

**CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-16-01**

**DENYING APPLICATION PLN15-0440 TO ALLOW THE SALE OF ALCOHOL AT A
CONVENIENCE STORE LOCATED AT 1716 WEBSTER STREET**

WHEREAS, an application was made by United Brothers Enterprise, Inc., requesting a Use Permit Amendment to remove a condition of approval on Use Permit, UP-95-23, that restricts the sale of alcohol; and

WHEREAS, the project site is located within a C-C, Community Commercial Zone; and

WHEREAS, the project site is designated Community Commercial on the General Plan Diagram; and

WHEREAS, the existing 24-hour convenience store is permitted under use permit UP-95-23; and

WHEREAS, Planning Board held a public hearing on this application on January 11, 2016; and

WHEREAS, the Planning Board held a de novo public hearing on the use permit application at which all materials submitted and all comments made by all parties, including staff, regarding this application were considered.

NOW THEREFORE, BE IT RESOLVED, that the Planning Board finds that:

- (1) **The location of the proposed use is not compatible with other land uses in the general neighborhood area, and the project is not operationally harmonious with the community and surrounding development.** The site is immediately adjacent on both sides to residential buildings. Granting of the use permit to allow alcohol sales would create an over-concentration of alcohol sales in the neighborhood and would not be compatible with the adjacent residential uses. The area already has a number of stores that sell alcohol. The site is across from the Better Buy Liquors store, which sells a wide range of alcoholic beverages including beer and wine and has been a local establishment for many years. Increasing the number of retail outlets that sell alcohol may cause problems for adjacent businesses, and residents in the area have reported problems related to late night noise, fights, and litter that may be attributed to alcohol use in the area.
- (2) **The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.** The site is well served by AC Transit bus service and pedestrian facilities, although it is anticipated that most customers will arrive by automobile and will purchase goods at the convenience market while their automobile is at the gasoline pumps.
- (3) **The proposed use will adversely affect other property in the vicinity and will**

have deleterious effects on existing business districts or the local economy.

The addition of alcohol sales at this gas station that is immediately adjacent to residential homes on two sides could adversely affect the adjacent properties. The sale of alcoholic beverages for off-site consumption is plentiful in this vicinity. The site is across from the Better Buy Liquors store, which sells a wide range of alcoholic beverages including beer and wine and has been a local establishment for many years. Increasing the number of retail outlets that sell liquor may cause problems for adjacent businesses and residents. City records indicate neighboring residents have complained about existing police activity in their neighborhood and problems such as litter and late night noise that are attributed to the sale of alcohol in the area.

- (4) **The proposed use does not relate favorably to the General Plan.** Permitting additional outlets for alcohol sales would over saturate this area, which is adjacent to residential zoning districts and residential uses and cause conflicts between commercial and residential land uses in conflict with General Plan policies to minimize conflicts between adjacent land uses.

BE IT FURTHER RESOLVED THAT the project is Statutorily Exempt from additional environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15270 – Projects Which Are Disapproved.

BE IT FURTHER RESOLVED THAT the Planning Board denies application PLN15-0440 to amend use permit UP-95-23 to allow off-sale beer and wine at 1716 Webster Street.

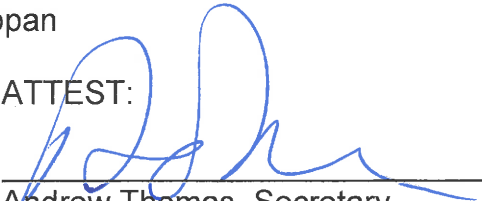
I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 11th day of January, 2016, by the following vote to wit:

AYES: (4) Burton, Henneberry, Köster, and Mitchell

NOES: (1) Sullivan

ABSENT: (2) Knox White and Zuppan

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-16-02

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING USE PERMIT PLN15-0522 TO OPERATE A WOODWORKING HOME OCCUPATION IN THE ANCILLARY SPACE OF AN EXISTING GARAGE AT 3273 THOMPSON AVENUE.

WHEREAS, an application was made on October 29, 2015, by Mark Pelzner, home owner, requesting approval of a use permit to operate a woodworking home occupation in the ancillary space of an existing garage; and

WHEREAS, the applicant currently conducts woodworking as a hobby in the ancillary space of the existing garage; and

WHEREAS, a use permit is required because the home occupation involves the use of an accessory structure per Alameda Municipal Code (AMC) Section 30-2; and

WHEREAS, the subject use permit application was accepted as complete on October 29, 2015; and

WHEREAS, the project site is located within a R-1, One-Family Residence zoning district; and

WHEREAS, the project site has a General Plan Land Use Designation of Low Density Residential; and

WHEREAS, the Zoning Administrator held a public hearing on this application on December 1, 2015 and referred the application to the Planning Board according to procedures set forth in AMC Section 30-21.4 after considering public testimony both in support and in opposition to the proposal; and

WHEREAS, the Planning Board held a public hearing on this application on January 25, 2016.

NOW THEREFORE BE IT RESOLVED THAT, the Planning Board has made the following findings concerning the project:

1. 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 woodworking home occupation is located in an R-1 (One-Family Residence) zoning district which permits home occupations in compliance with the standards set forth in AMC Section 30-2. The proposed use is located in the ancillary space of a two-car garage. No changes are proposed to the garage and the two existing parking spaces will remain. The home occupation will utilize common hand and power tools

such as a table saw, routers, sanders, drills, and chop saws. A dust collection vacuum will be used to collect saw dust. Typical substances used to treat and finish woodwork are shellac flakes, mineral oil, tung oil, and petroleum-based finishes. The woodworking activity has existed on the property as a hobby and this use permit is required only because the applicant wishes to sell his crafts as a home occupation. The proposed woodworking home occupation is incidental to the residential use of the dwelling and is therefore in compliance with standards for a home occupation.

2. The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities. The home occupation will not create any automobile or truck traffic in the vicinity because no customers will be served on the site since the items created will be sold online. The applicant will use his personal pickup truck to transport items that will be shipped to customers. The proposed home occupation does not affect the two existing off-street parking spaces on the site and does not require additional service facilities.

3. 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 proposed woodworking home occupation is a low-intensity use and will not affect the surrounding properties. The home occupation involves no sales or storage of commercial merchandise other than the handmade products made on the premises. The woodcrafts created onsite range from small household items to household furniture. This home occupation would benefit the local economy and contribute business license revenue to the City. The limited use of power tools allowed only from 9:00 a.m. to 5:00 p.m. Monday through Saturdays, and no work on Sundays are consistent with the standards established in the City's Noise Ordinance per Alameda Municipal Code Section 4-10.5.b.10.

4. The proposed use relates favorably to the General Plan. The property is designated as Low-Density Residential on the General Plan Diagram and Zoning Map. Guiding Policy 2.5.a. in the General Plan encourages providing space for business opportunities that increase Alameda's business potential. This use permit enables a typical backyard hobby to occur in a garage and to make its products available for sale online. This permit does not involve any changes to the existing single-family home or the garage and thus preserves the residential character of the neighborhood. Therefore, the proposed use is consistent with the General Plan.

THEREFORE, BE IT FURTHER RESOLVED THAT, this project has been determined to be Categorically Exempt pursuant to Section 15301 of the CEQA Guidelines, which allows the operation of existing private structures involving negligible expansion of use beyond that which exists.

BE IT FURTHER RESOLVED THAT the Planning Board of the City of Alameda hereby approves Conditional Use Permit, PLN15-0522 allowing the operation of a woodworking home occupation in an approximately 77-square-foot portion of ancillary space in the detached two-car garage at 3273 Thompson Avenue subject to compliance

with the following conditions:

- (1) Compliance with Conditions of Approval: The applicant/property owner shall ensure compliance with all of the following conditions. Failure to comply with any condition may result in land use activities being stopped, issuance of a citation, and/or modification or revocation of the Permit.
- (2) Expiration: The use permit approval shall expire two (2) years after the date of approval unless authorized use of the property has commenced.
- (3) Compliance with State and Local Laws: The approved use is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies.
- (4) Revocation: The Zoning Administrator, Planning Board and/or City Council shall have the authority to modify or revoke this entitlement upon finding that the maintenance or operation of the proposed establishment violates any of these conditions or is detrimental to persons residing or working in the neighborhood, to property and improvements in the neighborhood or to the general welfare of the City.
- (5) Site Plan: The layout of the home occupation workspace shall be in substantial compliance with the floor plan prepared by Mark Pelzner, received on October 29, 2015 and on file in the office of the City of Alameda Community Development Department.
- (6) Parking: The woodworking home occupation shall not obstruct or eliminate the two required off-street parking spaces in the garage.
- (7) Traffic: There shall be no motor truck commercial vehicle used for the delivery or transportation of the woodcrafts created on the site. The California Department of Motor Vehicles Commercial Vehicle Code Section 410 defines a motor truck as a vehicle designed, used, or maintained primarily for the transportation of property.
- (8) Hours of Operation: The activities related to the subject home occupation may occur from 8:00 a.m. to 6:00 p.m. Monday through Friday, 8:00 a.m. to 5:00 p.m. on Saturdays, and no construction activity shall occur on Sundays consistent with the City Noise Ordinance. Power tools and noise making tools shall only be used from 9:00 a.m. to 5:00 p.m. Monday through Saturday. Any change in business hours shall require the applicant to request and receive City approval for an amendment to this use permit. The use of tools or substances that cause noise, smoke, odors, or vibrations outside of the approved hours of operation is prohibited.
- (9) Indoor Use of Power Tools: Applicant shall only use power tools within the approved ancillary space of the garage and shall close all doors and windows of the garage when using noise-making power tools.
- (10) Noise: All activities conducted onsite shall comply with the City of Alameda's Noise Ordinance. AMC Section 4-10.4 outlines exterior noise standards that applies to the subject single-family residential property, as follows:

NOISE LEVEL, STANDARDS, dB(A)

Category	Cumulative Number of Minutes in Any One (1) Hour Time Period	Daytime (7:00 a.m. to 10:00 p.m.)	Nighttime (10:00 p.m. to 7:00 a.m.)
1*	30	55	50
2	15	60	55
3	5	65	60
4	1	70	65
5	0	75	70

*For example, this means the measured noise level may not exceed fifty-five (55) dB(A) for more than thirty (30) minutes out of any one (1) hour time period.

