

CITY OF ALAMEDA PLANNING BOARD
DRAFT RESOLUTION

APPROVING USE PERMIT APPLICATION NO. PLN19-0601 TO ALLOW THE CONSTRUCTION AND OPERATION OF A 2.0 MEGAWATT PHOTOVOLTAIC SOLAR FACILITY ON AN APPROXIMATELY 11-ACRE PORTION OF THE DOOLITTLE LANDFILL SITE LOCATED NORTHWEST OF THE INTERSECTION OF DOOLITTLE DRIVE AND HARBOR BAY PARKWAY (APN 074-1040-01)

WHEREAS, on December 12, 2019, Alameda Municipal Power submitted an application for a Use Permit to allow the construction and operation of a 2.0 Megawatt Photovoltaic Solar Facility on an approximately 11-acre portion of the Doolittle landfill site located northwest of the intersection of Doolittle Drive and Harbor Bay Parkway ("Project"); and

WHEREAS, on February 3, 2020, the application was deemed complete; and

WHEREAS, the project site is designated as Parks and Public Open Space by the General Plan; and

WHEREAS, the project site is located within the M-2, General Industrial Zoning District, and pursuant to Section 30-4.12(c) of the Alameda Municipal Code (AMC), an above ground public utility facility is conditionally permitted in the M-2, General Industrial Zone; and

WHEREAS, by a companion Resolution, on March 9, 2020, in compliance with the California Environmental Quality Act, the Planning Board adopted a Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) prior to making a decision on the Project; and

WHEREAS, the Planning Board held a duly noticed public hearing on March 9, 2020 and reviewed the application for a use permit, PLN19-0601, and all applicable material including public comments.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board makes the following findings:

In accordance with CEQA Guidelines section 15070 et seq., the City of Alameda, as the lead agency under CEQA, prepared an MND for the Project. The adopted MND has been prepared in the manner required and authorized under CEQA, and the Planning Board has considered the MND and MMRP, together with the Initial Study and comments received, all of which are incorporated by reference as though fully set forth herein, prior to making a decision on the use permit. The Planning Board finds and determines, based on its independent judgment and analysis, that the MND adequately addresses the potential environmental impacts of the Project and complies with CEQA. Also in conformance with CEQA, the City adopted an MMRP for reporting or monitoring

the measures the City has either required or made a condition of approval to the Project to mitigate or avoid significant environmental effects (attached as Exhibit A to the companion Resolution); and

BE IT FURTHER RESOLVED, that the Planning Board finds that the following findings can be made in support of the Use Permit approval:

1. The location of the proposed use is compatible with other land uses in the general neighborhood area, and the project design and size is architecturally, aesthetically, and operationally harmonious with the community and surrounding development.

The 33.2-acre property is the former Alameda Doolittle Class III solid waste disposal site that began operation in 1953 and was closed in 1985. The land is currently owned and maintained by the City of Alameda and is located within the M-2, General Industrial Zoning and is designated as Parks and Public Open Space by the General Plan for a future open space park upon completion of landfill decommission. The temporary nature of the proposed solar project is consistent with the M-2 zoning and the General Plan land use designation. The solar arrays will sit on an 11.2-acre level portion of the site elevated approximately 40-feet above Doolittle Drive and will have minimal visibility from the street. The low height of the solar equipment will not impact any scenic views or be a source of noise or odors. A Glare Study conducted by Forge Solar on October 18, 2019 determined the facility would not be a substantial source of glare and will not negatively affect the adjacent airport operations. Furthermore, the solar facility will help to generate electricity for the surrounding community and contribute to the City meeting the goals of the Climate Action Resiliency Plan. Therefore, the proposed use is compatible with other land uses in the general neighborhood area, and the project design and size is architecturally, aesthetically, and operationally harmonious with the community and surrounding development.

2. The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.

The traffic generated by the project will include construction activities for a temporary period, and monthly maintenance and inspections during operations which will produce a negligible amount of traffic trips each month. Maintenance vehicles will park within the fenced off area of the solar facility and the project will not require any additional public parking. The site is served by Doolittle Drive, which is designated as California State Route 61, and is fully developed within an urban area. The solar facility will generate electricity that will feed into the existing electrical grid connections available, and will not require additional service facilities on-site. The site is served by the AC Transit bus Routes 21 and OX located approximately 650-feet south of the site at the Park and Ride lot on Island Drive. The property is also served by an existing bicycle and pedestrian multiple use path that circles the site and connects with adjacent bicycle and pedestrian circulation on Bay Farm Island. Therefore, the proposed use will be served by adequate transportation and service facilities, including pedestrian, bicycle, and transit facilities.

