

CITY OF ALAMEDA PLANNING BOARD
DRAFT RESOLUTION

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA UPHOLDING THE ZONING ADMINISTRATOR'S APPROVAL OF A USE PERMIT AMENDMENT (PLN19-0598) FOR WORK/LIVE UNITS AT 2350 SARATOGA STREET

WHEREAS, the Planning Board held a public hearing on October 24, 2016 and reviewed an application for a development plan, design review, and master use permit (PLN16-0468) to modify Building 8 (2350 Saratoga St.), a contributing structure within the NAS Alameda Historic District; and

WHEREAS, on October 24, 2016 the Planning Board reviewed the application, including exhibits and documents, and made the required findings and approved a development plan, design review, and master use permit, Resolution No. PB-16-29; and

WHEREAS, Resolution No. PB-16-29 included conditions of approval that restricted the number of Work/Live units to one unit per 2,000 square feet of lot area, required a minimum unit size of 1,000 square feet, and required the collection of an annual fee for the Alameda Point Transportation Management Agency ("TMA"); and

WHEREAS, on March 21, 2017, the City Council adopted a resolution creating Community Facilities District No. 17-1 ("District"), which levied a special tax lien on the subject property for the purposes of funding transit and transportation services and facilities; and

WHEREAS, on November 11, 2019 the City Council of the City of Alameda adopted Ordinance 3255, which amended the City's Live/Work Ordinance, Alameda Municipal Code (AMC) Section 30-15, to remove the requirement of 2,000 square feet of lot area per Work/Live Unit, and reduced the minimum required Work/Live unit size to 500 square feet; and

WHEREAS, on December 10, 2019, the applicant, Alameda Point Redevelopers, submitted an application to amend the Use Permit conditions adopted in Resolution No. PB-16-29 to remove the restriction on number of Work/Live units permitted, to lower the minimum required Work/Live unit size to 500 square feet, and to remove an annual TMA fee; and

WHEREAS, the subject property is designated as Alameda Point, Mixed Use 1 on the General Plan Diagram; and

WHEREAS, the subject property is located in the AP-AR (Alameda Point, Adaptive Reuse) Zoning District; and

WHEREAS, the Planned Development for the Harbor Bay Business Park was approved by PD-81-2 (Resolution No. 1203), and subsequently amended by PDA-85-4 and PDA05-0003; and

WHEREAS, on February 18, 2020, the Zoning Administrator held a duly noticed hearing and approved the application after examining pertinent maps, drawings, and documents; and

WHEREAS, on February 20, 2020, President Ron Curtis called the Zoning Administrator's decision for review pursuant to the guidelines in AMC Section 30-21.4.c; and

WHEREAS, the Planning Board held a duly noticed public hearing on March 23, 2020 for the Project and examined pertinent maps, drawings, and documents.

NOW THEREFORE, BE IT RESOLVED, that the Planning Board finds that the Alameda Point Project, including the restoration of Building 8, was adequately considered by FEIR, and that by Resolution No. 14891 the City Council of the City of Alameda certified the Final Alameda Point Environmental Impact Report (FEIR) (State Clearinghouse No. 201312043) under the California Environmental Quality Act ("CEQA"), California Public Resources Code Section 21000 et seq. and adopted written findings and a Mitigation Monitoring and Reporting Program ("MMRP") on February 4, 2014, for the Alameda Point Project, including Building 8; and based on substantial evidence, that no further review under CEQA is required.

BE IT FURTHER RESOLVED that the Planning Board makes the following findings relative to the application (PLN19-0598):

USE PERMIT FINDINGS:

