

CITY OF ALAMEDA PLANNING BOARD  
**DRAFT RESOLUTION**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING DESIGN REVIEW APPLICATION NO. PLN21-0077 TO ALLOW THE CONSTRUCTION OF AN APPROXIMATELY 29,810-SQUARE-FOOT MEDICAL RESPITE FACILITY AT 1245 MCKAY AVENUE

WHEREAS, Doug Biggs for Alameda Point Collaborative submitted an application on February 22, 2021 requesting Design Review to allow the construction of an approximately 29,810-square-foot medical respite center on an approximately 3.65-acre site located at 1245 McKay Avenue; and

WHEREAS, the application was accepted as complete on July 12, 2021; and

WHEREAS, the subject property is designated as Office on the General Plan Diagram; and

WHEREAS, the subject property is located within the A-P, Administrative Professional Zoning District; and

WHEREAS, in December 2018, following the Planning Board's recommendation, the City Council adopted a Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) in compliance with the California Environmental Quality Act (CEQA), and took action to change the land use designations for the property previously occupied by the federal government to facilitate its reuse for the McKay Wellness Center (project) (Resolution No. 15461 and Ordinance No. 3234); and

WHEREAS, on June 8, 2020, the Planning Board approved Design Review No. PLN20-0047 to rehabilitate Building 2 for adaptive reuse as a senior convalescent facility on the site. The Planning Board's decision was appealed to the City Council; and

WHEREAS, on July 21, 2020, the City Council approved Design Review No. PLN20-0047 (Resolution No. 15683), thereby upholding the Planning Board's decision; and

WHEREAS, on May 6, 2021, the Historical Advisory Board (HAB) held a public hearing and approved Certificate of Approval No. PLN20-0431 to demolish Buildings 1 and 2, and four accessory buildings on the site. The HAB's decision was called for review; and

WHEREAS, on July 6, 2021, the City Council approved a Certificate of approval to demolish the two main building (Buildings 1 and 2), and four accessory buildings (Buildings 8, 9, 10, and 13) (Resolution No. 15792), thereby upholding the HAB's decision; and

WHEREAS, on July 26, 2021, the Planning Board held a duly noticed public hearing to

review the proposed Design Review application PLN21-0077 for an approximately 29,810-square-foot medical respite facility, and examined all pertinent maps, drawings, and documents; and

NOW, THEREFORE, BE IT RESOLVED, the Planning Board finds Design Review Approval for a permitted use is not subject to CEQA. *McCorkle Eastside Neighborhood Group v. City of St. Helena* (2018) 31 Cal.App.5th 80, Public Resources Code Section 21080. As a separate and independent basis, the City of Alameda adopted a Mitigated Negative Declaration in compliance with CEQA and an Addendum thereto, and no further environmental review is required; and

BE IT FURTHER RESOLVED, the Planning Board made the following findings relative to the Design Review approval PLN21-0077:

1. The proposed design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual. The project is consistent with all of the development standards for the property. The medical respite facility is a permitted use in the A-P, Administrative Professional Zoning District, and uses that are permitted in the respective zoning district are also consistent with the General Plan. The proposed medical respite facility design is architecturally compatible with the surrounding neighborhood and consistent with the design guidelines for set forth in the Design Review Manual.
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. This project involves the construction of a new medical respite facility building within a community with an eclectic mix of multifamily residential apartments, condominiums and commercial buildings. The buildings vary in building heights ranging from one to three stories, and the architectural styles and designs reflect construction from different time periods. A parking lot and existing line of mature trees provides a transition buffer between the site and the 1.5 story residential housing to the north. The new two story building design incorporates a contemporary style that complements the surrounding apartment buildings, condominiums and commercial buildings along Central and McKay Avenue. The facility features a large gable roof to create a protective, home-like feeling for the people it serves, with large punched windows, storefront glazing, and skylights to bring natural light into the facility. The cool color of the primary stucco exterior sets a calming tone that relates to the color palette of the surrounding community, while warm wood-tone siding and accents provide natural materials to connect with the nearby park facility. Decorative wall mounted lighting fixtures with black satin finish illuminate the building at night. The new building meets the maximum height allowed in the A-P District, and therefore the project does not change the building's relationship with adjacent or neighboring buildings, nor does it affect the transitions in scale and character of existing buildings in the neighborhood.

3. The proposed design of the structure 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 modifications are designed to be compatible with the surrounding neighborhood and will utilize similar fixed windows, stucco siding, wood cladding siding, and decorative wood cladding around the building which are also compatible with the design elements found on buildings in the surrounding neighborhood; and

BE IT FURTHER RESOLVED, that the Planning Board hereby approves Design Review Application No. PLN21-0077 for an approximately 29,810-square-foot medical respite center located at 1245 McKay Avenue, subject to the following conditions:

1. Building Permit Conditions: These conditions shall be printed on the first page of all building plans and improvement plans.
2. Substantial Compliance with Approvals: The plans submitted for the building permit shall be in substantial compliance with the plans prepared by Ankrom Moisan Architects, received on July 12, 2021, and on file in the office of the City of Alameda Planning, Building & Transportation Department, except as modified by the conditions listed in this resolution.
3. 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.
4. Vesting: This Design Review approval shall expire two (2) years after the date of approval or by **July 26, 2023** unless substantial construction or use of the property has commenced under valid permits. Upon written request and payment of appropriate fees submitted no later than the expiration date of the Design Review approval, the Applicant may apply for a time extension not to exceed two (2) years. An extension request will be subject to approval by the Planning Director and must be filed prior to the date of expiration. If litigation is filed challenging this Design Review approval, or its implementation, then the time period stated above is automatically extended for the duration of the litigation.
5. CEQA Mitigation Measures: Prior to issuance of a Building Permit or Site Improvement Permit, the Applicant shall submit a Mitigation Measure Compliance Checklist confirming compliance to date with all required environmental mitigation measures contained in the MMRP adopted by the Alameda City Council on December 4, 2018 for the McKay Wellness Center. The checklist shall be printed on the Building Permit plans.
6. Building Permit plans shall incorporate the approved window schedule.