- (11) Employees: The home occupation shall be carried on only by the members of the household occupying the dwelling with no more than one (1) other person employed, pursuant to AMC Section 30-2.
- (12) HOLD HARMLESS. The applicant shall defend (with counsel reasonably 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 Community Development Department, Alameda City Planning Board, the 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.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 25th day of January, 2016, by the following vote to wit:

AYES: (6) Burton, Henneberry, Knox White, Köster, Mitchell, and Sullivan

NOES: (0)

ABSENT: (1) Zuppan

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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**CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-16-03**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING DESIGN REVIEW APPLICATION PLN15-0468 TO CONSTRUCT A NEW COMMERCIAL BUILDING FOR THE BANK OF MARIN ON A 5,000 SQ. FT. SITE AT THE SOUTHWEST CORNER OF THE SOUTH SHORE CENTER, 523 SOUTH SHORE CENTER

WHEREAS, an application was made on September 22, 2015, by Lev Weisbach, architect, representing Jamestown L.P., for design review approval of a new commercial building and associated pedestrian and bicycle and landscape improvements; and

WHEREAS, the application was accepted as complete on December 22, 2015; and

WHEREAS, the project site is located within a C-2-PD, Central Business District, Planned Development Combining Zoning District; and

WHEREAS, Resolution PB-09-06, adopted on April 27, 2009, permits the continued redevelopment of the Alameda Towne Centre, now known as South Shore Center, including up to 657,000 sq. ft. of gross leasable floor area, and mandates new pedestrian, bicycle and transit improvements; and

WHEREAS, a development plan for the expansion of the Alameda Towne Centre by Field Paoli, adopted on April 13, 2009, establishes development phases during which identified pedestrian, bicycle and transit improvements for the Center are mandated; and

WHEREAS, the new building will include 3,000 sq. ft. of gross leasable floor area, thereby reducing the permitted expansion capacity of South Shore Center to 654,000 sq. ft. of gross leasable floor area; and

WHEREAS, the project, as a part of Phase 2 of the development plan, will satisfy the required pedestrian and bicycle improvements for the site by constructing a new sidewalk and installing *bicycle route* stencils; and

WHEREAS, the project is consistent with the Planned Development Amendment, PDA05-0004, approved by the Planning Board on April 27, 2009; and

WHEREAS, Planning Board held a study session on this application on January 11, 2016; and

WHEREAS, Planning Board held a public hearing on this application on February 8, 2016.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board has made the following findings concerning the Design Review:

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

The project has been reviewed for consistency with City development regulations, policies and design guidelines. General Plan policies support the continued improvements to South Shore Center as a regional shopping center. The design is compatible with the surrounding development and will enhance an existing shopping center. The development will encourage the use of alternative modes of transportation by constructing a new sidewalk, providing bicycle parking and stenciling the adjacent street as a Class III bicycle route.

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 project will be constructed on a small infill site and will be of a compatible scale with adjoining buildings, the shopping center as a whole, and nearby residential buildings. It will activate and visually complete a prominent corner of the shopping center and provide an improved pedestrian connection to the shoreline.

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 massing and scale of the proposed building are compatible with the adjacent buildings and the exterior materials, stucco, siding, and glass, and are also in keeping with exterior materials seen in the shopping center. The modern design is divergent from the overall style of the center; however, the architecture provides contrast and interest at this entry corner. The quality of the pedestrian environment will be softened by landscape plantings around the building.

BE IT FURTHER RESOLVED THAT, the project is covered under the Environmental Impact Report for the expansion of the Alameda Towne Centre, certified by the City on October 7, 2008, and none of the circumstances necessitating preparation of additional environmental review as specified in CEQA, including without limitation Public Resources Code Section 21166 and CEQA Guidelines Section 15162, are present in that there are no substantial changes proposed in the project or the circumstances under which the project is undertaken that would require major revisions of the previous EIR due to the involvement of new environmental effects or a substantial increase in the severity of previously identified significant effects; and there is no new information of substantial importance as described in CEQA Guidelines Section 15162(a)(3). All relevant mitigation measures will be incorporated into the project.

BE IT FURTHER RESOLVED THAT the Planning Board of the City of Alameda hereby approves Design Review application PLN15-0468 to construct a new commercial building for the Bank of Marin on a 5,000 sq. ft. site at the southwest corner of the South Shore Center (523 South Shore Center) subject to compliance with the following

conditions:

CONDITIONS OF APPROVAL

1. This approval is valid for two years and will expire on February 8, 2018, unless construction has commenced under valid permits. Please note: The approval may be extended to February 8, 2020, upon submittal of an extension request and the associated fee.
2. Conditions relating to Planning Board Resolution PB-09-06 are incorporated by reference.
3. 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.
4. Building Permit Plans: The plans submitted for the building permit shall be in compliance with plans prepared by Lev Weisbach, stamped received on January 26, 2016, which are on file in the office of the City of Alameda Planning Division, except as modified by the conditions in this resolution.
5. These conditions shall be printed on the first page of all building plans and improvement plans.
6. Signage: Any temporary or permanent signage is subject to a sign permit approval. All signage shall be consistent with the requirements of the approved signage program for South Shore Center.
7. Window Schedule: Building Permit plans shall incorporate the approved window schedule.
8. Lighting Design: The Building Permit plans shall include final lighting details for all exterior areas and wall surfaces consistent with the plans approved by the Planning Board on February 8, 2016. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
9. Landscape Plans: Landscape plans and irrigation plans for improvements in the public right-of-way and on-site shall be prepared, and signed and stamped as approved, by a licensed landscape architect. The plans shall be compliant with the most recent "Bay Friendly Landscaping Guidelines" and Alameda Municipal Code (AMC) requirements and shall be designed to minimize runoff, promote surface infiltration, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution.
10. Pedestrian Improvements: The Developer shall construct pedestrian improvements in accordance with the Alameda Towne Center masterplan (Field Paoli, 2009) and consistent with the approved project plans. The work shall include construction of a new five-foot wide sidewalk and a two-foot wide planting strip from Shoreline Drive to the intersection of South Shore Center access drive and Franciscan Way, including crosswalks at driveways, and wheelchair ramps. At the northeast corner of Shoreline

Drive and South Shore Center access drive the sidewalk will be reconstructed for better pedestrian access to the crosswalk spanning Shoreline Drive and to the new crosswalk spanning across the Post Office parking lot entry. The Building permit plans shall include engineering drawings for these improvements. The pedestrian improvements shall be completed prior to approval of the final certificate of occupancy.

11. Agreement for Improvements: To guarantee completion of the required on- and off-site pedestrian improvements, the property owner shall enter into an agreement with the City and provide security in a form and amount acceptable to the City prior to approval of the improvement plans or the building permit, whichever comes first.
12. Engineering Plans: The developer shall submit construction improvement plans for all on- and off-site improvements, including detailed designs for all wet and dry utilities, landscaping and irrigation, water, grading, drainage, erosion control, and paving areas. The plans shall be prepared, signed and stamped as approved by a registered civil engineer licensed in the State of California, unless the Public Works Director authorized them to be prepared by some other qualified professional, and be in accordance with the AMC, the City of Alameda Standard Plans and Specifications. The engineer shall also assume responsibility for inspection of the on-site construction work, including but not limited to parking lots, pathways, storm facilities, etc., and shall certify to the City, prior to acceptance of the work or issuance of a final occupancy permit, that the installation of the on-site work (excluding the building and foundation) was constructed in accordance with the approved plans.
13. Shared Lane Markings for Bicycles: Stencils shall be provided on South Shore Center access drive in both directions from Shoreline Drive to Franciscan Way. The centers of the Shared Lane Markings should be 5 feet from the face of the curb, or from the edge of the pavement where there is no curb. The Shared Lane Markings shall be placed immediately after the intersection and be spaced no greater than 250 feet intervals and shall be installed prior to approval of the final certificate of occupancy.
14. Bicycle Racks: The plans submitted for building permit and construction shall identify the location of bicycle rack(s) to the satisfaction of the Community Development Director. Said bicycle rack(s) shall be installed prior to approval of the final certificate of occupancy.
15. Construction Notice: At least two weeks prior to initiating any construction activities at the site, the applicant shall provide notice to businesses and residents within 500 feet of the project site including (1) project description, (2) description of construction activities, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name and phone number of the Noise Management Individual for the project, (5) commitment to notify neighbors at least four days in advance of authorized extended work hours and the reason for extended hours, and (6) that construction work is about to commence. A copy of such notice and methodology for distributing the notice shall be provided to the City for review and approval at least five (5) business days in advance.
16. Construction Activity: Construction activity shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Friday, and between 8:00 a.m. and 5:00 pm on

Saturday. No construction-related activity shall occur on Sunday or on any Federal Holiday. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment re-design, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) wherever feasible and necessary. No construction activity that may cause excessive off-site vibration or noise from heavy machinery such as pile drivers, drilling rigs (except as necessary for elevator, shoring, and soil testing), etc. shall be allowed. Impact tools (e.g., jack hammers, pavement breakers and noise drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to 10dB. External jackets on the tools themselves shall be used where feasible. Quieter procedures shall be used such as drilling rather than impact equipment whenever feasible.

17. Dust Control: During construction, the applicant shall ensure that construction crews undertake a program of dust control including, but not limited to, watering soil surfaces as needed to prevent dust blowing, covering trucks carrying materials to and from the site, and frequent clean-up of soil carried by construction vehicle tires from the site onto roadways. 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. Design specifications shall incorporate Waste Management and Recycling elements for building and site demolition debris.
18. 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 the Community Development Department at least four days prior to the requested Planning Inspection dates.
19. The final plans, submitted for Building Permit approval, shall conform to all applicable codes and guidelines.
20. Any additional exterior changes shall be submitted to the Community Development Department for review and approval prior to construction.
21. Indemnification: The applicant, or its successors in interest, shall defend (with counsel reasonably 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 against the City of Alameda, Alameda City Planning Board and their respective agents, officers or employees to attack, set aside, void or annul, any approval or related decision to this project. This indemnification shall include, but is not limited to, all damages, costs, expenses, attorney fees or expert witness fees arising out of or in connection with the 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 Planning and Building Department a written notice of appeal stating the basis of appeal and paying the required fees.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 8th day of February, 2016, by the following vote to wit:

AYES: (6) Burton, Henneberry, Knox White, Köster, Mitchell, and Sullivan

NOES: (1) Zuppan

ABSENT: (0)

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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**CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-16-04**

RESOLUTION RECOMMENDING THAT THE CITY COUNCIL APPROVE APPLICATION PLN15-0238 AT 721 SANTA CLARA AVENUE FOR A ZONING MAP AMENDMENT FROM R-5 (GENERAL RESIDENTIAL) TO C-C (COMMUNITY COMMERCIAL) AND GENERAL PLAN MAP AMENDMENT FROM MEDIUM DENSITY RESIDENTIAL TO COMMUNITY COMMERCIAL

WHEREAS, the current zoning of the site at 721 Santa Clara Avenue (APN73-420-21) is R-5 (General Residential); and

WHEREAS, the current General Plan designation is Medium Density Residential; and

WHEREAS, properties in the vicinity of 721 Santa Clara Avenue consist of a variety of commercial, parking lot, single-family and multi-family uses; and

WHEREAS, the proposed zoning map change would modify the demarcation between residential and commercial uses on Santa Clara Street off Webster Street; and which pattern exists on other side streets off Webster Street; and

WHEREAS, the proposed General Plan Map Amendment would modify the demarcation between residential and commercial uses on Santa Clara Street off Webster Street; and which pattern exists on other side streets off Webster Street; and

WHEREAS, the project is exempt from the California Environmental Quality Act (CEQA) Guidelines, Section 15303 (c), Conversion of Small Structures with Minor Exterior Modifications. The 1,653 square foot residence will be converted to a restaurant use and is less than the 10,000 square foot threshold in an urbanized area. Minor exterior modifications are anticipated on the east side of the building.