- 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 proposed Work/Live use of the project site is compatible with the mixed urban use environment that is envisioned in the Alameda Point General Plan Element and the Alameda Point Adaptive Reuse zoning for the subject site. These amendments to the previous approval allows for the increase in the number of work/live units and adjustment of unit size, consistent with recently adopted amendments to the City's Work/Live Unit Ordinance, Alameda Municipal Code (AMC) Section 30-15.
- 2. The proposed use will be served by adequate transportation and service facilities, including pedestrian, bicycle and transit facilities.** Building 8 is located within a planned transit oriented, pedestrian friendly mixed use neighborhood, within a 15 minute walk from a new regional ferry terminal and a 20-minute walk from an existing regional ferry terminal. All development within Alameda Point includes a robust and aggressive TDM Compliance Strategy with a wide variety of transportation services and facilities, including the provision of transit services and other transportation services and programs. The project is now a part of Community Facilities District No. 17-1, which helps funds the services and improvements that are a part of the TDM Compliance Strategy. The project meets these requirements through the payment of the annual tax assessment. Approved developments at the nearby Site A are providing transit service at a frequency in the peak hours (i.e., 15-minute vs. 30-minute) that exceed the requirements of the Alameda Point TDM Plan. The project conforms to AMC Section 30-4.24(g), which establishes the maximum number of parking spaces permitted by land use.
- 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 is the first adaptive reuse project within the NAS Alameda Historic District to provide significant improvements to a contributing structure within the district. The proposed amendments to decrease the minimum work/live unit size and increase the maximum number of work/live units, which is consistent with the current Alameda Work/Live Ordinance standards, will not adversely affect other 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 proposed development supports General Plan policies for the redevelopment and reuse of Alameda Point and re-investment in the NAS Historic District. The proposed use also supports General Plan policies to support economic development and employment opportunities at Alameda Point.

WORK/LIVE ORDINANCE FINDINGS:

1. **The proposed use of each work/live studio is a bona fide commercial or industrial activity consistent with Section 30-15.5d.** Building 8 is designed to support a variety of light industrial, commercial and Work/Live users. The project is designed to create a hub for creative entrepreneurs, makers and builders. The project conditions of approval require the applicant to enter into a separate sales contract or lease agreement for each individual Work/Live occupant that requires compliance with all provisions of the City's Work/Live Ordinance as well as all the conditions of approval for the Use Permit for Building 8. Moreover, the applicant and any subsequent owner of each work/live studio will be required to record a notice on the property specifying the limitations of use and operation included in the use permit. These limitations include a requirement that at least one occupant of each work/live studio shall maintain a current City of Alameda business license for a bona fide commercial or industrial activity in that studio. The annual license renewal process will provide an opportunity for the City to verify the existence of such commercial or industrial activity.
2. **The establishment of work/live studios will not conflict with nor inhibit industrial or commercial uses in the area where the project is proposed.** The applicant will provide written notice to all work/live occupants and users that the building and the surrounding area may be subject to levels of noise, odors, and other effects that are associated with commercial and industrial uses. At the same time, no work activity shall be permitted nor shall any work/live studio be established on the site that contains potentially harmful uses. The separate sales contract or lease agreement for each individual Work/Live occupant will specifically prohibit the following uses including, but not limited to: auto service/repair, vehicle sales or leasing, car washes, service stations, bars/lounges/night clubs, adult businesses, marine engine repair/refueling facilities, animal kennels/grooming/pet shops, liquor stores, veterinary offices/hospitals, funeral parlors/mortuaries, outdoor storage as a primary use, crematories/columbaria, dismantling facilities/scrap yards, public utility structures and facilities, tire sales/service, and truck stops/repair.
3. **The building containing work/live studios and each work/live studio within the building has been designed to ensure that they will function predominantly as work spaces with incidental residential accommodations meeting basic habitability requirements in compliance with applicable regulations.** The building is being designed from the outset to ensure that the entire building will function as a hub for creative commercial, office, and industrial activity and each work/live studio within it will function predominantly as a work space with incidental residential accommodations meeting basic habitability requirements in

compliance with applicable regulations. The Work/Live units will be designed such that the living area does not exceed 30% of total unit area or 400 square feet whichever is less. Except for spaces designated for sleeping, areas intended as living space will be an integral part of each studio and not separated from the work space. The project conditions of approval will require the applicant to enter into a separate sales contract or lease agreement for each individual Work/Live occupant that requires compliance with this and all other provisions of the City's Work/Live Ordinance.

4. **The changes proposed to the exterior appearance of the building will be compatible with adjacent commercial or industrial uses where all adjacent land is zoned for commercial or industrial uses. If there is adjacent residentially-zoned land, then the proposed changes to the building shall make the commercial or industrial building being converted more compatible with the adjacent residential area.** The proposed changes to the exterior of the building are all designed to be sensitive to the historic architectural and historic use character of the area.

BE IT FURTHER RESOLVED, that the Planning Board upholds the Zoning Administrator's approval of file no. PLN18-0562 for the amendment to remove the cap on the number of allowed Work/Live units, allow a minimum required floor area of 500 square feet, and remove the requirement of payment of an annual TMA fee, subject to the following conditions:

1. The project shall meet all conditions of approval from the Zoning Administrator's February 18, 2020 approval of PLN19-0598.

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

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