

CITY OF ALAMEDA PLANNING BOARD  
**DRAFT RESOLUTION**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING DESIGN REVIEW APPLICATION PLN19-0237 FOR THE CONSTRUCTION OF A 6,210 SQUARE FOOT COMMERCIAL BUILDING AT 1929 WEBSTER STREET.

WHEREAS, on May 29, 2019, Daniel and Ben Cukierman submitted an application for a Use Permit to allow the operation of a Tavern with outdoor seating and extended hours of operation, a parking waiver, and Design Review for a new commercial building at 1929 Webster Street; and

WHEREAS, on November 2, 2020, the application was deemed complete; and

WHEREAS, the project site is designated as Community Commercial in the General Plan; and

WHEREAS, the project site is located within the C-C, Community Commercial Zoning District; and

WHEREAS, the Planning Board held a duly noticed public hearing on November 23, 2020 and reviewed the application for a use permit and parking waiver, PLN19-0237, and all applicable material including public comments; and

WHEREAS, the Planning Board approved the use permit on November 23, 2020 and directed staff to prepare a draft resolution to approve a variance waiving off-street parking requirements. At the same meeting, the Planning Board provided direction on architectural and site design issues to be addressed prior to Design Review approval, and requested that the final Design Review return at a later date for the Planning Board's consideration; and

WHEREAS, the Planning Board approved the variance waiving off-street parking requirements for this project on December 14, 2020; and

WHEREAS, the Planning Board held a duly noticed public hearing on June 28, 2021 and reviewed the application for Design Review approval, PLN19-0237, and all applicable material including public comments.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds this project is categorically exempt from environmental review pursuant to CEQA Guidelines Section 15332 – Infill Development, and finds that none of the exceptions to the categorical exemptions apply:

- 1. The project 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 of this vacant site for a tavern is consistent with the

Community Commercial land use designation and the C-C, Community Commercial zoning district regulations. With the approval of the use permit and parking variance, the proposed site plan meets all the zoning requirements (setback, lot coverage, height limit, etc.) for the C-C Community Commercial Zoning District. Overall, the project is consistent with the applicable General Plan policies and zoning designation and regulations.

**2. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.**

The property is less than five acres (the project site is approximately 8,081 square feet), is located entirely within city limits, and is surrounded by urban commercial or institutional uses.

**3. The project has no value as habitat for endangered, rare, or threatened species.**

The project site was developed as a used car lot and has been fully paved for several decades. As a result, the project site has no value as habitat for endangered, rare, or threatened species.

**4. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.**

The project will utilize Transportation Demand Management measures consistent with Resolution No. PB-20-30, which approved a variance waiving all off-street parking requirements for this project and required bicycle-related facilities onsite, that will reduce the automobile trips generated by the project to reduce any significant effects relating to traffic. The project would not have any significant effects to traffic, noise, air quality or water quality.

**5. The site can be adequately served by all required utilities and public services.**

The property is located within a developed urban area that is served by all required utilities and services; and

BE IT FURTHER RESOLVED, that the Planning Board makes the following findings in support of the project's approval:

## **DESIGN REVIEW**

**1. The proposed design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual.**

The project complies with the C-C Zoning District development standards. The project is consistent with General Plan policies to provide varied services to Alameda residents and to encourage Webster Street to be a downtown business district for West Alameda residents. The project is consistent with the Citywide Design Review Manual, because the building utilizes different building materials to break up wall surfaces, and includes a dynamic trellis to enhance a prominent street corner to the Webster Street Business District.

**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 north end of Webster Street was developed later than the historic core of Webster Street to the south of the project site and as a result has an eclectic mix of architectural

styles from different eras, with no predominate style or features. The proposed building's modern architectural style is compatible with this eclectic mix of buildings. The two-story design is consistent with the height of other buildings on this part of Webster Street, and the use of wood exterior materials is also consistent with buildings in the vicinity using similar building materials. The open design of the building, with an open deck on the second story and access on the side of the property to the Cross Alameda Trail is intended to integrate the project into adjacent public amenities, which create a harmonious transition. Overall, the proposed design is appropriate for the site and compatible with its surroundings, and promotes harmonious transitions in scale and character in areas between different designated land uses.