THEREFORE, BE IT RESOLVED that the Planning Board has reviewed the proposed Zoning Map Amendment and finds:

1. **The amendment maintain the integrity of the General Plan.** The proposed zoning map amendment ensures consistency between the General Plan and the Alameda Zoning Map. Both maps will be changed from residential to commercial zoning districts and General Plan designations. The change modifies the demarcation between residential and commercial zoning districts and General Plan designations. The proposed plan would facilitate additional economic development opportunities in the Webster Street core area. General Plan policies 2.5.a,

2.5.d, and 2.5.m as detailed in the staff report, are supportive of this change.

2. **The amendment will support the general welfare of the community.** The proposed zoning map amendment will support the general welfare of the community by supporting a new retail establishment, fostering new development to service the West End of Alameda and supporting Webster Street as a dining center for present and future West End residents.
3. **The amendments are equitable.** The proposed zoning map amendment is equitable in that it is consistent with the General Plan, the City Charter and other City documents. The map amendment facilitates the creation of a new retail resource for the Webster Street commercial corridor.

THEREFORE BE IT FURTHER RESOLVED that the Planning Board has made the following findings relative to the General Plan Amendment:

4. **It is consistent with the policies and intent of the General Plan.** The proposed General Plan diagram amendment is consistent with the policies and intent of the General Plan. The City's General Plan policies focus on five broad themes: policies that strengthen awareness of the City's island setting, its small town feeling, respect for history, de-emphasis of the automobile, and retention of multi-use development on the Northern Waterfront. The General Plan diagram amendment facilitates investment in the vibrant Webster Street and environs. Creating new businesses to service West End residents is a key General Plan goal.
5. **It will have beneficial effects on the general welfare of the community.** The proposed General Plan diagram amendment will provide new economic/retail opportunities within the vital and burgeoning Webster Street retail district. The change of zoning involves a modification in the demarcation of the residential and commercial zone on a portion of Santa Clara Street. A city parking lot, weekly farmer's market, multi-story multi-family buildings, and other retail uses are in the immediate vicinity of this property.
6. **It is in the public interest.** The proposed General Plan diagram amendment will facilitate the development of a new retail establishment in the Webster Street retail district for the public to enjoy.

THEREFORE BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda recommends that the City Council find the Zoning Map Amendment and General Plan Map Amendment are exempt from the California Environmental Quality Act (CEQA) Guidelines, Section 15303 (c), Conversion of Small Structures with Minor Exterior Modifications. The 1,653 square foot residence will be converted to a restaurant use and is less than the 10,000 square foot threshold in an urbanized area. Very minor exterior modifications

are anticipated on the east side of the building.

BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda recommends that the City Council approve the Zoning Map Amendment for 721 Santa Clara Avenue from R-5 (General Residential) zone to C-C (Community Commercial) zone and General Plan Map Amendment from Medium Density Residential to Community Commercial (APN 073-0420-021).

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 8th day of February, 2016, by the following vote to wit:

AYES: (6) Burton, Henneberry, Knox White, Köster, Mitchell, and Zuppan

NOES: (1) Sullivan

ABSENT: (0)

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-16-05

APPROVING DESIGN REVIEW (PLN 15-0453) FOR BLOCK 11 AND ADJACENT
WATERFRONT STREET WITHIN THE SITE A DEVELOPMENT PLAN IN THE
WATERFRONT TOWN CENTER PLAN AREA AT ALAMEDA POINT

WHEREAS, an application was made on September 22, 2015, 2015 by Alameda Point Partners (APP), for a design review approval of a mixed-use building, referred to as "Block 11," and the adjacent waterfront street within the approved Site A Development Plan in the Waterfront Town Center Precise Plan (Town Center Plan) area of the Alameda Point property; and

WHEREAS, the proposed Block 11 plan consists of 221 multi-family residential units, 22,157 square feet of ground floor retail uses, 296 off-street parking spaces, and a waterfront street "shared plaza" adjacent to Block 11 that provides a transition between Block 11 and the waterfront park; and

WHEREAS, Block 11 is designated as Mixed Use in the General Plan; and

WHEREAS, the Block 11 and the adjacent waterfront street is located within the Alameda Point Waterfront Town Center Sub-district (WTC Sub-district); which is in the Alameda Point District [Alameda Municipal Code (AMC) 30-4.24] of the Zoning Ordinance and

WHEREAS, the Town Center Plan is a Specific Plan pursuant to Government Code Section 65450 et seq. for a transit-oriented development of the waterfront lands that surround the Seaplane Lagoon and the property at the entrance of Alameda Point between Main Street and Seaplane Lagoon;

WHEREAS, Block 11 and the adjacent shared plaza is located within the Site A Development plan approved by the City Council on June 16, 2015;

WHEREAS, the Town Center Plan and the Site A Development Plan requires that the Planning Board approve a Design Review application prior to redevelopment and reuse of Block 11;

WHEREAS, the Planning Board held a public hearing on December 14, 2015, February 22, 2016, and March 14, 2016 for this Design Review application, and examined pertinent maps, drawings, and documents;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds that the following findings can be made in support of the Design Review approval:

DESIGN REVIEW FINDINGS:

March 14, 2016
Planning Board Meeting

1. **The proposed design is consistent with the General Plan, Zoning Ordinance, Town Center Plan, approved Site A Development Plan, and the City of Alameda Design Review Manual.** The proposed design of a multi-family building with ground floor retail uses on Block 11 and an adjacent waterfront street at the heart of the commercial center along a major transit corridor within Alameda Point's "town center" creates a transit-and pedestrian-oriented higher density mixed-use living environment consistent with the General Plan, Zoning Ordinance, Town Center Plan and Site A Development Plan.
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 proposed design of Block 11 and the adjacent waterfront street and "shared plaza" is compatible with the adjacent Seaplane Lagoon and proposed waterfront park. Block 11 and the adjacent waterfront street front onto the Seaplane Lagoon and the new waterfront park where it will provide a transition between the urban fabric of Alameda Point and the natural environment of the Seaplane Lagoon and the San Francisco Bay. The Block 11 building and adjacent waterfront street are designed to face the water to the south and west of the building and make it as easy as possible for residents of the building and visitors to the building to view the water, walk to the water, and enjoy and appreciate the waterfront location. The waterfront street in front of Block 11 is designed to serve as an extension of the adjacent waterfront park and provide a strong pedestrian-oriented, bicycle friendly, street frontage between the building and the park. Designed without curbs and without asphalt, the "naked street" utilizes paving materials, colors and textures, along with landscaping, to create an inviting public space through which vehicles may slowly pass, a limited number of vehicles may be parked, pedestrians may stroll along and across, and bicyclists may pass through with little concern for speeding vehicles.
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 design of Block 11 and the adjacent waterfront street is compatible with the existing buildings and cultural landscape within the adjacent Naval Air Station Alameda Historic District (Historic District). Block 11 and the adjacent waterfront street will provide an architectural transition between the Historic District to the west and the non-historic portions of Alameda Point and Site A to the east. Block 11 maintains the orthogonal street network and view corridors and the adjacent shared street uses a curbless design consistent with the cultural landscape guidelines for the Historic District.

The Block 11 architectural design shares architectural elements, materials and colors that reflect and respect, without replicating, the "Art Moderne" architectural style of some of the most important contributing buildings in the Historic District. Examples of these elements include the strong horizontal lines that define the architectural design of the building, the use of rounded forms on the south west, water-facing corner of the

building, the use of glass and light off-white concrete and stucco materials, and ground floor retail elevation elements that reflect the design of the large multi-pane hangar doors that are important defining features of the adjacent Hanger Row within the Historic District.

4. **The proposed design exhibits exceptional architectural design and is transit supportive.** The proposed design exhibits exceptional architectural design and is transit supportive, and therefore, may exceed 65' in height (78' at its parapet) consistent with the Town Center Plan and Site A Development Plan. The proposed design is exceptional with the balance it strikes between a unique contemporary design and its homage to the "Art Moderne" design of the existing adjacent buildings within the Historic District; the open façade at the southwestern corner; the use of high-quality glazing and other materials; and the high ceilings and pedestrian scale of the ground floor uses. Additionally, the high-density, multi-family mixed-use building fronting Alameda Point's main bus transit corridor at the heart of the commercial center of the development and within close proximity of the proposed ferry terminal at Seaplane Lagoon create a strong transit supportive project.

BE IT FURTHER RESOLVED that the Planning Board finds that the Alameda Point Project, including the Town Center Plan containing Site A, was adequately considered by FEIR, and that:

1. By Resolution No. 14891 the City Council of the City of Alameda certified the Final Alameda Point Environmental Impact Report (FEIR) (State Clearinghouse No. 201312043) under the California Environmental Quality Act ("CEQA"), California Public Resources Code Section 21000 *et seq.* and adopted written findings and a Mitigation Monitoring and Reporting Program ("MMRP") on February 4, 2014, for the Alameda Point Project, including the Town Center Plan area which contains Site A; and
2. The City Council having certified the FEIR for the Alameda Point Project and the Town Center Plan containing Block 11, based on substantial evidence, that no further review under CEQA is required; and
3. Block 11 architectural design and the adjacent waterfront street are consistent with the General Plan, Zoning Ordinance, Town Center Plan, and Site A Development Plan; and
4. The FEIR was certified by the City Council for the Alameda Point Project, including amendments to the General Plan and Zoning Ordinance, as well as the Town Center Plan; and
5. There are no environmental impacts peculiar to Block 11 that were not analyzed in the FEIR, or any such impact can be substantially mitigated by imposition of uniformly applied development policies or standards previously adopted by the City; and

6. There are no significant effects of the Block 11 and adjacent waterfront street project that were not analyzed as significant effects in the FEIR; and
7. There are no potentially significant off-site impacts of the proposed Block 11 and adjacent waterfront street project and there are no cumulative impacts to which the proposed Block 11 and adjacent waterfront street project makes a considerable contribution which were not discussed in the FEIR; and
8. There are no previously identified significant impacts of the proposed Block 11 and adjacent waterfront street project which, as a result of substantial new information which was not known at the time the EIR was certified, have been determined to have a more severe adverse impact than discussed in the FEIR.

