

CITY OF ALAMEDA PLANNING BOARD
DRAFT RESOLUTION

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING FINAL PLANNED DEVELOPMENT AMENDMENT FOR APPLICATION NO. PLN 21-0299 TO ALLOW A FRONT YARD SETBACK REDUCTION FROM 50 FEET TO 49 FEET FOR THE BUILDING AT 1310 HARBOR BAY PARKWAY

WHEREAS, the subject property is located at 1310 Harbor Bay Parkway in the Harbor Bay Business Park, and designated as Business Park on the General Plan Diagram; and

WHEREAS, the subject property is located in a C-M-PD, Commercial Manufacturing - Planned Development Zoning District; and

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

WHEREAS, on June 24, 2019, the Planning Board approved Resolution PB19-13 approving the construction of three new flex R&D buildings, and requires a 50 foot front yard setback from Harbor Bay Parkway; and

WHEREAS, an application was made by srmErnst Development Partners on behalf of South Loop I, LLC ("Applicant") requesting a reduction of the front yard setback for the building located at 1310 Harbor Bay Parkway from 50 feet to 49 feet; and

WHEREAS, the building at 1310 Harbor Bay Parkway requires a reduction in the front yard setback from 50 feet to 49 feet due to a surveying error that occurred during the design and construction of the building. An updated survey completed in connection with the sale and permanent financing of the building at 1310 Harbor Bay Parkway discovered that a prior surveying error has resulted in the main building façade being constructed up to 10 inches over the setback line, resulting in an actual Parkway setback of approximately 49 feet. This encroachment into the setback area has not impacted the quality of landscape or function within the band between the building and public sidewalk; and

WHEREAS, the Planning Board held a duly noticed public hearing on July 26, 2021 and examined all pertinent maps, drawings, and documents.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board makes the following findings regarding the Project's compliance with the California Environmental Quality Act (CEQA): The City previously prepared and certified/adopted the Final Environmental Impact Report for Harbor Bay Isle, State Clearinghouse No. 1984112706 (EIR), and the Addendum thereto (together, Previous CEQA Documents), in accordance with CEQA, which contemplated development of the entirety of the Harbor Bay Business Park. A review of environmental factors for the Project, including, but not limited to, traffic, airport land use compatibility, noise, and biological conditions revealed that none of the circumstances necessitating further CEQA review are present, thus the City can rely on the Previous CEQA Documents.

BE IT FURTHER RESOLVED that the Planning Board makes the following findings relative to the application (PLN 21-0299):

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 building at 1310 Harbor Bay Parkway provides a 49 foot front yard setback that provides for an adequate and visually appealing landscaped area between the building and Harbor Bay Parkway that is just over 49 feet in depth. The reduction in the setback by one foot does not impact the quality of landscape or function within the band between the building and public sidewalk.
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 proposed reduced setback does not change the approved use of the building or the architectural design of the building. The reduction in the setback by one foot from 50 feet to 49 feet does not reduce the compatibility of the use with the adjacent uses as originally approved, and the building design and size remains architecturally, aesthetically, and operationally harmonious with the community and surrounding development.
3. **The proposed use will be served by adequate transportation and service facilities, including pedestrian, bicycle, and transit facilities.** The reduction in the setback by one foot from 50 feet to 49 feet does not reduce the adequacy of the transportation services provided to serve the site and the site uses. The proposed use will continue to be served by adequate transportation and service facilities.
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 deleterious effects on existing business districts or the local economy.** The reduction in the setback by one foot from 50 feet to 49 feet does not increase or decrease the impact of the new use on the local economy nor does it change the conditions under which the project was originally approved.
5. **The proposed use relates favorably to the General Plan.** The project is consistent with General Plan polices in support of employment growth and economic development in the City's business parks, including Harbor Bay Business Park. To require that the new building be moved back one foot would be detrimental to the General Plan's policy objectives to support new businesses in the Business Park.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves file no. PLN21-0299 for Final Planned Development Amendment to reduce the minimum front yard setback at 1310 Harbor Bay Parkway from 50 feet to 49 feet.