**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 building's modern architectural style is compatible with the surrounding eclectic mix of buildings. The building includes corten steel panels similar to building materials on the Peet's Coffee and Tea at 1901 Webster Street, which is two buildings south of the project. The layout and shape of the building are compatible with the adjacent Cross Alameda Trail, as the building is set back and features an open outdoor seating area that opens toward the public trail. The resulting building design does not crowd or loom over the trail. Overall, the proposed design of the structure and exterior materials and landscaping are visually compatible with the site's commercial surroundings, and design elements have been incorporated to ensure the compatibility of the structure with the character and uses of adjacent development. The combination of different building materials add a variety of textures and color to the building; and

BE IT FURTHER RESOLVED, that the Planning Board hereby approves Design Review PLN19-0237 for the construction of a 6,210 square foot commercial building at 1929 Webster Street subject to the following conditions:

1. Building Permit Plans: The plans submitted for the building permit shall be in substantial compliance with the plans prepared by Studio KDA, received on March 17, 2021, and on file in the office of the City of Alameda Planning, Building and Transportation Department, except as modified by the conditions listed in this resolution.
2. The Design Review approval for the project shall expire and become void unless substantial construction under valid permits has occurred within two years after this approval. A one-time extension for an additional two years may be granted by the Planning, Building and Transportation Director upon written request.
3. Public Art Requirement: Prior to issuance of building permits for the project, the applicant shall pay all applicable Public Art fees and satisfy applicable requirements to implement public art pursuant to AMC Section 30-98.
4. Development Impact Fees: Prior to the issuance of building permits, the Applicant shall pay all applicable Development Impact fees pursuant to AMC Section 27-3.5.

5. Affordable Housing Fees: The Applicant shall pay all Affordable Housing Fees pursuant to AMC Section 27-1.
6. Sign Permit: The applicant shall obtain a separate sign permit for signage on the building pursuant to AMC Section 30-6.
7. Construction activities: 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.
8. Lighting: Prior to issuance of building permits, the applicant shall provide a lighting plan that demonstrates all new exterior lighting fixtures are compliant with AMC Section 30-5.16.c (Dark Skies Ordinance).
9. Cross Alameda Trail Connections: Prior to issuance of building and site improvement permits the applicant shall work with the Public Works Department and Transportation Planning Division on the final location of walkways within the Cross Alameda Trail.
  - a. The applicant shall obtain encroachment permits for the construction of walkways within the Cross Alameda Trail. Prior to the issuance of Certificate of Occupancy the applicant shall replace or repair all irrigation, landscaping, and hardscape within the Cross Alameda Trail impacted by development, to the satisfaction of the Public Works Director.

## **Public Works Engineering**

10. The Development shall comply with Chapter 22 of the Alameda Municipal Code (Streets and Sidewalks) as determined by the City Engineer, and shall comply with all current, applicable, plans, standards, policies and guidelines including Alameda's Municipal Code (AMC) and Standard Plans and Specifications. All documents can be found at the City's Public Works webpage, under Key Documents, at <https://www.alamedaca.gov/Departments/Public-Works>.
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. Provide easements as needed, including relocating utilities and shared-use easements.
14. 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.
15. 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 and issuance of a Building Permit for the development.

16. An Engineer's Cost estimate for all improvements in the public right-of-way shall be submitted to the Public Works for approval. The developer shall provide construction performance bonds for materials and labor, each equivalent to the cost of the public improvements and utility adjustments within the right-of-way.
17. All developments shall be designed to account for future predicted sea level rise to Elevation 13 feet, NAVD88 Datum. The project shall also be designed with to accommodate additional future adaptability provisions for sea level rise above Elevation 13 feet. Projects within the BCDC jurisdiction will be required to meet BCDC's Sea Level Rise conditions.