BE IT FURTHER RESOLVED, that pursuant to the streamlining provisions of Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183, no further environmental review of the design review application is required;

BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby approves Design Review PLN 15-0453, subject to the following conditions:

1. Building and Site Improvement Permit Plans: The plans submitted for Building and Site Improvement Permits shall be in substantial compliance with the plans prepared by BAR Architects dated February 9, 2016, on file in the office of the City of Alameda Community Development Department.
2. CEQA: Prior to issuance of a Building or Site Improvement Permit, the applicant shall submit a Mitigation Measure Compliance Checklist confirming compliance with all required environmental mitigation measures 4-C-1, 4.D-2, 4.D-3, 4.D-4, 4.E-1f, 4.E-1g, 4.E-4b, 4.E-4c, 4.E-4f, 4.F-1a, 4.F-1b, 4.F-1c, 4.F-1d, 4.F-2, 4.F-7b, 4.G-1a, 4.G-1b, 4.G-1c, 4.G-1d, 4.G-4, 4.G-5, 4.H-1, 4.H-2, 4.H-4, 4.H-5, 4.I-1, 4.I-2, 4.I-8, 4.J-1a, 4.J-1b, 4.J-1c, 4.J-1d, 4.J-1e, 4.J-2, 4.J-7, 4.K-4, 4.M-5 contained in the MMRP adopted by the Alameda City Council on February 4, 2014, for the redevelopment and reuse of Alameda Point, including Block 11 and the adjacent waterfront street within Site A.
3. Infrastructure Improvement Plans and Subdivision Maps: Prior to issuance of building permits for new construction, the applicant shall submit infrastructure improvement plans for on and off-site improvements for review and approval by the Public Works Department and the Community Development Department, and the applicant shall submit a Tentative Subdivision Map or Tentative Parcel Map for Block 11 consistent with the Site A Development Plan for review and approval by the Planning Board and City Council. Such maps and infrastructure plans shall be consistent with the Development Plan and the Disposition and Development Agreement (DDA), and subject to the requirements of the AMC, and Alameda Point Master Infrastructure Plan (MIP). Such maps and infrastructure improvement plans shall include a sub-phase plan consistent with the requirements of the

DDA, including the dimensions, cross-sections, and -configuration of all public rights of way, ADA ramps at all intersections and associated ADA improvements. Improvement plans for the development parcel shall include the proposed site grading, drainage improvements and utility and construction.

4. Public Access Easements: The Final Map shall include public access easements on all on-site areas between the face of the building and the adjacent public right of way.
5. Final Alley Design: Prior to issuance of building permits, the applicant shall submit a final design for the alley between Block 11 and Block 10 with the Design Review application for Block 10. The design plan shall specify the dimensions, cross-section, and configuration of the public right of way and intersection with West Atlantic Avenue and specify the location and extent of any vehicular access that will be provided between the two blocks and between West Atlantic Avenue and the proposed public parking area behind Block 11. The design plan shall also illustrate any required changes to the eastern elevation of Block 11 which might be necessary to accommodate the preferred design plan, which may be approved by the Planning Board upon approval of the preferred design.
6. Final Design Details. Prior to issuance of a building permit, the applicant shall submit the following final design detail for Planning Board review and approval:
 - a. Final street tree, street lights, street signage, and street furniture design details.
 - b. Final shared plaza design details, such as bollard placement, pavement details, and tree placement to create a successful shared space where pedestrians, bicyclists, and people in automobile may slowly and safely move through and enjoy the space.
 - c. Final building signage and on-site building lighting.
 - d. Final window details showing a minimum of a two and one half inch recess between the face of the window glass and the exterior face of the adjacent wall.
 - e. Final materials and colors board.
7. Affordable Housing: Prior to the issuance of the Building Permit, the project applicant shall submit an affordable housing compliance report documenting progress on implementation of the executed Affordable Housing Implementation Plan included within the DDA with the City of Alameda for Site A.
8. Commercial Uses. All ground floor commercial spaces shown on the plans shall be reserved for retail and commercial, non-residential uses. All retail and commercial land uses shall be consistent with the land use requirements of the Site A Development Plan and Town Center Plan. The ground floor southwestern corner of the Block 11 building shall be reserved for a restaurant use. The modification of the number of retail or commercial units, the size and configuration of the retail or commercial floor plates and the location of doorways and display windows is subject to approval by the Community Development Director.

9. Automobile Parking: The parking garage structure shall allow for cost-effective expansion of electric car charging stations to additional stalls as demand warrants and shall meet the latest applicable codes as they relate to electric car charging. The Building Plans shall also provide details such as warning lights and alarms to ensure safe pedestrian crossings at the on-site driveways into the parking garages.
10. Parking Management: The Project CC&Rs shall be recorded on the property and shall specify that the on-site parking shall be leased independently from the residential units and commercial tenant spaces consistent with the Town Center Plan and DDA.
11. Sea Level Rise: Prior to Building Permit approval, a description of the improvements shall be provided to ensure that any new habitable buildings will be constructed at a minimum elevation of 24 inches above the 100-year tidal flood plan elevation.
12. Naval Air Station Alameda Historic District Certificate of Approval: Prior to issuance of a building permit or site improvement permit, for any portion of Block 11 or the adjacent waterfront street, the applicant shall submit all final proposed changes to the cultural landscape to the Historical Advisory Board for review and approval. All building plans and site improvement plans submitted for permits within the Historic District shall be reviewed for compliance with the Historic District and Cultural Landscape Guidelines, the Secretary of Interior Standards for the Rehabilitation of Historic Structures, and AMC Section 13-21 Preservation of Historical and Cultural Resources by the City of Alameda Historical Advisory Board.
13. Sustainable Design: Prior to issuance of a building permit, the applicant shall submit a checklist showing that the project meets either: a minimum LEED™ Certified rating and be so certified by the US Green Building Council or a minimum GreenPoint Rated score of fifty (50) and be so verified by Build It Green.
14. Public Trust Exchange Act and Agreements: All use of land immediately to the south of Block 11 including the sidewalk in front of Block 11 on Public Trust Lands shall be subject to the public trust for commerce, navigation and fisheries and shall be reviewed for consistency with the Naval Air Station Alameda Public Trust Exchange Act, Chapter 734, Statutes of 2000, as amended by Chapter 429, Statutes of 2011 and the Naval Air Station Alameda Exchange Agreement regarding Public Trust Lands at Alameda Point.
15. Modifications: Minor project design details requested by the applicant may be established, modified, and approved by the Community Development Director. Engineering standards and specifications requested by the applicant may be established, modified and approved by the Public Works Director, or his 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.
16. Other Agency Approvals: Prior to issuance of building permit(s) for work within jurisdictional lands, the applicant shall provide evidence that all required approvals,

permits, or waivers from Bay Conservation and Development Commission (BCDC), Regional Water Quality Control Board (Water Board), including a possible 401 Certification for the construction of a stormwater outfall, and/or the Army Corp. of Engineers, if any, have been obtained. The final improvement plans shall incorporate all other agency requirements.

Biological

17. Biological Regulations: Applicant shall notify all future property owners or occupants of the Declaration of Restrictions for the Former Naval Air Station Alameda (Declaration) consistent with the Biological Opinion issued by the U.S. Department of Fish and Wildlife Service (Service) and thereafter the Declaration shall be incorporated by reference in all deeds and leases of any portion of the Block 11.
18. Feral Cat Feeding Stations. Feral cat feeding stations and colonies, and the feeding of any native and non-native wildlife species that are potential predators of least terns is prohibited in perpetuity and thereafter this prohibition shall be incorporated in all deeds and leases of any portion of the Block 11.
19. Fireworks Displays. Fireworks displays will not be authorized from April 1 to August 15 and thereafter this prohibition shall be incorporated in all deeds and leases of any portion of the Block 11.
20. Lighting: Pedestrian and vehicular lighting at all intersections and project driveways shall meet Alameda Municipal Power standards for crosswalks, sidewalks, and intersections and be consistent with the Declaration and Alameda Point Lighting Mitigation Measures.
21. Service Review of Stormwater Plans. All stormwater management and monitoring plans for Block 11 shall be developed in coordination with the Service and implemented in perpetuity to protect open water foraging areas for the endangered California Least Tern. The plans shall be reviewed and approved by the Service prior to development of the project.

Improvement Plans

22. Landscape Plans: The improvement plans shall include landscape and irrigation plans for both on-site and off-site improvements consistent with the Town Center Plan and MIP, including shoreline flood and sea-level rise protection improvements, as required by the MIP and DDA. The plans shall be prepared, signed, and stamped by a licensed landscape architect and civil engineer for flood and sea-level rise protection improvements and shall be in accordance with the AMC and other regional jurisdictional requirements. The landscape architect shall also assume responsibility for review of the work and shall provide a Letter of Acceptance of construction conformance to the City, prior to acceptance of the work, that the installation of landscaping and irrigation in the public right-of-way was constructed in accordance with the approved plans.

23. Fire Water: The improvement plans for the project site shall include a Fire Water System consistent with the MIP. The system shall be designed to the satisfaction of EBMUD and the Alameda Fire Department. The Applicant shall be responsible for the placement of on-site hydrants. The location and number of hydrants shall be established in improvements plans. Placement shall be shown on the improvement plans and shall be to the satisfaction EBMUD, the City Fire Chief and the City Engineer.
24. Fire Sprinklers: The improvement plans and building permit plans shall include fire sprinkler systems within each residential unit including the garage and attic spaces and commercial spaces.
25. Fire Safety: 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. Ensure sufficient fire flow for the development compliant with California Fire Code Appendix B and AMC 15-1.2 where a maximum reduction of the fire flow can be reduced by 50% for fire sprinklered buildings.
 - b. Fire hydrant flows shall be a minimum of 1,500 G.P.M. from any one hydrant;
 - c. Provide adequate turn around space or acceptable emergency vehicle through access for any street greater than 150 feet in length;
 - d. Ensure that all roads that are required to be fire access roads have an adequate turning radii for fire apparatus (inside turning radius of 28" and outside turning radius of 44'8"); and
 - e. For all roads designated as fire access roads shall have a minimum fire lane width of 26' unobstructed for buildings taller than 30'. Should parking within the fire lane be required, the fire lane width shall be increased as required to meet fire access requirements.
26. Utilities: The improvement plans shall include facilities and improvements to ensure that utility services are maintained for existing users throughout the construction process and the access to such service for maintenance purposes is preserved throughout the construction process for new utilities.
27. Geotechnical Report: A geotechnical report, including recommendations, shall be prepared by a registered geotechnical engineer licensed in the State of California. The improvement plans shall incorporate all geotechnical recommendations in the report and be consistent with the MIP and DDA. The geotechnical engineer shall sign and stamp the improvement plans as conforming to its recommendations. The geotechnical engineer shall also assume responsibility for inspection of the work and shall certify to the City, prior to acceptance of the work that the work performed is adequate and complies with their recommendations.