3. The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity and will not have substantial deleterious effects on existing business districts or the local economy.

The project, through the conditions of approval and mitigation measures required by the Use Permit and the Mitigation Monitoring and Reporting Program, will not adversely affect other property in the vicinity or have any substantial impacts on the environment and the surrounding area. The MMRP requires a pre-construction nesting bird survey be conducted if construction takes place between February 1st and August 31st in order to minimize potential impacts to biological resources to less than significant. The conditions of approval implement construction best management practices to avoid potential effects from construction activities. Furthermore, the photovoltaic solar facility is a temporary use of the property which will be converted to a public park at the end of the 25-year life of the project. The solar facility is a clean energy source that will generate electricity for the community. This will contribute to fighting the negative impacts of climate change as specified in the goals of the Alameda Climate Action Resiliency Plan. Therefore, the proposed use, with all conditions of approval and mitigation measures, will not adversely affect property in the vicinity and will not have substantial deleterious effects on existing business districts or the local economy.

4. The proposed use relates favorably to the General Plan.

The temporary nature of the project relates favorably to General Plan Policy 6.1.g, which designates the site for a future park when decommissioning of the landfill is and environmental conditions indicate that development of a park can occur. As the landfill decommissioning takes place, the proposed solar facility will operate on an 11-acre portion of the property for 25-years. After the lease for the facility expires, the solar equipment will be removed to allow construction of a future park. The project is also consistent with General Plan Policies 6.2.a and 6.2.b which call for maximum visual and physical access to the shoreline for public use. The project site design is consistent with these policies by centralizing the solar equipment at the middle of the site and maintaining the existing bicycle and pedestrian paths along the shoreline for public use. In addition, the project relates favorably with the Climate Action and Resiliency Plan that calls for increased use of solar throughout the City. The construction and operation of a 2.0 megawatt solar photovoltaic facility helps the City achieve this goal.

BE IT FURTHER RESOLVED that the Planning Board hereby approves Use Permit No. PLN19-0601 to allow the construction and operation of a 2.0 Megawatt Photovoltaic Solar Facility on an approximately 11-acre portion of the Doolittle landfill site located northwest of the intersection of Doolittle Drive and Harbor Bay Parkway, subject to the following conditions:

1. **Compliance with Plans:** Any modifications to this site shall be in substantial compliance with the use permit application submitted December 12, 2019 by Alameda Municipal Power, and on file in the City of Alameda Planning, Building, and Transportation Department, except as modified by the conditions listed in this resolution.
2. **Changes to Approved Plans:** This approval is limited to the scope of the project defined

in the project description and does not represent a recognition and/or approval of any work completed without required City permits. Any substantial changes to the approved scope of the project shall be submitted to the Planning Building and Transportation Department for review and approval.

3. **Vesting:** This Use Permit approval shall expire two (2) years after the date of approval or by March 9, 2022 unless substantial construction or use of the property has commenced under valid permits. The applicant may apply for a time extension, not to exceed two (2) years subject to approval by the Planning, Building, and Transportation Director and must be filed prior to the date of expiration.
4. **Duration and Expiration:** This Use Permit is valid for 25 years from the date of this approval or until March 9, 2045. Upon expiration of the use permit, the applicant shall have one year, until March 9, 2046, to remove the solar facility equipment from the site.
5. **Building Permit Conditions:** These conditions of approval shall be printed on the first pages of the building permit plans and improvement plans.
6. **Mitigation Monitoring and Reporting Program:** Prior to issuance of a Building Permit or Site Improvement Permit, the Applicant shall submit a Mitigation Measure Compliance Checklist confirming compliance to date with the required environmental mitigation measure contained in the MMRP adopted by the Planning Board on March 9, 2020, for the construction of the Alameda Municipal Power Solar Facility. The checklist shall be printed on the first pages of the Building Permit plans.
7. **Compliance with State and Local Laws:** The approved use is subject to, and shall comply with, all applicable City Ordinances and the laws and regulations of all applicable government agencies. Prior to submittal for building permits, the applicant submit proof of compliance with all Regional Water Quality, Alameda County Environmental Health, Federal Aviation Administration, and the Alameda County Airport Land Use Commission requirements for use of the property for the photovoltaic solar facility.
8. **Air Quality:** During construction, the project shall comply with the following measures:
 - a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - d. All vehicle speeds on unpaved roads shall be limited to 15 mph.