## **Drainage**

18. 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.
19. A storm drainage hydrology analysis, identifying the total peak drainage flow quantities to be generated by the proposed development shall be prepared in accordance with the Alameda County Flood Control District Hydrology and Hydraulics Manual by a registered civil engineer licensed in the State of California and submitted as part of the construction improvement plans. The City will provide this data to an independent consultant who will assess the impact of the proposed development on the City's storm drainage system using a hydraulic model and determine the improvements, if any, to ensure sufficient capacity for this project and anticipated cumulative growth in the associated drainage basin. The Applicant shall include the recommended improvements into the project's improvements.

## **Stormwater Quality Protection and Treatment**

20. All projects 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) Municipal Stormwater Permit, and consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual. Project plans shall indicate the efforts taken to minimize impervious surface areas, especially directly connected impervious surface areas.
21. The development shall incorporate permanent post-construction stormwater quality

controls in accordance with the City of Alameda's National Pollution Discharge Elimination System (NPDES) Permit. Stormwater design and treatment measures shall be constructed consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual.

22. The development 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. Improvement 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.
23. Prior to the issuance of any permits for the development, the Applicant shall submit a Stormwater Quality Management Plan complete with the individual drainage management areas identified, a completed Stormwater Requirements Checklist, and a stamped, signed City of Alameda C3 certification form from a qualified independent civil engineer with stormwater treatment facility design experience, licensed in the State of California, and acceptable to City Engineer that indicates the LID and treatment measure designs of the improvement plans and Stormwater Quality Management Plan meet the established sizing design criteria for stormwater treatment measures. The Civil Improvement Plans shall be consistent with the approved Stormwater Quality Management Plan submittal.
24. 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 that provides a thorough discussion of the inspection, operations and maintenance requirements of all of the stormwater treatment, including trash capture, and 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.
25. Prior to project acceptance and any certificate of occupancy, the Property Owner(s) shall execute a Stormwater Treatment 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.
26. 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 treatment 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 are per approved plans and specifications and meet 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.

27. Developer 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, sediment, and erosion control.
28. The Civil Improvement Plans shall provide the Public Works Department Clean Water Program the construction-phase appropriate erosion and sedimentation control program and plan for review and approval. 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, sediment, and erosion control.
29. If project site is demolishing any buildings, prior to the issuance of any permits for the project or the approval for any building demolition, the applicant shall assess and verify for the potential of PCBs in Building Demolition materials by:
  - Reviewing the packet "PCBs in Priority Building Materials: Model Screening Assessment Applicant Package (August 2018)" (Packet);
  - Completing the two-page "PCBs Screening Assessment Form" AND submitting a signed copy to Public Works for review; AND
  - IF Part 3 of the "PCBs Screening Assessment Form" is applicable and necessary, submit all necessary assessment records also referenced in attached guidance document prior to issuance of building/demolition permit AND provide verification to the City prior to closeout of the permit of the proper management and disposal of the relevant materials.
30. 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.
31. Prior to the issuance of an Encroachment Permit, a pedestrian and traffic control plan that addresses pedestrian circulation around the site and parking and/or travel lane

closures on the surrounding streets shall be submitted for review and approval by the City Engineer.

## **Utilities**

32. Sanitary sewerage shall be in accordance with the EBMUD Regional Standards for Sanitary Sewer Installation.
33. 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, whichever comes first. All permits, easements, and/or approvals for modifications to the sewer system required by EBMUD shall be obtained prior to the Certificate of Occupancy
34. 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/>.
35. 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.
36. The Applicant shall design and construct water, power, telecom, gas, and other utilities in accordance with applicable utility standards.
37. Fire sprinkler system test water discharges shall be directed to the sanitary sewer system or to appropriately-sized onsite vegetated area(s).