Public Improvements

28. Funding and Maintenance Agreement. Prior to issuance of a building permit or site

improvement permit for the waterfront street, the applicant must have entered into a funding and maintenance agreement with the City of Alameda for the private funding and maintenance of the waterfront street, including performance standards, consistent with the plan contained in the design review approval.

29. Maintenance: Maintenance of improvements not within the public ROW shall be the responsibility of the new development.
30. Street Resurfacing: Applicant/developer shall resurface the existing street pavement whenever a street is cut for utility or other improvement installations or the condition of the existing pavement requires improvements. The resurfacing shall extend a sufficient distance beyond any cut to ensure a smooth transition and shall consist of an average of one and a half (1½) inch asphalt concrete overlay, with a minimum one inch asphalt concrete overlay.
31. Curb and Gutter: Applicant/developer shall replace any damaged curb, gutter, and sidewalk along street frontages to the satisfaction of the Public Works Director, in accordance with the Public Works Department's Standard Plans and Specifications prior to acceptance of the project.
32. Access Phasing Plan. Prior to Building or Site Improvement Permit, a fire, pedestrian, bicycle, and automobile access plan for the phasing of all four sides of Block 11 shall be approved by the Public Works Director.

Water Quality

33. 401 Certifications Conditions. The development of Block 11 and the shared street must be designed and constructed to comply with all of the conditions of the Conditional 401 Water Quality Certification for Alameda Point Stormwater Outfall Upgrades Project in the City of Alameda (Corps File No. 2014-00087S) (401 Certification Conditions) issued by the Water Board.
34. Final Stormwater Management Plan: The improvement plans shall incorporate a Final Stormwater Management Plan for Block 11 and the shared street, including all appropriate pollution prevention source control measures, permanent low impact development (LID) measures, storm water treatment controls and/or design techniques to manage the quantity and quality of storm water runoff from the project site to prevent and minimize impacts to water quality and must be consistent with the 401 Certification Conditions, the Site A Stormwater Management Plan (Site A SWMP), the preliminary stormwater management plan for Block 11 and the shared street attached to this application, the MIP and the Provision C3 requirements of the City's municipal stormwater permit. Efforts shall be taken to minimize impervious surface areas, especially directly connected impervious surface areas. Roof drains shall discharge and drain to an unpaved area wherever practicable. Design techniques may include green roofs, rainwater harvesting, vegetated swales, vegetated buffer zones, bio retention units, retention/detention basins and ponds, tree well systems, and the incorporation of pervious

surface areas and LID measures. The Improvement Plans shall provide details sufficient to ensure that the storm water 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, the MIP, the Site A SWMP, the preliminary stormwater management plan for Block 11 and the shared street, and the 401 Certification Conditions. Applicants may also refer to the Bay Area Storm water Management Agencies Association (BASMAA) *Start at the Source Manual* for technical guidance. All storm water design and treatment measures for private development pads shall be consistent with the C3 requirements and 401 Certification Conditions and be located on the development pad or an adjacent private development pad and shall not be located on property planned for public parks or public rights of way. Areas between the building and the public right of way with public access easements may be treated within the public stormwater treatment system if sized to handle the flow. The on-site drainage management areas indicated in the finalized stormwater management plans shall be reviewed for conformance with the corresponding off-site improvement plans.

35. Prior to approval of the improvement plans, the applicant shall submit a completed Special Projects Worksheet for the non-LID Storm water treatment system(s) for review and approval by the Public Works Director, and the applicant shall certify that the remaining stormwater treatment measures (not located on-site) but required to meet the Block's C-3 responsibilities, satisfies the overall storm water management requirements for the block.
36. Water Board Approval. Pursuant to Condition #15 of the 401 Certification Conditions, the applicant shall submit the proposed Site A SWMP to the Water Board's Executive Officer for review and approval prior to the issuance of a building permit or site improvement permit by the City for any construction of the Site A development, including Block 11 and the shared street. If the Water Board staff does not respond to the applicants Site A SWMP within 45 days of the received date, the plans will be deemed approved by the Executive Officer and the City may issue a building or site improvement permit if no changes have been made to the submitted Site A SWMP.
37. Other Water Board Documents: The applicant/developer shall provide to the City Engineer or his designee, prior to the issuance of the first combination building/grading permit, a copy of both the WDID# issued to the project site by Water Board and the required Storm Water Pollution Prevention Plan (SWPPP). These documents shall provide verification to the City that the project site is in compliance with SWRCB Order No. 2009-0009-DWQ. Information on this State Order is available at: <http://www.waterboards.ca.gov>.
38. Best Management Practices: The applicant/developer shall be responsible for ensuring that all contractors and sub-contractors install, implement and effectively maintain appropriate sediment control, erosion control and other water quality protection measures to prevent any pollutants from entering the municipal storm water drainage system or the Seaplane Lagoon, either directly or indirectly, during all construction activities. All implemented measures shall be consistent with the City's urban runoff Best Management

Practices (BMPs) standards. The applicant/developer shall pay for any required cleanup, testing, and/or City administrative costs resulting from consequence of construction materials entering the storm water drainage system.

39. Hydro Seeding: Hydro seeding of all disturbed pervious surface areas shall be completed in compliance with the requirements included in the State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ.
40. Storm Water Trash Capture: Prior to the issuance of the first grading/ building/ combination permit for each project phase, the Improvement Plans shall indicate the storm water trash capture measure(s) being installed on the project site (or within the backbone public system) to ensure that the stormwater drainage from the project site is subject to full trash capture consistent with the City's municipal stormwater permit definition of a full trash capture device. Improvement plan sheets shall provide sufficient plan views and details of the full trash capture device installation(s) necessary for engineering review and approval. A full trash capture system or device is any single device or series of devices that trap all particles retained by a 5mm mesh screen and has a design treatment capacity of not less than the peak flow Q resulting from a one-year, one-hour storm in the sub-drainage area. Plan sheets shall include detail and cross-sectional drawings of any stormwater full trash capture device.
41. Storm Drains: All new storm drain inlets shall be clearly marked with the words 'No Dumping! Drains to Bay' by means approved by the Public Works Department. Permanently affixed thermoplastic, metallic or plastic laminate style markers are acceptable forms. The Improvement Plans shall clearly indicate this.
42. Operations and Maintenance Plan: The Applicant/Developer shall submit a stormwater treatment measures Operations and Maintenance (O&M) plan for review and approval to the Public Works Department prior to the approval of and consistent with the improvement plans for each phase. The O&M plan shall include, but not be limited to: treatment and design measure(s) descriptions and summary inventory; a legible, recordable, reduced-scale (8.5"x11") copy(-ies) of the Site Plan indicating the treatment and design measure(s) location(s) and site drainage patterns; treatment measure(s) maintenance requirements and maintenance schedule; the approved plant list and planning plan; detailed description of the integrated pest management principals and techniques and/or Bay Friendly Landscaping Program techniques to be utilized during landscape maintenance to ensure pesticide/herbicide use-minimization in landscaped areas; name and contact information of current maintenance personnel; and template of the annual O&M report submittal to the City. The O&M plan(s) for all stormwater treatment and design measures to be maintained by any HOA or CA shall be incorporated with the CC&Rs of the relevant HOA/CA.
43. Stormwater Agreement: For any stormwater treatment or design measure not to be maintained by an HOA or CA, the Applicant/Developer shall execute a Stormwater Treatment Measures Maintenance Agreement (Stormwater Agreement) with the City prior to the issuance of the certificate of occupancy. The Stormwater Agreement shall

include, but not be limited to: the O&M plan for all approved stormwater treatment measures; identification of the party responsible for implementing the O&M plan; assurances of access to inspect and verify the treatment system O&M for the life of the project; and assurances of the submittal of the annual O&M report to the City. The executed Stormwater Agreement shall be recorded, at applicant/developer's expense, with the County Recorder's Office of the County of Alameda.

44. Landscape Plans: Landscaping plans shall be designed to minimize runoff, promote surface infiltration, incorporate Bay Friendly Landscaping approaches, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution and be consistent with the MIP, the Site A SWMP, the preliminary stormwater management plan for Block 11 and the adjacent shared street, and 401 Certification Conditions
45. Backflow Prevention: Backflow prevention devices shall be installed on all new and existing domestic, commercial, irrigation, and fire water services and as required by the East Bay Municipal Utility District (EBMUD).

Solid Waste

46. Waste Management Plan: The applicant/developer shall submit a Waste Management Plan (WMP) to the Public Works Environmental Services Division for approval. The plan shall describe how the trash and debris will be handled. The WMP shall be submitted by the developer to Environmental Services via Green Halo (greenhalosystems.com) prior to start of the demolition, remodeling, or construction work. This must be done using Green Halo's web interface. The Public Works Environmental Services Division will review the WMP, and will provide comments that shall be incorporated into the plans for the project. The project is subject to the WMP requirement of section 21-24 of the AMC, and must recycle at least 50% of total debris hauled from the project.
47. Green Halo: Within thirty (30) days after the completion of the demolition work, the developer shall submit a Summary Report to the Public Works Environmental Services Division, via Green Halo (greenhalosystems.com) or other form approved by the Public Works Director. For approval, this reporting will specify actual tonnages disposed and/or recycled for each material, and the actual destination/processor. Disposal and/or recycling weight tags from that facility or facilities will be directly uploaded to Green Halo to verify this activity.
48. Collection: Internal collection and storage area(s) and the individual bins and containers provided, shall be adequate in capacity, number, and distribution to serve the anticipated demand for trash, recycling, and organics as determined by the Public Works Department. The trash collection areas shall be accessible to residents and employees. Each storage area shall be no more than 250 feet from any dwelling unit, or in the garage. Trash enclosures and/or recycling area shall be covered; no other area shall drain onto these areas. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. The applicant shall contact

the City and East Bay Municipal Utility District (EBMUD) for specific connection and discharge requirements prior to building permit issuance. Discharges to the sanitary sewer are subject to the review, approval, and conditions of the City and EBMUD.

