) affirming that all project site stormwater treatment measures and full trash capture devices have been constructed per the City approved plans and specifications. The Report shall be prepared by a registered civil engineer, licensed in the State of California. 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; any 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 Public Works Director or designee.
31. 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

32. The Applicant shall comply with all applicable policies and requirements of the current approved transportation plans, including the 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.
33. Transportation facilities, including streets, sidewalks, pathways, parking lots, striping, signage, and signalization, shall be designed in accordance with

Alameda's Bicycle Facility Design Standards; Pedestrian Design Guidelines; and guidelines for multiway stop signs, crosswalks, and pedestrian paddles; as well as the Caltrans Design Manual and Standard Plans and the California MUTCD.

34. Parking layout shall be constructed in conformance with City's off-street parking design standards, Alameda Municipal Code Section 30, Article 1, Chapter 6 Off-Street Parking and Loading Regulations. Accessible stalls, ramps, loading and unloading platforms including for vans, slope and grade of ramps, landings and stalls, signs, striping, logo, width of landings and such details as are required shall comply with applicable City and State Standards.
35. 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

36. Sanitary sewerage shall be in accordance with the EBMUD Regional Standards for Sanitary Sewer Installation.
37. 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. Each sewer lateral must be issued a Compliance Certificate by EBMUD. Please review the program requirements and cost for Compliance Certificates: <http://www.eastbaypsl.com/eastbaypsl/>.
38. 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.
39. The Applicant shall design and construct water, power, telecom, gas, and other utilities in accordance with applicable utility standards.
40. Fire sprinkler system test water discharges shall be directed to the sanitary sewer system or to appropriately-sized onsite vegetated area(s).

Other Conditions

31. 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).
32. 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 project as approved by the Public Works Department prior to approval of the building permit.

33. Trash enclosure(s) shall comply with Best Management Practices in accordance with the Clean Water Act. These facilities shall be designed to prevent water runoff 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. Any trash enclosure facilities with a water supply shall also drain to the sanitary sewer.
34. The project shall comply with Chapter 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.
35. 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 Alameda Tree Removal Policy, the Integrated Pest Management Policy, as well as conditions of approval by the Planning Board, and other applicable standards, as applicable. Landscaping shall be designed to improve curb appeal while promoting low maintenance plant material and xeriscaping.
36. Protect all existing street trees, signs, and sidewalks within the public right of way.
37. 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.

Indemnification

41. **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 28rd day of October, 2019, by the following vote to wit:

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