

CITY OF ALAMEDA PLANNING BOARD  
**DRAFT RESOLUTION**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA RECOMMENDING THE CITY COUNCIL APPROVE PARCEL MAP NO. 11038 (PLN19-0501) TO SUBDIVIDE SIX PARCELS COMPRISING APPROXIMATELY 22.86 ACRES LOCATED AT 2800 FIFTH STREET INTO FOUR PARCELS.

WHEREAS, an application was made on October 10, 2019, by Catellus Alameda Development LLC to subdivide six parcels comprising approximately 22.86 acres into four parcels within the Alameda Landing Waterfront Residential project at 2800 Fifth Street; and

WHEREAS, this application was accepted as complete on January 14, 2020; and

WHEREAS, the subject property is designated as Mixed Use on the General Plan Diagram; and

WHEREAS, the subject property is located in a M-X, Mixed-Use Zoning District; and

WHEREAS, on December 5, 2006, the City Council certified by Resolution No. 14047 the Final Supplemental Environmental Impact Report for the Alameda Landing Mixed Use Development Project ("2006 Supplemental EIR", a Supplement to the 2000 Catellus Mixed Use Development Project EIR) in accordance with the California Environmental Quality Act (CEQA) (State Clearinghouse #2006012091). The City has prepared several addenda to the 2006 SEIR in 2007, 2008, 2012 and 2017; and

WHEREAS, on January 2, 2007, the City Council adopted Ordinance 2957 for the Alameda Landing/Bayport Mixed Use Development Master Plan Amendment; and

WHEREAS, on September 5, 2017, the City Council adopted Ordinance No. 3188 amending the Alameda Landing Master Plan and approved an Addendum to the Supplemental EIR. The Addendum concluded that the environmental effects associated with the Master Plan Amendment were within the scope of the analysis in the 2006 Supplemental EIR and no further environmental review was required; and

WHEREAS, on September 10, 2018, the Planning Board approved the Design Review for the 4.5 acre Alameda Landing Waterfront Park; and

WHEREAS, on June 10, 2019, the Planning Board approved Design Review for the northern extension of Fifth Street connecting Mitchell Avenue to the entrance of the Waterfront Park; and

WHEREAS, the Planning Board held a public hearing on October 14, 2019 and approved Resolution PB-19-21 for a Final Development Plan (PLN19-0368), and Resolution

No. PB-19-22 for a Tentative Map to construct 357 residential units and 5,000-square-feet of commercial space and associated site improvements on 17.2-acres within the subject site; and

WHEREAS, the Planning Board held a public hearing on December 9, 2019 and approved Resolution No. PB-19—27 for Design Review Approval for the 69 residential buildings within the residential development on 17.2-acres within the subject site; and

WHEREAS, subdivision of the property will facilitate the development of the Alameda Landing Master Plan consistent with the General Plan and approved Development Plan; and

WHEREAS, the Planning Board held a public hearing on January 27, 2020 for this Parcel Map application, and examined pertinent maps, drawings, and documents, and recommended the City Council approve Parcel Map No. 11038 to allow the subdivision of 6 parcels comprising approximately 22.86 acres into 4 parcels.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds that the subject Parcel Map is consistent with the General Plan, Alameda Municipal Code (AMC), and Master Plan requirements for the property; and

BE IT FURTHER RESOLVED, the Planning Board finds the subject Parcel Map is exempt from environmental review pursuant to CEQA Guidelines Section 15315, which categorically exempts minor land divisions. As a separate and independent basis, the 2006 Final Supplemental Environmental Impact Report was certified in accordance with the California Environmental Quality Act for the Alameda Landing Mixed Use Development (State Clearinghouse #2006012091, "Previous CEQA Document") and no further environmental review is required; and

BE IT FURTHER RESOLVED, pursuant to AMC Section 30-78.5, the Planning Board makes the following findings relative to the proposed Parcel Map Application PLN19-0501:

- A. **The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, Zoning, Development Plan, and Master Plan for this site.** The Parcel Map is consistent with the Mixed-Use General Plan designation and M-X, Mixed-Use zoning regulations for the property. The proposed Parcel Map would allow the construction of the Alameda Landing Waterfront Residential Development consistent with the Alameda Landing Master Plan and the Alameda Landing Mixed-Use Waterfront Development Plan.
- B. **The site is physically suitable for the type and proposed density of the development.** The proposed subdivision is designed to conform to the Alameda Landing Master Plan and the Alameda Landing Waterfront Mixed-Use Development Plan standards and requirements adopted to ensure that the project would be compatible with adjacent uses. The proposed subdivision is consistent with density standards of the

General Plan, Zoning Ordinance, and the Alameda Landing Master Plan. This map will not change the previously approved Final Development Plan and Design Review, which was found to be consistent with development standards for the M-X zoning district and the Mixed-Use designation of the General Plan.

- C. **The design of the subdivision and proposed improvements, as conditioned, will not cause substantial 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 mixed-use development within the M-X zoning district and the Mixed-Use General Plan designation. The previously approved Final Development Plan and Design Review had conditions of approval to ensure that no unintended environmental damage or exposure of future occupants to environmental dangers could occur. The proposed Parcel Map implements and supports the Alameda Landing Master Plan, which included conditions of approval to ensure that no unintended environmental damage could occur. The Master Plan was fully considered in the Previous CEQA Document.
- D. **The design of the subdivision and the type of 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.
- E. **The design of the subdivision and its improvements will not cause serious public health problems.** The previously approved Final Development Plan and Design Review includes conditions that assure the property is free of hazardous materials and would not adversely affect public health; and

BE IT FURTHER RESOLVED, that the Planning Board hereby recommends the City Council approve Parcel Map No. 11038, subject to the following conditions.

1. All maps filed pursuant to this approval shall be in substantial compliance with the Parcel Map titled, "Parcel Map 11038" prepared by BKF Engineers, date stamped received January 14, 2019, and on file in the office of the Alameda Planning, Building and Transportation Department.
2. The Parcel Map shall be in substantial compliance with the approved development plan and Master Plan.
3. The Parcel Map shall show all existing and proposed easement locations, uses and recording information. The Owner's Statement shall list all easements to be dedicated and the Certificate of City Clerk shall list all public easements to be abandoned with recording information as part of the Parcel Map. In addition, the following is required as part of the Parcel Map approval;

- a. Prior to City Council approval of the Final Map, the applicant shall submit a mylar copy and a CAD file of the Final Map, or another file format, to the satisfaction of the City Engineer.
  - b. A refundable cashier's check in the amount of \$400 to guarantee a mylar copy of the recorded Parcel Map
  - c. Payment for all reasonable office and engineering costs, including overhead, in conjunction with reviewing the Parcel Map.
4. The Applicant shall submit for review and approval construction Improvement Plans for all on- and off-site improvements, including design calculations, for all improvements, 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 approval of the Final / Parcel Map or issuance of a Building Permit for the development.
5. The Applicant shall enter into a Subdivision Improvement Agreement with the City, pay all fees, and provide a security in a form and amount acceptable to the City prior to approval of parcel/final map.
6. 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, the City Council 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, the City Council 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, the 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

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 protect 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 & Transportation Department a written notice of appeal stating the basis of appeal and paying the required fees.

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