49. Fitted Lids: All solid waste containers, including dumpsters and individual cans or carts, must have fitted lids which shall remain closed at all times when the container is not being used

Construction Conditions

50. Traffic Control Plan: At least three weeks prior to the commencement of work within the public right-of-way that affects access for pedestrian, bicyclist, and vehicular traffic, the applicant/developer shall provide a Traffic Control Plan (TCP) to the Public Works Department for review and approval. The TCP shall be prepared by a registered civil engineer or traffic engineer licensed in the State of California, and be in accordance with the California MUTCD standards. The engineer shall sign and stamp the plans as approved. In general, any public right-of-way shall remain unobstructed during project construction or an ADA compliant alternative route established as approved by the Public Works Director. At locations where adequate alternate access cannot be provided, appropriate signs and barricades shall be installed at locations determined by the Public Works Director and Police Chief. Should transit routes be affected, applicant/developer is required to obtain prior approval from AC Transit of any proposed traffic detours or temporary closure of bus stops. Construction work may not commence until the TCP is approved by the Public Works Director.
51. Hazardous Materials. The applicant/developer shall provide documentation from a qualified professional to the City of Alameda stating that adequate soils and ground water investigations and, where warranted, remediation, have been conducted to ensure that future site use complies with the regulatory requirements for hazard related risks as established by applicable Federal, State and local requirements. The project sponsor shall ensure that all proposed areas for demolition and abatement shall be assessed by qualified licensed contractors for the potential presence of lead-based paint or coatings, asbestos containing materials, and PCB-containing equipment prior to issuance of a demolition permit. During Construction the developer/applicant shall ensure that all construction crews are properly trained and made aware of any site contamination issues consistent with the Alameda Point Site Management Plan (SMP) and MMRP.
52. Truck Plan: Prior to issuance of grading permit, developer/applicant shall submit a Truck Route Plan for hauling to be approved by the City Engineer. The Plan must be incorporated into any construction documents for every contract.
53. Notice to Neighbors: At least two weeks prior to initiating any construction activities at the site, the applicant shall provide notice to businesses and residents within 500 feet of the project site including (1) project description, (2) description of construction activities, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name and phone number of the Noise Management Individual for the project, (5)

commitment to notify neighbors at least four days in advance of authorized extended work hours and the reason for extended hours, and (6) that construction work is about to commence. A copy of such notice and methodology for distributing the notice shall be provided to the City for review and approval at least five (5) business days in advance.

54. Construction Hours: Construction activity shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Friday, and between 8:00 a.m. and 5:00 pm on Saturday. No construction-related activity shall occur on Sunday or on any Federal Holiday. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment re-design, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) wherever feasible and necessary. No construction activity that may cause excessive off-site vibration from heavy machinery such as drilling rigs (except as necessary for elevator, shoring, and soil testing), etc. shall be allowed. Impact tools (e.g., jack hammers, pavement breakers and noise drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to 10dB. External jackets on the tools themselves shall be used where feasible. Quieter procedures shall be used such as drilling rather than impact equipment whenever feasible.
55. Dust Control: Prior to issuance of building or grading permits, the developer/applicant shall ensure that a program of dust control is implemented consistent with City, MMRP and BAAQMD requirements.
56. Cultural Resources: In the event that previously unidentified cultural resources are discovered during site preparation or construction, work shall cease in the immediate area until such time as a qualified archaeologist and City of Alameda personnel can assess the significance of the find. If human remains are encountered, work shall halt within 50 feet of the find and the County Coroner shall be notified immediately.
57. Utilities: If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department, Alameda Municipal Power, and the Community Development Department, and carry out any necessary corrective action to their satisfaction.

Fire Safety

58. Fire Access: All streets and courts within the development that are required to be fire access roads, shall be marked as fire access roads to the satisfaction of the Fire Chief. All roads that are required to be fire access roads shall be designed to handle fire apparatus weight of up to 35,000 pounds per axle. Parking shall be prohibited within the streets and alleys that are dedicated as fire lanes. CC&R's shall include an enforcement mechanism.

Alameda Municipal Power (AMP)

59. The applicant shall comply to AMP's Rules and Regulations as stated in Article X and AMP's "Material and Installation Criteria for Underground Electrical Systems" (both available at www.alamedamp.com) and provide completed "Service Planning Sheets" for AMP's review prior to submitting plans for building permits.
60. The applicant shall provide information on the location of transformers and total load in kilowatts or kilowatt/volts (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.
61. Concurrent with submittal of Improvement Plans, the Applicant shall coordinate with 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.
62. The Applicant shall provide and install street lighting consistent with AMP's standard specifications and AMP's "Material and Installation Criteria for Underground Electrical Systems". Cobra head light fixtures shall not be used for street lights and all street lights shall be designed to preserve "dark skies" and direct light downward toward the public right of way. No signs shall be installed or mounted on street light poles owned and/or maintained by AMP. All new signs shall be installed on dedicated sign posts.
63. Applicant/Developer shall have all streetlights included in the Improvement Plans, installed, fully functional and operating prior to issuance of a Certificate of Occupancy for any building unless a phasing plan is approved by the Director of Public Works. Applicant/Developer shall pay to AMP the sum of Six Dollars (\$6.00 as adjusted no more than annually for inflation) per streetlight per month, or portion of a month, for the streetlight energy costs until the applicable improvements are accepted for maintenance by City.
64. The Applicant shall be required to furnish two streetlight poles and LED fixtures of each type installed, at no cost, to AMP as a stock for future pole/fixture replacement on public street. If AMP agrees to maintain private streetlights, the Applicant/Developer shall also be required to furnish two additional streetlight assemblies (e.g. pole, fixture, arm, shroud, etc) of each type.
65. All public streets shall be lit with LED lighting. Streetlight layout shall be staggered for a more uniform light distribution. Applicant/Developer can provide alternate design if a better efficient light distribution is met. Applicant/Developer shall use AMP LED standard fixtures. LED streetlight fixtures shall offer tri-level lighting with the mid-level setting meeting IES RP-8-14.

66. 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. Existing Alameda Point electric substructures will NOT be re-used.
67. The Applicant shall provide an easement for electric utility vehicle access to AMP's Cartwright Station. The easement shall encompass the entire perimeter of the substation, including buildings and exterior yards with a 25-foot minimum clearance from any structure (above or below grade), wall and fence. Applicant shall avoid planting any trees that will grow in fullness to the point they may encroach into the perimeter easement.
68. The Applicant/Developer 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 Project Engineer in writing.
69. Applicant/Developer will be required to provide an oil containment facility for all AMP owned pad-mount distribution switches and/or transformers installed within 100-feet of any body of water or in other critical locations. Applicant/Contractor shall contact AMP to verify all dimensions, elevations, and orientation before commencing work.
70. The Applicant shall furnish and install code-size service cables in code-size conduit from each customer electric meter switchgear 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.
71. The improvement plans and all subdivision maps shall show all necessary easements and access to all electrical utility facilities that are in the private properties, at no charge to AMP.
72. 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.
73. 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 under grounding 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.

74. The Applicant/developer 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.

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

HOLD HARMLESS. The applicant shall defend (with counsel reasonably 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 Community Development 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.

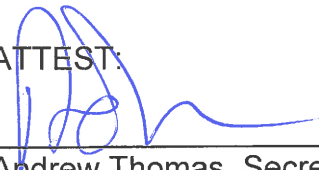
The decision of the Planning Board shall be final unless appealed to the City Council, in writing and within ten (10) days of the decision, by filing with the Community Development Department a written notice of appeal stating the basis of appeal and paying the required fees.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 14th day of March, 2016, by the following vote to wit:

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AYES: (5) Knox White, Köster, Henneberry, Sullivan and Zuppan
NOES: (0)
ABSENT: (1) Mitchell
RECUSE: (1) Burton

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

* * * * *

CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-16-06

APPROVING DESIGN REVIEW (PLN 16-0036) FOR THE PHASE 1 WATERFRONT
PARK WITHIN THE SITE A DEVELOPMENT PLAN IN THE WATERFRONT TOWN
CENTER PLAN AREA AT ALAMEDA POINT

WHEREAS, an application was made on January 21, 2016 by Alameda Point Partners (APP), for a design review approval of Phase 1 of the waterfront park within the approved Site A Development Plan in the Waterfront Town Center Precise Plan (Town Center Plan) area of the Alameda Point property; and

WHEREAS, the proposed plan for Phase 1 of the waterfront park consists of 2.63-acre waterfront park along the northern edge of the Seaplane Lagoon, including expensive shoreline and flood protection improvements (Phase 1 Waterfront Park); and

WHEREAS, the Phase 1 Waterfront Park represents the first phase of a larger 7.2-acre waterfront park along the northern edge of the Seaplane Lagoon and is designed to meet the community's design objectives established by the Alameda community through the Community Reuse Plan, the General Plan, the Town Center Plan, the Site A Development Plan, and the cultural landscape guidelines for the Naval Air Station Alameda Historic District (Historic District);

WHEREAS, the Phase 1 Waterfront Park is designated as Mixed Use in the General Plan; and

WHEREAS, the Phase 1 Waterfront Park is located within the Alameda Point Waterfront Town Center Sub-district (WTC Sub-district); which is in the Alameda Point District [Alameda Municipal Code (AMC) 30-4.24] of the Zoning Ordinance and

WHEREAS, the Town Center Plan is a Specific Plan pursuant to Government Code Section 65450 et seq. for a transit-oriented development of the waterfront lands that surround the Seaplane Lagoon and the property at the entrance of Alameda Point between Main Street and Seaplane Lagoon;

WHEREAS, the Phase 1 Waterfront Park is located within the Site A Development plan approved by the City Council on June 16, 2015;

WHEREAS, the Town Center Plan and the Site A Development Plan requires that the Planning Board approve a Design Review application prior to redevelopment and reuse of the Phase 1 Waterfront Park;

WHEREAS, the Planning Board held a public hearing on January 11, 2015, February 22, 2016, and on March 14, 2016 for this Design Review application, and examined pertinent maps, drawings, and documents;

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NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds that the following findings can be made in support of the Design Review approval:
DESIGN REVIEW FINDINGS:

1. **The proposed design is consistent with the General Plan, Zoning Ordinance, Town Center Plan, approved Site A Development Plan, and the City of Alameda Design Review Manual.** The proposed design of a waterfront park along the northern edge of the Seaplane Lagoon at the heart of the commercial center and at the terminus of a major transit corridor within Alameda Point's "town center" creates a community-wide amenity for existing and future residents and employees at Alameda Point and throughout the City of Alameda, and supports a transit-and pedestrian-oriented mixed-use living environment consistent with the General Plan, Zoning Ordinance, Town Center Plan and Site A Development Plan.
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 proposed design of the Phase 1 Waterfront Park is compatible with the adjacent Seaplane Lagoon; the future phases of Waterfront Park contemplated in the Site A Development Plan and the Town Center Plan; the "shared plaza" in front of Block 11 and the proposed development on Block 11. The urban character and hardscape promenade proposed for the design of the Phase 1 Waterfront Park and the adjacent shared waterfront street to the east provide a transition between the urban fabric of Block 11 and the rest of Alameda Point to the east and the more natural and passive environment planned for the future phases of waterfront park along the Seaplane Lagoon to the west.

