

CITY OF ALAMEDA PLANNING BOARD
DRAFT RESOLUTION

APPROVING DESIGN REVIEW (PLN20-0017) FOR THE SITE A BLOCK 11 LANDSCAPING PLAN IN THE WATERFRONT TOWN CENTER PLAN AREA AT ALAMEDA POINT

WHEREAS, on March 14, 2016, the Planning Board adopted Resolution No. PB-16-05 approving Design Review application PLN15-0453 for design review approval of a mixed-use building, referred to as "Block 11," and the adjacent waterfront street within the approved Site A Development Plan in the Waterfront Town Center Precise Plan (Town Center Plan) area of the Alameda Point property; and

WHEREAS, on December 9, 2019, the Planning Board approved an amendment to the Design Review for Block 11 and directed the applicant, Alameda Point Partners (APP), to submit revised landscape plans for subsequent review and approval; and

WHEREAS, on January 8, 2020, the applicant submitted a landscape plan for Block 11 consistent with the December 9, 2019 Planning Board Design Review approval for the Block 11 building; and

WHEREAS, Block 11 is designated as Mixed Use in the General Plan; and

WHEREAS, Block 11 and the adjacent waterfront street is located within the Alameda Point Waterfront Town Center Sub-district (WTC Sub-district), which is in the Alameda Point District [Alameda Municipal Code (AMC) 30-4.24] of the Zoning Ordinance; and

WHEREAS, the Town Center Plan is a Specific Plan adopted pursuant to Government Code Section 65450 et seq. for a transit-oriented development of the waterfront lands that surround the Seaplane Lagoon and the property at the entrance of Alameda Point between Main Street and Seaplane Lagoon; and

WHEREAS, Block 11 is located within the Site A Development Plan approved by the City Council on June 16, 2015; and

WHEREAS, the Town Center Plan and the Site A Development Plan require that the Planning Board approve a Design Review application prior to redevelopment and reuse of Block 11; and

WHEREAS, the Planning Board held a public hearing on January 27, 2020 to consider the landscape plans for the Block 11 project, and examined pertinent maps, drawings, and documents.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds that the following findings can be made in support of the Design Review approval:

DESIGN REVIEW FINDINGS:

- 1. The proposed design is consistent with the General Plan, Zoning Ordinance, Town Center Plan, approved Site A Development Plan, and the City of Alameda Design Review Manual.** The proposed landscape design supports a multi-family building at the heart of the commercial center within Alameda Point's "town center." The landscape design enhances the public sidewalk along Block 11, reinforcing a pedestrian-oriented higher density mixed-use living environment consistent with the General Plan, Zoning Ordinance, Town Center Plan, Site A Development Plan, and City of Alameda Design Review Manual. The proposed landscape plans are also consistent with the Zoning Ordinance requirements for landscaping, including use of native and drought-tolerant plants while meeting state water usage requirements.
- 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 landscape design is compatible with the adjacent Block 11 building and surroundings. The proposed landscape plan includes two types of small trees and a variety of shrubs. The plants were selected according to suitability for use in public spaces as they appear between the building edges and the public sidewalks. These plants were chosen based on durability, color, and overall visual interest. For example, the north and east sides of the building feature blank walls articulated with vine planting. The proposed vines include the Evergreen Clematis and Purple Tiger Passion Vine, which are species known for expansive growth appropriate to cover the large wall sections. Overall, the plan contains approximately 30% native plants and 60% drought-tolerant plants, consistent with Bay-Friendly Landscape Guidelines.
- 3. The proposed design of the structure(s) and exterior materials and landscaping are visually compatible with the surrounding development, and design elements have been incorporated to ensure the compatibility of the structure with the character and uses of adjacent development.** The proposed landscape design features a variety of small trees and shrubs that enhance the appearance of the public spaces around the Block 11 site. The plants were selected according to suitability for use in public spaces as they appear between the building edges and the public sidewalks. These plants were chosen based on durability, color, and overall visual interest. Plants appear in a number of colors that add to the visual interest of the Art Moderne Block 11 building architecture; and

BE IT FURTHER RESOLVED, that the Planning Board finds that approval of the Approval of the landscape plan for the Block 11 is not subject to CEQA 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.

BE IT FURTHER RESOLVED, that the Planning Board of the City of Alameda hereby approves Design Review PLN20-0017, subject to the following conditions:

1. Building and Site Improvement Permit Plans: The plans submitted for Building and Site Improvement Permits shall be in substantial compliance with the plans prepared by Fletcher Studios dated January 7, 2020, on file in the office of the City of Alameda Planning, Building, and Transportation Department.
2. Repackaged Design Review Plan Set: Prior to submittal of building permits, the applicant shall submit for City record-keeping a complete, repackaged set of Design Review plans for Block 11 that contain only the information for the approved project (omitting comparison drawings and details of the superseded project), and including the subject landscape plans, to the satisfaction of the Planning Director.
3. WELO. Final plans submitted for building permits shall demonstrate compliance with the Water Efficiency Landscape Ordinance requirements in Alameda Municipal Code (AMC) Section 30-58 as mandated under state law.
4. Modifications: Minor project design details requested by the applicant may be established, modified, and approved by the Planning, Building, and Transportation Director or his/her designee. Major modifications that are not consistent with this design review approval or these conditions shall be subject to review and approval of the Planning Board.
5. Maintenance: Maintenance of improvements, including landscape improvements, not within the public right-of-way shall be the responsibility of the new development.
6. HOLD HARMLESS. The applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda City Council, 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 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 City Council relating 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.

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