7. The final plans submitted for Building Permit approval shall conform to all applicable codes and guidelines.
8. A site inspection to determine compliance with this Design Review Approval is required prior to the final building inspection and/or to the issuance of a Certificate of Occupancy. The applicant shall notify Planning staff at least four days prior to the requested Planning Inspection dates.
9. Public Art Requirement: Prior to final building inspection, the Applicant shall demonstrate compliance with the Public Art Ordinance (AMC Section 30-98).
10. Bicycle Parking: Locations for bicycle parking consistent with the AMC bicycle requirements shall be shown on the Building Permit plans. The bicycle facility shall be located in a secure and safe location and accessible from high pedestrian/bicycle traffic areas, such as at the street frontage, to the satisfaction of the Planning, Building & Transportation Director.
11. Building Signage: Any temporary or permanent signage shall be subject to separate Sign Permit approval pursuant AMC Section 30-6.
12. Water Efficiency Landscape Ordinance: Prior to issuance of building permits or improvement plans, Applicant 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 & Transportation Director.
13. Bird Safe Ordinance: Building Permit plans shall demonstrate compliance with the Alameda Bird-Safe Building Ordinance (AMC Section 30-5.16.b), as applicable.
14. Dark Skies Ordinance: Plans submitted for building permits shall demonstrate compliance with the Alameda Dark Skies Ordinance (AMC Section 30-5.16.c), as applicable.
15. Modifications: Minor project design details requested by the applicant may be established, modified, and approved by the Planning Director. Engineering standards and specifications requested by the applicant may be established, modified and approved by the Public Works Director or designee. Major modifications that are not consistent with this design review approval or these conditions shall be subject to review and approval of the Planning Board.

## **Public Works Conditions**

16. 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.
17. 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 site shall be graded so that no additional runoff is directed to and so as not to impede runoff from adjacent properties.

18. A storm drainage hydrology analysis, identifying the total peak drainage flow quantities to be generated by the proposed project, as fully built out, 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 analysis shall assess the impact of the proposed stormwater load on the private 12" RCP in Crown Harbor that this system drains into, and its 18" outfall into the Bay, and determine on-site and off-site improvements, if any, needed to ensure sufficient capacity for this project and Crown Harbor.
19. 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.
20. 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.
21. 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.
22. 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.

23. 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.
24. Prior to project acceptance and any certificate of occupancy, the Property Owner(s) shall execute a Stormwater Treatment Measures Maintenance Agreement with the City, and recorded against the property title, complete with an approved O&M Plan, the template for annual self-reporting, and assurances for property access for City verification inspections.
25. 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.
26. The 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.

27. 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.
28. 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.
29. Sanitary sewerage shall be in accordance with the EBMUD Regional Standards for Sanitary Sewer Installation.
30. A sanitary sewage flow analysis identifying the total peak sanitary sewage flow quantities to be generated by the proposed development, shall be prepared by a registered civil engineer licensed in the State of California and submitted as part of the construction improvement plans. The analysis shall confirm that the proposed project flow, at full build-out and occupancy, will not adversely impact the existing private sewer and sanitary sewer pump station, nor the City of Alameda system it ties into on Central Avenue.
31. 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. Please review the program requirements and cost for Compliance Certificates:  
<http://www.eastbaypsl.com/eastbaypsl/>.
32. Prior to issuance of building permits, the Applicant shall secure all necessary permit approvals from EBMUD regarding the installation of water or sewer service connections for the project.
33. The Applicant shall design and construct water, power, telecom, gas, and other utilities in accordance with applicable utility standards.
34. Fire sprinkler system test water discharges shall be directed to the sanitary sewer system or to appropriately-sized onsite vegetated area(s).

35. 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).
36. 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.
37. 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.
38. The Project shall comply with 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.
39. The landscape and irrigation plans for on-site 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.

### **Alameda Municipal Power**

40. Prior to approval of Improvement Plans, the Applicant shall coordinate with Alameda Municipal Power (AMP) regarding power requirements.
41. The Applicant shall comply with AMP's Rules and Regulations and "Material and Installation Criteria for Underground Electrical Systems" (available at [www.alamedamp.com](http://www.alamedamp.com)) which provides service options, standards, and minimum clearances from electrical transformers and other utility electrical equipment.
42. 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).

43. All service installations shall be underground.

44. 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.

45. 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.

46. Applicant shall allocate space for pad-mounted transformers and switches 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.

47. The Applicant shall submit, with the site improvement plans, detailed drawings showing the required site electric utility facilities.

48. 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.

49. 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.

50. The development will be served from 208/120V or 480/277V sources, not 120/240V.

51. The Applicant shall provide completed "Service Planning Sheets" for AMP's review.
52. 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.
53. 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.
54. 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.
55. 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.
56. AMP poles along McKay Ave. near the project site may need to stay due to providing service to other customers. The overhead 12kV conductors paralleling McKay Ave. on the east side of the construction area will have to stay pending re-design by AMP (if feasible). Drawings C1.0 and C2.0 are referenced. Design pending after review of final submitted drawing package to City of Alameda permitting office.
57. 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. 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 and Transportation Department a written notice of appeal stating the basis of appeal and paying the required fees.

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