- e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - h. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
7. **Prehistoric, Cultural, or Historic Resources:** In the event that prehistoric, cultural, or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning shall be notified, and the applicant shall hire a qualified archaeologist to examine the find. The archaeologist shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. If the finds do not meet the definition of a historical or archaeological resources, no further study or protection is necessary prior to Project implementation. If the find(s) does meet the definition of a historical or archaeological resource, then the find(s) shall be avoided by Project activities. If avoidance is not feasible, adverse effects to such resources shall be mitigated in accordance with the recommendations of the archaeologist. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted by the applicant's archaeologist to the Director of Planning and the Northwest Information Center.

Public Works

- 8. Use Permit (Civil Improvement) Plans shall be provided to the Public Works Department Clean Water Program verifying that the Use Permit applicant has identified and will implement all necessary installation/construction-phase appropriate erosion, sedimentation, and pollution control program and plans. The plans shall describe construction activity best management practices to be implemented in conformance with the City's erosion, sediment and discharge-control "Urban Runoff Best Management Practices Standards", consistent with the California Storm Water Best Management

Practices Handbook for Construction Activities, the ABAG Manual of Standards for Erosion & Sediment Control Measures, the City's Grading and Erosion Control ordinances and other generally accepted engineering practices for construction activity pollution prevention control practices.

9. If project excavations and/or linear utility excavations will disturb one acre or more of soil, the Use Permit applicant shall comply with the State Water Quality Control Board's Construction General Permit requirements. Copies of the required "Notice of Intent" (NOI) and "Storm Water Pollution Prevention Plan" (SWPPP) along with the WDID# shall be submitted to the City Engineer prior to the issuance of the Permit for any site work. The SWPPP shall utilize the California Storm Water Best Management Practices Handbook for Construction Activities, the ABAG Manual of Standards for Erosion & Sediment Control Measures, the City's Grading and Erosion Control ordinances, the City's "Urban Runoff Best Management Practices Standards", and other generally accepted engineering practices for construction activity pollution prevention control practices erosion control.
10. Site Use Permit activities shall incorporate appropriate trash, litter, debris and all other waste materials source control measures to manage the quality of stormwater runoff from the planned Use Permit site to prevent and minimize impacts to water quality, in accordance with the City of Alameda's National Pollution Discharge Elimination System (NPDES) Permit, and consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual.
11. The Model Airplane Field is in the 100 year floodplain. Any permanent structure with a roof and at least two walls shall comply with FEMA standards for building in the floodplain.
12. Allow public access at all times to the Bay Trail from Harbor Bay Parkway, around to the Bay Farm Island Bridge.
13. Prior to construction, the applicant shall coordinate with City of Alameda Rec and Parks to temporarily close the Model Airplane Field and notify users.
14. After construction
 - a. Establish a bench mark at the Model Airplane Field and perform a survey at least 20% of the foundations, equally distributed across the site, to be used by the City to monitor settling.
 - b. Coordinate with City for an inspection by the County Department of Environmental Health Local Enforcement Agency (LEA) inspector. The LEA will determine if the cap is secure, with no ponding, depressions, ruts, or penetrations.
 - c. Coordinate with the City for an inspection by the City's maintenance contractor, Blue Flame Crew, to verify the integrity of the methane collection piping, to determine if it is air tight and maintains the proper drainage slope.

- d. Restore pre-existing facilities to pre-existing (early 2020) or better conditions, including model airplane field turf and facilities, internal access roads, paving, fencing, guardrail, bollards, signage, drainage and piping. Rough-grade disturbed areas, smooth-grade unpaved access roads, patch any damage to paved areas, restore site drainage, and establish vegetation similar to surrounding vegetation. Irrigate and mow the vegetation as needed to establish robust new growth. All damage shall be replaced at the permittee's expense to the satisfaction of the City Engineer or his designated agent.

- 15. After removal of solar facilities at the end of useful life, restore facility to pre-existing (early 2020) or better condition, as described above to the satisfaction of the City Engineer.

Fire Department

- 16. **Emergency Vehicle Access:** The applicant shall work with the Fire Department to include an emergency vehicle access road made of 6-inch thick compacted road base subject to approval by the Fire Department.
- 17. **Clear Brush Free Area:** The applicant shall maintain a clear brush free area of 10 feet around the solar equipment.
- 13. Revocation: This Use Permit may be modified or revoked by the Planning Board, pursuant to AMC Section 30-21.3d should the Planning Board determine that: 1) the use or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity; 2) the property is operated or maintained so as to constitute a public nuisance; or 3) the use is operated in violation of the conditions of the Use Permit.
- 14. 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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