

CITY OF ALAMEDA PLANNING BOARD  
**DRAFT RESOLUTION**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA RECOMMENDING THAT THE CITY COUNCIL APPROVE TENTATIVE MAP TRACT 8534 (PLN19-0448) TO SUBDIVIDE A 1.29-ACRE PROPERTY INTO FIFTEEN LOTS LOCATED AT 2607 SANTA CLARA AVENUE

WHEREAS, an application was made on September 9, 2019 by Branagh Land, Inc., for a Tentative Map to subdivide an existing 1.29-acre property into 15 lots located at 2607 Santa Clara Avenue; and

WHEREAS, the subject property is designated as Medium Density Residential on the General Plan Diagram; and

WHEREAS, the subject property is located in R-5-PD (General Residential - Planned Development) and R-4-PD (Neighborhood Residential – Planned Development) Zoning Districts; and

WHEREAS, on October 12, 1998, the Planning Board adopted Planning Board Resolution Nos. PB-98-66, PB-98-67, and PB-98-68 recommending the City Council adopt a Negative Declaration, Development Agreement, and Rezoning 1.7-acres located northeast of the intersection of Broadway and Santa Clara Avenue, which includes the 1.29-acre subject site, from R-4 to R-5-PD and R-4-PD; and

WHEREAS, on November 10, 1998, the City Council approved Resolution No. 13058 adopting Negative Declaration No. IS-97-04 for a proposed rezoning 1.7-acres located northeast of the intersection of Broadway and Santa Clara Avenue, which includes the 1.29-acre subject site, from R-4 to R-5-PD and R-4-PD; and

On November 17, 1998, the City Council adopted Ordinance No. 2779 rezoning 1.7-acres located northeast of the intersection of Broadway and Santa Clara Avenue, which includes the 1.29-acre subject site, from R-4 to R-5-PD and R-4-PD. The Council also adopted Ordinance No. 2780 approving Development Agreement No. DA-97-02 for those properties rezoned by Ordinance No. 2779; and

WHEREAS, Tentative Map 8534 is consistent with the General Plan and Zoning Ordinance; and

WHEREAS, the Planning Board held a duly noticed public hearing and examined all pertinent materials on March 23, 2020; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 – Infill Development Projects. The project meets all

requirements for the infill exemption, and none of the exceptions in CEQA Guidelines Section 15300.2 apply.

1. **The project, as conditioned, is consistent with the applicable General Plan designation and all applicable General Plan policies, as well as with applicable Zoning designation and regulations.** The proposed tentative map to subdivide the existing residential development into 15 lots and allow for the construction of four single family homes is consistent with the Medium Density Residential General Plan designation, the R-4, Neighborhood Residential District, the R-5, General Residential District, and the PD, Planned Development Combining District.
2. **The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.** The 1.29-acre project site is located within the R-4-PD and R-5-PD Districts, and is designated as Medium Density Residential by the General Plan. The subject site and the surrounding neighborhoods are heavily urbanized areas within the city limits.
3. **The project site has no value as habitat for endangered, rare or threatened species.** The area of the proposed development is currently located at the center of an existing residential development within a heavily urbanized area. The site contains two tennis courts and a basketball court within an existing residential development and is subject to high levels of disturbance from foot and vehicle traffic from the residents and the surrounding city streets. The site has no habitat value for any endangered, rare, or threatened wildlife species.
4. **Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.** The Tentative Map subdivides the existing residential development into 15 lots and allows for the construction of four single family homes. The addition of four single family homes will not significantly impact traffic in the area because the site is located within a transit and pedestrian oriented urban area. The project is served by existing sewer and water infrastructure and will not result in any significant effects to water quality. Construction noise and dust will be minimized by local regulations and proposed conditions of approval for the project. The proposed project will not result in any significant noise, air quality, traffic, or water quality impacts.
5. **The site can be adequately served by all required utilities and public services.** The project site is located within an urban district that already has the basic water, sewer, and other utility infrastructure necessary to support the proposed project. The site has access to all other public services provided by the City; and

BE IT FURTHER RESOLVED, that the Planning Board makes the following findings relative to Tentative Map 8534:

1. **The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan and Zoning.** The subdivision will

subdivide an existing residential development into 15 lots, and allow for the development of four single-family dwellings, vehicle parking, and supporting open space. The proposed subdivision also ensures lots are provided adequately access to the streets, pedestrian walkways, and bicycle networks in the surrounding area.