## **Other Standard Conditions**

38. 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.
39. 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).
40. 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, 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.

41. 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.
42. 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.
43. The landscape and irrigation plans for on-site and public right-of-way improvements shall be prepared, and signed and stamped as approved, by a licensed landscape architect. The plans shall be in accordance with the most recent version of the "Bay-Friendly Landscape Guidelines" developed by StopWaste.Org, and the Bay Friendly Coalition, the AMC, the Alameda Master Tree Plan, the Alameda Tree Removal Policy, the Integrated Pest Management Policy, as well as conditions of approval by the Planning Board, and other applicable standards, as applicable. Landscaping shall be designed to improve curb appeal while promoting low maintenance plant material and xeriscaping.
44. The Developer shall obtain all necessary permits from other regulatory agencies for projects within sensitive areas or which have significant stormwater pollution potential.
45. 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.
46. 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 release of bonds.
47. 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 improvement plans to discuss submittal requirements, project review timeline, and fees associated with the processing, filing, and construction of this development.

### **Fire Department Conditions**

48. Prior to approval of the improvement plans, the Applicant shall submit plans, for review and approval by the Public Works Director and the Fire Chief, that:

- a. Provide fire hydrants spaced throughout the project as required in California Fire Code Appendix C.
- b. Ensure sufficient fire flow for the development compliant with California Fire Code Appendix B and AMC Section 15-1.2 where a maximum 50% reduction of the fire flow is allowed for fire sprinklered buildings. Fire hydrant flows shall be a minimum of 1,500 G.P.M. from any one hydrant;

### **Alameda Municipal Power**

49. Concurrent with submittal of Improvement Plans, the Applicant shall coordinate with Alameda Municipal Power (AMP) regarding power requirements. All submittals shall refer to AMP's "Material and Installation Criteria for Underground Electrical Systems" for minimum clearances of street trees/shrubs from streetlights, electrical transformers and other utility electrical equipment.
50. The Applicant shall comply to AMP's Rules and Regulations and "Material and Installation Criteria for Underground Electrical Systems" (both available at [www.alamedamp.com](http://www.alamedamp.com)) and provide completed "Service Planning Sheets" for AMP's review prior to submitting plans for building permits.
51. 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. If necessary, the Applicant shall provide (at no charge to AMP) an easement and access to all AMP facilities on the property prior to issuance of building permits.
52. The Applicant shall provide all necessary underground substructures, including conduits, pull boxes, electric utility equipment pads, etc. per the AMP specifications. AMP will require easements for all transformers, primary and secondary boxes, and conduits. AMP will furnish and install all required transformers, high voltage distribution cables, and secondary cables.
53. 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. No remote metering.
54. 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. The Applicant shall be responsible for the cost of AMP assigned inspector during construction.

55. The Applicant shall submit, with the site improvement plans, detailed drawings showing the required site electric utility facilities.
56. All service installations, to commercial/industrial, multiple dwelling units and subdivisions, will be underground. All new or upgraded service facilities with a capacity of 400 Amperes or larger will require a new pad mounted transformer.
57. Outdoor meter locations are preferred. When meters are located within a building, the room will be directly accessible from the exterior of the building. If entry is locked, a key must be provided to AMP prior to energizing the service.
58. Indemnification: To the maximum extent permitted by law, the applicant (or its successor in interest) shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, its City Council, City Planning Board, officials, employees, agents and volunteers (collectively, "Indemnitees") from and against any and all claims, actions, or proceedings against Indemnitees to attack, set aside, void or annul an approval by Indemnitees relating to this project. This indemnification shall include, but is not limited to, all damages, losses, and expenses (including, without limitation, legal costs and attorney's fees) that may be awarded to the prevailing party arising out of or in connection with an approval by the Indemnitees relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding and the applicant (or its successor in interest) shall reimburse the City for its reasonable legal costs and attorneys' fees.

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.

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