The Phase 1 Waterfront Park is also designed to provide a variety of public spaces for passive recreation and opportunities for the public to enjoy the waterfront location and special events, and appreciate the views of the San Francisco skyline and the historic row of Seaplane Hangar buildings at the entrance to the Historic District, along the northern edge of the Seaplane Lagoon.

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 design of the Phase 1 Waterfront Park is compatible with the existing buildings and cultural landscape within the Historic District and the adjacent Site A development. The design of the Phase 1 Waterfront Park pays homage and respect to the historic cultural landscape elements of the former NAS Alameda by engraving a timeline along the major east west gathering area into the concrete to remind and educate the public about the history of the site and the Historic District, and by minimizing tree plantings and planted areas to preserve the flat, "openness" of the historic taxiways consistent with the Historic District guidelines. The Phase 1 Waterfront Park will provide a landscape

transition between the Historic District to the west and the non-historic portions of Alameda Point and Site A to the east.

While the Phase 1 Waterfront Park design addresses flood protection and sea-level rise, it also maintains the "horizontality" of the space and minimizes the use of walls in order to respect the cultural landscape guidelines for the Historic District. Additionally, the sea level rise strategy is designed around a series of short terraces spread over a larger space to minimize the impression of changes in elevation. This approach also allows for the preservation of the existing bulkhead, which is a character defining feature of the Historic District.

BE IT FURTHER RESOLVED that the Planning Board finds that the Alameda Point Project, including the Town Center Plan containing Site A, was adequately considered by FEIR, and that:

1. By Resolution No. 14891 the City Council of the City of Alameda certified the Final Alameda Point Environmental Impact Report (FEIR) (State Clearinghouse No. 201312043) under the California Environmental Quality Act ("CEQA"), California Public Resources Code Section 21000 *et seq.* and adopted written findings and a Mitigation Monitoring and Reporting Program ("MMRP") on February 4, 2014, for the Alameda Point Project, including the Town Center Plan area which contains Site A; and
2. The City Council having certified the FEIR for the Alameda Point Project and the Town Center Plan containing the Phase 1 Waterfront Park, based on substantial evidence, that no further review under CEQA is required; and
3. The Phase 1 Waterfront Park landscape design is consistent with the General Plan, Zoning Ordinance, Town Center Plan, and Site A Development Plan; and
4. The FEIR was certified by the City Council for the Alameda Point Project, including amendments to the General Plan and Zoning Ordinance, as well as the Town Center Plan; and
5. There are no environmental impacts peculiar to the Phase 1 Waterfront Park that were not analyzed in the FEIR, or any such impact can be substantially mitigated by imposition of uniformly applied development policies or standards previously adopted by the City; and
6. There are no significant effects of the Phase 1 Waterfront Park project that were not analyzed as significant effects in the FEIR; and
7. There are no potentially significant off-site impacts of the Phase 1 Waterfront Park project and there are no cumulative impacts to which the Phase 1

Waterfront Park project makes a considerable contribution which were not discussed in the FEIR; and

8. There are no previously identified significant impacts of the Phase 1 Waterfront Park which, as a result of substantial new information which was not known at the time the EIR was certified, have been determined to have a more severe adverse impact than discussed in the FEIR.

BE IT FURTHER RESOLVED, that pursuant to the streamlining provisions of Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183, no further environmental review of the design review application is required;

BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby approves Design Review PLN 16-0036, subject to the following conditions:

1. Building and Site Improvement Permit Plans: The plans submitted for Building and Site Improvement Permits shall be in substantial compliance with the plans prepared by April Philips Design Works dated February 22, 2016, on file in the office of the City of Alameda Community Development Department.
2. CEQA: Prior to issuance of a building or site improvement permit, the applicant shall submit a Mitigation Measure Compliance Checklist confirming compliance with all required environmental mitigation measures 4.C-1, 4.D-1c, -4.D-2, 4.D-3, 4.D-4, 4.E-1b, 4.E-2c, 4.E-4b, 4.E-4f, 4.F-1a, 4.F-1b, 4.F-1c, 4.F-1d, 4.F-2, 4.G-1a, 4.G-1b, 4.G-1c, 4.G-1d, 4.G-4, 4.H-1, 4.H-2, 4.H-3, 4.H-4, 4.H-5, 4.I-1, 4.I-2, 4.I-8, 4.J-1a, 4.J-1b, 4.J-1c, 4.J-1d, 4.J-1e, 4.J-2, 4.J-7, 4.K-4, 4.M-5 contained in the MMRP adopted by the Alameda City Council on February 4, 2014, for the redevelopment and reuse of Alameda Point, including the Phase 1 Waterfront Park within Site A.
3. Subdivision Maps: Prior to issuance of building permits for new construction or approval of the infrastructure improvement plans, the applicant shall submit a Tentative Subdivision Map or Tentative Parcel Map for the Phase 1 Waterfront Park consistent with the Site A Development Plan for review and approval by the Planning Board and City Council. Such map shall be consistent with the Development Plan and the DDA, and subject to the requirements of the AMC, and Alameda Point Master Infrastructure Plan (MIP), and such maps shall provide the dimensions of all proposed rights of way, public open space, and development parcels and include the proposed site grading, drainage improvements and utility and infrastructure phasing.
4. Design Development Submittals: Prior to issuance of a building permit or site improvement permit for any portion of the Phase 1 Waterfront Park, the applicant shall submit the following materials for Planning Board review and approval:
 - Final design details for park lighting, directional and Bay Trail signs, tree selections, plant materials, fixtures, and furnishings, including water fountains and trash enclosures consistent with the MMRP. The submittal must be consistent with Alameda

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Municipal Power and Recreation and Park Department standards, and demonstrate how the lighting, plant palette, fixtures, and furnishings will be resilient to flooding and sea-level rise, and skateboards.

- Final design details for the “Pavilion” and the “Sunset Platform” proposed within the “Overlook” area.
- Final design details for the bulkhead edge adjacent to the water. The submittal will provide a variety of alternative designs and a recommended design to ensure a safe environment along the promenade for children and site impaired visitors. At least one alternative shall include an attractive railing design with examples of different potential railing designs.
- Final plans for the sea level rise adaptive management strategy or changes to the plans that may have arisen as the result of any final conditions imposed by the Bay Conservation and Development Commission permit for the improvements. The plans shall be included in the Building Permit plans and shall show how the Phase 1 Waterfront Park sea level rise protection zone will be constructed at a minimum elevation of 24 inches above the 100-year tidal flood plan elevation (currently at 3.6) consistent with the design review approval and how the plan may be adapted at a future date to address increases in sea level rise above 24 inches, and any modifications required to the park design as a result of the future adaptive management strategies.

5. Public Art Approval. Prior to issuance of a building permit or site improvement permit for any portion of the Phase 1 Waterfront Park, the applicant must obtain approval from the Public Art Commission of the public art planned for the “Taxiway” area of the Phase 1 Waterfront Park.
6. Subsequent Design Review Approvals. New buildings associated with the “Future Development Pads” shown in the “Taxiway” area and any modifications to enclose the “Pavilion” in the “Overlook” area will be subject to future design review approval by the Planning Board.
7. Sustainable Design: Prior to issuance of a building permit, the applicant shall submit a checklist showing that the project meets either: a minimum LEED™ Certified rating and be so certified by the US Green Building Council or a minimum GreenPoint Rated score of fifty (50) and be so verified by Build It Green.
8. Sea Level Rise: The Building Permit submittal shall include a description of the flood and sea-level rise protection improvements to be constructed at a minimum elevation of 24 inches above the 100-year tidal flood plan elevation (currently at 3.6) consistent with the design review approval.
9. Naval Air Station Alameda Historic District Certificate of Approval: Prior to issuance of a building permit or site improvement permit for any portion of the Phase 1 Waterfront Park, the applicant shall submit all final proposed changes to the cultural landscape to the Historical Advisory Board for review and approval. All building plans and site improvement plans submitted for permits within the Historic District shall be reviewed for compliance with the Historic District and Cultural Landscape Guidelines, the Secretary of

Interior Standards for the Rehabilitation of Historic Structures, and AMC Section 13-21 Preservation of Historical and Cultural Resources by the City of Alameda Historical Advisory Board.

10. Public Trust Exchange Act and Agreements: All use of land within the Phase 1 Waterfront Park on Public Trust Lands shall be subject to the public trust for commerce, navigation and fisheries and shall be reviewed for consistency with the Naval Air Station Alameda Public Trust Exchange Act, Chapter 734, Statutes of 2000, as amended by Chapter 429, Statutes of 2011 and the Naval Air Station Alameda Exchange Agreement regarding Public Trust Lands at Alameda Point.
11. Modifications: Minor project design details requested by the applicant may be established, modified, and approved by the Community Development Director. Engineering standards and specifications requested by the applicant may be established, modified and approved by the Public Works Director, or his 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.
12. Other Agency Approvals: Prior to issuance of building permit(s) for work within jurisdictional lands, the applicant shall provide evidence that all required approvals, permits, or waivers from Bay Conservation and Development Commission (BCDC), Regional Water Quality Control Board (Water Board), and/or the Army Corp. of Engineers, if any, have been obtained. The final improvement plans shall incorporate all other agency requirements.