2. **The site is physically suitable for the type of development.** The tentative map will subdivide an existing residential development into 15 lots, and allow for the development of four single-family dwellings. The 1.29-acre property is suitable for the density of the development and allows for adequate parking, open space, and access for the residential units on site.
3. **The site is physically suitable for the density of the development.** The proposed subdivision supports 22 existing residential units and 4 proposed residential units in the development, which is less than the maximum of 28 units allowed by the R-5-PD and R-4-PD zoning of the property.
4. **The proposed design of the subdivision and improvements, as conditioned, will not cause environmental damage or substantially and avoidably injure fish or wildlife or their habitat.** The site contains an existing residential development, two tennis courts and a basketball court and is subject to high levels of disturbance from foot and vehicle traffic from the residents and the surrounding city streets. The site has no habitat value for any fish or wildlife species.
5. **The design of the subdivision and its improvements will not conflict with easements acquired by the public at large for access through or use of property within the subdivision.** All existing easements for the provision of utilities and services are preserved on the tentative map and easements for future access, utilities and services are provided.
6. **The design of the subdivision and its improvements will not cause serious public health problems.** Subdivision of the property will subdivide an existing residential development into 15 lots, and facilitate the development of four single-family dwellings, parking lot, and supporting open space. The project will not cause serious public health problems to the surrounding area; and

BE IT FURTHER RESOLVED, that the Planning Board hereby recommends that the City Council approve the Tentative Map Tract 8534, subject to the following conditions:

**General Conditions:**

1. All maps filed pursuant to this approval shall be in substantial compliance with the Tentative Map – Tract 8534 prepared by Carlson, Barbee & Gibson, Inc, dated January 17, 2020, and on file in the office of the Alameda Planning, Building & Transportation Department.

2. The Final Map(s) shall be in substantial compliance with the Tentative Map. Prior to the approval of the Final Map that includes improvements, all applicable conditions of approval of the approved Tentative Map, as revised or amended, shall be satisfied.
3. The subdivider shall record the Final Map within twenty-four (24) months of approval, or conditional approval of the Tentative Map by the City Council. The City may, upon the subdivider's application filed before the Tentative Map's expiration date, extend its life for an additional period or periods not to exceed six (6) years in accordance with state law.
4. Prior to the City Council approval of the Final Map, the Applicant shall submit a Mylar copy and a CAD file of the Final Map.
5. Prior to approval of Final Map, the following shall be required: a refundable cashier's check in the amount of \$400 to guarantee a Mylar copy of the recorded Parcel or Final Map(s); payment for all reasonable office and engineering costs, including overhead, in conjunction with reviewing the Final Map(s) and associated improvement plans and easements; three copies of the approved on-site/off-site civil improvement plans and landscape plans, along with a velum or other reproducible set (plans only); and a CD or DVD digital copy acceptable to the City Engineer.
6. The applicant/developer shall provide access for emergency vehicles, trash collection vehicles, and tenant and resident circulation within each phase of development.
7. Access, Utility and Parking Easements. The Final Map shall provide for access, parking and utility easements for the residential lots within the development.
8. Landscape Maintenance Agreement. Prior to issuance of building permits, the applicant shall provide proof of a landscape maintenance agreement, service contract or other guarantee for the long-term maintenance and upkeep of the open space within the residential development, subject to approval by the Planning, Building, and Transportation Director.

### **Public Works Conditions of Approval**

9. The Development shall comply will Chapter 30, Article 6 of the Alameda Municipal Code (Real Estate Subdivision Regulations) and Chapter 22 of the Alameda Municipal Code (Streets and Sidewalks) as determined by the City Engineer. The Development 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. Alameda Point development shall comply with the various Alameda Point key documents. All documents can be found at the City's Public Works webpage, under Key Documents, at <https://www.alamedaca.gov/Departments/Public-Works>.

10. 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 subdivision maps or improvement plans to discuss submittal requirements, project review timeline, and fees associated with the processing, filing, and construction of this development.
11. Fees for plan checking, permit issuance, inspections, and approval shall be calculated in accordance with the latest Master Fee Schedule as approved by the City Council.
12. A title report dated within the last six months shall be submitted to identify current ownership, existing easements, and land use restrictions.
13. An Encroachment Permit is required for all work within the Public Right-of-Way. An issued Encroachment Permit is required prior to issuance of any Building Permits for the proposed development.

### **Subdivision Requirements**

14. 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 final map.
15. An engineer's cost estimate for frontage and site improvements shall be submitted.
16. The Final Map shall show all existing and proposed easement locations, uses and recording information. The Owner's Statement shall list all public right-of-way and easements to be dedicated and the Certificate of City Clerk shall list all public easements and right-of-way to be abandoned with recording information as part of the parcel/final map.

### **Improvement plans**

17. 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. 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.
18. The developer shall construct and dedicate to the public full street improvements equal to 33 feet from the centerline of Santa Clara Avenue and 30 feet from the centerline of Broadway including concrete curb, gutter, sidewalk, curb ramps, paving, drainage system, streetlights and street trees, all to the satisfaction of the City Engineer. The existing street section and all public improvements shall be removed and replaced to the centerline of the street if the existing pavement or public improvements are damaged as determined by the City.

