

CITY OF ALAMEDA PLANNING BOARD
DRAFT RESOLUTION

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING DEVELOPMENT PLAN APPLICATION NO. PLN19-0448 TO ALLOW THE CONSTRUCTION OF FOUR SINGLE FAMILY DWELLINGS WITHIN AN EXISTING 1.29-ACRE RESIDENTIAL DEVELOPMENT LOCATED AT 2607 - 2619 SANTA CLARA AVENUE & 1514 - 1518 BROADWAY.

WHEREAS, an application was made on September 9, 2019 by Branagh Land, Inc., for a Development Plan to allow the construction of four single family dwellings within an existing 1.29-acre residential development located at 2607 - 2619 Santa Clara Avenue & 1514 - 1518 Broadway; 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 July 27, 1998, the Planning Board adopted Planning Board Resolution No. PB-98-46 approving Design Review No. DR-98-16 for the construction of three dwelling units, modification of a fourth unit, and parking at 2613 and 2619 Santa Clara Avenue; and

WHEREAS, the Design Review approval was appealed, and on September 1, 1998, the City Council adopted Resolution No. 13038 denying the appeal and sustaining Planning Board Resolution No. PB-98-46; and

WHEREAS, on October 12, 1998, the Planning Board adopted Planning Board Resolutions No. PB-98-66, PB-98-67, and PB-98-68 recommending the City Council adopt a Negative Declaration, Development Agreement, and Rezoning of 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 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, on April 27, 2020, the Planning Board held a duly noticed public hearing on the subject Development Plan and examined all pertinent application materials and public testimony; 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 Development Plan to construct 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 Development Plan for the construction of four single family homes 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.

BE IT FURTHER RESOLVED, that pursuant to AMC Section 30-4.13(f)(3), the Board has made the following findings relative to proposed Development Plan:

1. **The development is a more effective use of the site than is possible under the regulations for which the PD district is combined.** The proposed development is a more effective use of the site because the proposal allows for construction of four additional units on a property that contains eleven existing residential buildings. The Development Plan allows for adjustments to the parking, setbacks, and open space requirements in the development in order to provide a site plan to achieve the additional residential units while providing access, parking, and usable open space areas for the residential development.
2. **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 four proposed single-family homes are located at the center of the residential development, and will have minimal visibility from the street. Surrounding properties include similarly residential uses to the proposed project. The proposed use, as conditioned, is consistent with the General Plan designation and the Zoning Ordinance, and will be operationally compatible with the surrounding area. The architectural designs of the buildings will require Design Review approval which requires the designs to be architecturally, aesthetically harmonious with the community and the surrounding development.
3. **The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.** The bus stop for the AC Transit lines 51A and 851 is located at the corner of Broadway and Santa Clara Avenue adjacent to the site. In addition, existing bike lanes are located along Broadway and Santa Clara Avenue provide connections to the bicycle network throughout Alameda. The site is located within walking distance to the pedestrian oriented Park Street Commercial District.
4. **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 four proposed single-family homes are located at the center of the residential development, and will have minimal visibility from the street. The addition of four units will not adversely affect other property in the vicinity and will not have substantial deleterious effects on existing business districts or the local economy.
5. **The proposed use relates favorably to the General Plan.** The proposed Development Plan to allow the construction of four single-family dwellings is consistent with the Medium Density Residential land use designation of the General Plan. In addition, the additional housing units contributes to the City meeting Goal No. 1 of the 2015-2023 Housing Element by providing opportunities to support, maintain, and enhance Alameda's diverse community and excellent quality of life and provide for the housing needs of Alameda's future residents and regional housing needs. The project location adjacent to the existing AC Transit stop and within walking proximity to the Park Street commercial area supports Goal No.3 of the Housing Element by creating transit oriented pedestrian friendly neighborhoods to reduce regional and local greenhouse gas emissions and local traffic congestion.

6. **Exemption to allow redistribution of private and common open space (AMC 30-5.12.c).** The project meets findings to allow an exception to the common and private open spaces requirements. The project design meets the minimum amount of total useable open space for the property. The combination of private and common open space provides a better open space plan for the residents because the plan allows four additional single family homes on the property, the common open space plan provides a play area for tenants of the facility, and the plan allows for individual yards for the single-family homes. In addition, Condition of Approval No. 8 below requires the development to 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.

BE IT FURTHER RESOLVED, that the Planning Board hereby approves Development Plan No. PLN19-0448 to allow the construction of four single-family homes within an existing residential development, subject to the following conditions:

Planning and Design Conditions

1. Compliance with Plans: The plans submitted for the building permits shall be in substantial compliance with the Development Plan prepared by Branagh Land Inc., received on March 5, 2020, and on file in the City of Alameda Planning Building & Transportation Department, except as modified by the conditions specified 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 Development Plan approval shall expire two (2) years after the date of approval or by April 27, 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. Building Permit Conditions: These conditions of approval shall be printed on the first pages of the building permit plans and improvement plans.
5. Design Review: Prior to issuance of building permits for any building, the applicant shall obtain Design Review approval from the City for the proposed single family homes. The Design Review application shall also include plans for the play area within the common open space area on Lot 3.
6. Water Efficiency Landscape Ordinance: Prior to issuance of building permits or improvement plans, Applicant/Developer shall submit a complete WELO Landscape

Document Package, as defined by Alameda Municipal Code (AMC) Section 30-58.3(d), subject to the approval of the Planning, Building, and Transportation Director

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.
9. Dust Control: Prior to issuance of building or grading permits, the developer/applicant shall ensure that a dust control program is implemented consistent with City and BAAQMD requirements. Construction activities shall be subject to the requirements of the Alameda Municipal Code, which restricts construction 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.

Public Works Conditions of Approval

10. The project shall be developed in substantial conformance with the approved Tentative Map for Tract 8534.

Fire Department:

11. The plans submitted for building permits and improvement plans shall comply with the approved Fire Access plan subject to approval by the Fire Department.
12. The Maximum height limit for buildings constructed on Lots 12, 13, 14, and 15 is 30 feet.

Alameda Municipal Power (AMP)

13. Prior to approval of Improvement Plans, the Applicant shall coordinate with Alameda Municipal Power (AMP) regarding power requirements.
14. The Applicant shall comply with AMP's Rules and Regulations and "Material and Installation Criteria for Underground Electrical Systems" (available at www.alamedamp.com) which provides service options, standards, and minimum clearances from electrical transformers and other utility electrical equipment.
15. New street trees shall maintain clearances from electrical utilities as follow: a) street/pathway lights and utility poles – **25 feet**; b) joint trench and all underground electrical lines – **five feet**; c) front of electrical pad-mounted equipment (e.g. switches, transformers and capacitors) – **ten feet**. Verify minimum clearance distances of trees/shrubs from all sides and back of electrical pad-mounted equipment with Alameda Municipal Power (AMP).

16. The Applicant shall be responsible for all expenses involved in the duct/joint trench system engineering design, plan check, project coordination, and electrical construction inspection.
17. The applicant will also be billed for 100% cost of distribution line extension (except transformers that are rated less than 750 kVA). AMP will require a refundable deposit for transformers rated 750 kVA and higher based on their capacity utilization.
18. Applicant shall allocate space for a pad-mounted transformer in addition to the primary and secondary boxes and conduits that will be required to provide power to the development. AMP will require easements for all transformers, primary and secondary boxes, and conduits.
19. The Applicant shall submit, with the site improvement plans, detailed drawings showing the required site electric utility facilities.
20. Concurrent with acceptance of work by City Council, the applicant/developer shall dedicate and AMP shall take over ownership and will be responsible for maintaining all new substructures for underground primary and secondary circuits, and distribution transformers once the improvements have been inspected by AMP and found to have been properly installed. The Applicant or successor property owner(s) shall be responsible for the service cables and service equipment.
21. Prior to issuance of Certificate of Occupancy, the Applicant shall furnish and install service equipment for each building. The service equipment shall meet Electric Utility Service Equipment Requirement Committee (EUSERC) standards. Electric meter(s) shall be located as close as practicable to the point of entry of the service-entrance conductors to the building. Outdoor meter locations are preferred. When meters are located within a building, the meter room shall be directly accessible from the exterior of the building. Remote metering is not allowed.
22. The applicant shall provide (at no charge to AMP) all required easements to AMP facilities on the property prior to issuance of the Final Map.
23. The Final Map shall show all necessary easements and access to all electrical utility facilities that are in the private properties.
24. The Applicant shall provide completed "Service Planning Sheets" for AMP's review.
25. The Applicant shall provide information on the location of transformers and total load in kilowatts or kilovolt-amp (kVA) to AMP for approval prior to building permit issuance. The location, number and type of electric facilities, such as transformers and primary cables, cannot be finalized until electric estimates of each unit are provided. Special loads, such as EV chargers, and solar installations should be identified.
26. The Applicant shall provide all necessary underground substructures, including conduits, pull boxes, electric utility equipment pads, etc. per AMP specifications. AMP will furnish and install all required transformers, high voltage distribution cables, and secondary cables.

27. The Applicant shall install all electric pull boxes and vaults in-line with the conduit joint trench. No conduit bend will be allowed between electric pull boxes, unless conduit section terminates to an electrical equipment pad. All primary and secondary electrical distribution pull boxes shall not be greater than two section deep (34-inches from finish grade to bottom of pull box). Any deviations from this standard shall be approved by the AMP Engineering Manager or designee in writing.

28. The Applicant shall furnish and install code-size service cables in code-size conduit from each electric metering facility to the nearest secondary pull box (or Service Point) in the public right-of-way, as designated by AMP. AMP will connect the service to the distribution transformer or to the secondary distribution system.

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.

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