19. The street section for any private access roads shall be designed by a registered civil engineer and is subject to approval by the City Engineer.
20. Pursuant to Subdivision Map Act 66491 (a) and Section 30-80.1 of the Alameda Municipal Code the City Engineer has waived the requirement of a preliminary soils report for the proposed subdivision. Waiver of this soils report requirement for the subdivision has no bearing on any subsequent requirement for a soils report related to any building permit application or further on-site development.
21. 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.

## **Drainage**

22. 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.

## **Stormwater Quality Protection and Treatment**

23. Project shall incorporate permanent stormwater low impact development (LID) design techniques and source control measures to manage the quantity and quality of stormwater runoff from the planned development 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. Project Civil Improvement plans shall indicate the efforts taken to minimize impervious surface areas, especially directly connected impervious surface areas.
24. The project shall be developed to create or replace less than 10,000 square feet of impervious surface. The developer shall submit with the Civil Improvement Plans a stormwater exhibit detailing the impervious and pervious surfaces throughout the project. The City Engineer shall make the final determination whether the project creates or replaces less than 10,000 square feet of impervious surface and is therefore not subject to the City's National Pollution Discharge Elimination System (NPDES) Permit Provision C3 "Regulated Project" stormwater discharge requirements
25. The redevelopment area of the project is subject to full trash capture requirements of the City's NPDES permit. A full trash capture system or device is any single device or series of devices that traps all particles retained by a 5mm mesh screen and has a design treatment capacity of not less than the peak flow rate Q resulting from a one-

year, one-hour storm in the sub-drainage area. Plan sheets shall include location, detail and cross-sectional drawings of the stormwater full trash capture device(s) necessary to treat the entirety of the site.

26. Prior to the issuance of any permits for the development, the Applicant shall submit with the Civil Improvement Plans a Stormwater Quality Management Plan that indicates the LID designs of the improvement plans and Stormwater Quality Management Plan are consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual.
27. Prior to the issuance of any permits for the project, the Applicant shall submit for review and approval by City Engineer a Stormwater C3-LID Measures Operations and Maintenance (O&M) Plan for the pervious pavement LID design measures at the site. This O&M Plan shall be consistent with the City of Alameda's C3-LID Measures O&M Plan Checklist.
28. Prior to project acceptance and any certificate of occupancy, the Property Owner(s) shall execute a C3-LID Stormwater Measures Maintenance Agreement with the City, complete with an approved Operations and Maintenance Plan, the template for annual self-reporting, and assurances for property access for City verification inspections.
29. Prior to project acceptance and any certificate of occupancy, the Applicant shall submit a certification report (Report) prepared by a registered civil engineer, licensed in the State of California, affirming that all project site stormwater measures have been constructed per the City approved plans and specifications. 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; 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 City Engineer.
30. The Civil Improvement plans submittal shall include construction-phase appropriate erosion and sedimentation control program and plan for review and approval. The plan shall describe construction activity best management practices to be implemented in conformance with the City's erosion, sediment and discharge-control standards and 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 and other generally accepted engineering practices for construction-phase pollution control.

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. 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.
33. 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**

34. Sanitary sewerage shall be in accordance with the EBMUD Regional Standards for Sanitary Sewer Installation.
35. The Applicant shall include the City and EBMUD recommended improvements, if any, from the sewer study into the project's improvements plans prior to approval of the improvement plan or parcel/final map, whichever comes first. All permits, easements, and/or approvals for modifications to the sewer system required by EBMUD shall be obtained prior to the Final Map.
36. 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 parcel within the subdivision must be issued a Compliance Certificate by EBMUD. Please review the program requirements and cost for Compliance Certificates: <http://www.eastbaypsl.com/eastbaypsl/>.
37. 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.
38. The Applicant shall design and construct water, power, telecom, gas, and other utilities in accordance with applicable utility standards.

### **Other Standard Conditions**

39. A separate Building Permit is required for the construction of any structures on the site. The Applicant should contact the Building Division to discuss submittal requirements.



On and off-site Improvement Plan approval is required prior to the issuance of each Building Permit.

40. 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).
41. 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 development as approved by the Public Works Department prior to approval of the improvements plans, parcel/final map(s), or the building permit, whichever comes first. If no building permit is required, the plans must be approved by the PWD prior to establishment of the use.
42. Trash enclosure(s) shall comply with Best Management Practices in accordance with the Clean Water Act. These facilities 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. Any trash enclosure facilities with a water supply shall also drain to the sanitary sewer.
43. The Development shall comply will 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.
44. 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.
45. Record drawings (as-builts) of improvements to the satisfaction of the City Engineer shall be provided in both paper and electronic format prior to final occupancy and/or subdivision acceptance and release of bonds.

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 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 & 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 Community Development Department a written notice of appeal stating the basis of appeal and paying the required fees.