Biological

13. Biological Regulations: Applicant shall notify all future property owners or occupants of the Declaration of Restrictions for the Former Naval Air Station Alameda (Declaration) consistent with the Biological Opinion issued by the U.S. Department of Fish and Wildlife Service (Service) and thereafter the Declaration shall be incorporated by reference in all deeds and leases of any portion of the Phase 1 Waterfront Park.
14. Feral Cat Feeding Stations. Feral cat feeding stations and colonies, and the feeding of any native and non-native wildlife species that are potential predators of least terns is prohibited in perpetuity and thereafter this prohibition shall be incorporated in all deeds and leases of any portion of the Phase 1 Waterfront Park.
15. Fireworks Displays. Fireworks displays will not be authorized from April 1 to August 15 and thereafter this prohibition shall be incorporated in all deeds and leases of any portion of the Phase 1 Waterfront Park.
16. Lighting: Pedestrian and vehicular lighting at all intersections and project driveways shall meet Alameda Municipal Power standards for crosswalks, sidewalks, and intersections and be consistent with the Declaration and Alameda Point Lighting Mitigation Measures.

17. Service Review of Stormwater Plans. All stormwater management and monitoring plans for the Phase 1 Waterfront Park shall be developed in coordination with the Service and implemented in perpetuity to protect open water foraging areas for the endangered California Least Tern. The plans shall be reviewed and approved by the Service prior to development of the project.

Improvement Plans

18. Landscape Plans: The improvement plans shall include landscape and irrigation plans for both on-site and off-site improvements consistent with the Town Center Plan and MIP, including shoreline flood and sea-level rise protection improvements, as required by the MIP and DDA. The plans shall be prepared, signed, and stamped by a licensed landscape architect and civil engineer for flood and sea-level rise protection improvements and shall be in accordance with the AMC and other regional jurisdictional requirements. The landscape architect shall also assume responsibility for review of the work and shall provide a Letter of Acceptance of construction conformance to the City, prior to acceptance of the work, that the installation of landscaping and irrigation in the public right-of-way was constructed in accordance with the approved plans.
19. Fire Water: The improvement plans for the project site shall include a Fire Water System consistent with the MIP. The system shall be designed to the satisfaction of EBMUD and the Alameda Fire Department. The Applicant shall be responsible for the placement of on-site hydrants. The location and number of hydrants shall be established in improvements plans. Placement shall be shown on the improvement plans and shall be to the satisfaction EBMUD, the City Fire Chief and the City Engineer.
20. Fire Sprinklers: The improvement plans and building permit plans shall include fire sprinkler systems within each commercial space.
21. Fire Safety: 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. Ensure sufficient fire flow for the development compliant with California Fire Code Appendix B and AMC 15-1.2 where a maximum reduction of the fire flow can be reduced by 50% for fire sprinklered buildings.
 - b. Fire hydrant flows shall be a minimum of 1,500 G.P.M. from any one hydrant;
 - c. Provide adequate turn around space or acceptable emergency vehicle through access for any street greater than 150 feet in length;
 - d. Ensure that all roads that are required to be fire access roads have an adequate turning radii for fire apparatus (inside turning radius of 28" and outside turning radius of 44'8"); and
 - e. For all roads designated as fire access roads shall have a minimum fire lane width of 26' unobstructed for buildings taller than 30'. Should parking within the fire lane be required, the fire lane width shall be increased as required to meet fire access requirements.

22. Utilities: The improvement plans shall include facilities and improvements to ensure that utility services are maintained for existing users throughout the construction process and the access to such service for maintenance purposes is preserved throughout the construction process for new utilities.
23. Geotechnical Report: A geotechnical report, including recommendations, shall be prepared by a registered geotechnical engineer licensed in the State of California. The improvement plans shall incorporate all geotechnical recommendations in the report and be consistent with the MIP and DDA. The geotechnical engineer shall sign and stamp the improvement plans as conforming to its recommendations. The geotechnical engineer shall also assume responsibility for inspection of the work and shall certify to the City, prior to acceptance of the work that the work performed is adequate and complies with their recommendations.

Public Improvements

24. Funding and Maintenance Agreement. Prior to issuance of a building permit or site improvement permit for any portion of the Phase 1 Waterfront Park, the applicant must have entered into a funding and maintenance agreement with the City of Alameda for the private funding and maintenance of the Phase 1 Waterfront Park, including performance standards, consistent with the plan contained in the design review approval.
25. Street Resurfacing: Applicant/developer shall resurface the existing street pavement whenever a street is cut for utility or other improvement installations or the condition of the existing pavement requires improvements. The resurfacing shall extend a sufficient distance beyond any cut to ensure a smooth transition and shall consist of an average of one and a half (1½) inch asphalt concrete overlay, with a minimum one inch asphalt concrete overlay.
26. Curb and Gutter: Applicant/developer shall replace any damaged curb, gutter, and sidewalk along street frontages to the satisfaction of the Public Works Director, in accordance with the Public Works Department's Standard Plans and Specifications prior to acceptance of the project.
27. Access Phasing Plan. Prior to Building or Site Improvement Permit, a fire, pedestrian, bicycle, and automobile access plan for the phasing of all four sides of the Phase 1 Waterfront Park shall be approved by the Public Works Director.

Water Quality

28. 401 Certifications Conditions. The development of the Phase 1 Waterfront Park must be designed and constructed to comply with all of the conditions of the Conditional 401 Water Quality Certification for Alameda Point Stormwater Outfall Upgrades Project in the City of Alameda (Corps File No. 2014-00087S) (401 Certification Conditions) issued by the Water Board.
29. Final Stormwater Management Plan: The improvement plans shall incorporate a Final

Stormwater Management Plan for the Phase 1 Waterfront Park, including all appropriate pollution prevention source control measures, permanent low impact development (LID) measures, storm water treatment controls and/or design techniques to manage the quantity and quality of storm water runoff from the project site to prevent and minimize impacts to water quality and must be consistent with the 401 Certification Conditions, the Site A Stormwater Management Plan (Site A SWMP), the preliminary stormwater management plan for the Phase 1 Waterfront Park attached to this application, the MIP and the Provision C3 requirements of the City's municipal stormwater permit. Efforts shall be taken to minimize impervious surface areas, especially directly connected impervious surface areas. Roof drains shall discharge and drain to an unpaved area wherever practicable. Design techniques may include green roofs, rainwater harvesting, vegetated swales, vegetated buffer zones, bio retention units, retention/detention basins and ponds, tree well systems, and the incorporation of pervious surface areas and LID measures. The Improvement Plans shall provide details sufficient to ensure that the storm water 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, the MIP, the Site A SWMP, the preliminary stormwater management plan for the Phase 1 Waterfront Park, and the 401 Certification Conditions. Applicants may also refer to the Bay Area Storm water Management Agencies Association (BASMAA) *Start at the Source Manual* for technical guidance. All storm water design and treatment measures for private development pads shall be consistent with the C3 requirements and 401 Certification Conditions and be located on the development pad or an adjacent private development pad and shall not be located on property planned for public parks or public rights of way.

30. Water Board Approval. Pursuant to Condition #15 of the 401 Certification Conditions, the applicant shall submit the proposed Site A SWMP to the Water Board's Executive Officer for review and approval prior to the issuance of a building permit or site improvement permit by the City for any construction of the Site A development, including the Phase 1 Waterfront Park. If the Water Board staff does not respond to the applicants Site A SWMP within 45 days of the received date, the plans will be deemed approved by the Executive Officer and the City may issue a building or site improvement permit if no changes have been made to the submitted Site A SWMP.
31. Other Water Board Documents: The applicant/developer shall provide to the City Engineer or his designee, prior to the issuance of the first combination building/grading permit, a copy of both the WDID# issued to the project site by Water Board and the required Storm Water Pollution Prevention Plan (SWPPP). These documents shall provide verification to the City that the project site is in compliance with SWRCB Order No. 2009-0009-DWQ. Information on this State Order is available at: <http://www.waterboards.ca.gov>.
32. Best Management Practices: The applicant/developer shall be responsible for ensuring that all contractors and sub-contractors install, implement and effectively maintain appropriate sediment control, erosion control and other water quality protection measures to prevent any pollutants from entering the municipal storm water drainage system or the Seaplane Lagoon, either directly or indirectly, during all construction activities. All

implemented measures shall be consistent with the City's urban runoff Best Management Practices (BMPs) standards. The applicant/developer shall pay for any required cleanup, testing, and/or City administrative costs resulting from consequence of construction materials entering the storm water drainage system.

33. Hydro Seeding: Hydro seeding of all disturbed pervious surface areas shall be completed in compliance with the requirements included in the State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ.
34. Storm Water Trash Capture: Prior to the issuance of the first grading/building/combination permit for each project phase, the Improvement Plans shall indicate the storm water trash capture measure(s) being installed on the project site to ensure that the stormwater drainage from the project site is subject to full trash capture consistent with the City's municipal stormwater permit definition of a full trash capture device. Improvement plan sheets shall provide sufficient plan views and details of the full trash capture device installation(s) necessary for engineering review and approval. A full trash capture system or device is any single device or series of devices that trap all particles retained by a 5mm mesh screen and has a design treatment capacity of not less than the peak flow Q resulting from a one-year, one-hour storm in the sub-drainage area. Plan sheets shall include detail and cross-sectional drawings of any stormwater full trash capture device.
35. Storm Drains: All new storm drain inlets shall be clearly marked with the words 'No Dumping! Drains to Bay' by means approved by the Public Works Department. Permanently affixed thermoplastic, metallic or plastic laminate style markers are acceptable forms. The Improvement Plans shall clearly indicate this.
36. Operations and Maintenance Plan: The Applicant/Developer shall submit a stormwater treatment measures Operations and Maintenance (O&M) plan for review and approval to the Public Works Department prior to the approval of and consistent with the improvement plans for each phase. The O&M plan shall include, but not be limited to: treatment and design measure(s) descriptions and summary inventory; a legible, recordable, reduced-scale (8.5"x11") copy(-ies) of the Site Plan indicating the treatment and design measure(s) location(s) and site drainage patterns; treatment measure(s) maintenance requirements and maintenance schedule; the approved plant list and planning plan; detailed description of the integrated pest management principals and techniques and/or Bay Friendly Landscaping Program techniques to be utilized during landscape maintenance to ensure pesticide/herbicide use-minimization in landscaped areas; name and contact information of current maintenance personnel; and template of the annual O&M report submittal to the City. The O&M plan(s) for all stormwater treatment and design measures to be maintained by any HOA or CA shall be incorporated with the CC&Rs of the relevant HOA/CA.
37. Stormwater Agreement: For any stormwater treatment or design measure not to be maintained by an HOA or CA, the Applicant/Developer shall execute a Stormwater Treatment Measures Maintenance Agreement (Stormwater Agreement) with the City

prior to the issuance of the certificate of occupancy. The Stormwater Agreement shall include, but not be limited to: the O&M plan for all approved stormwater treatment measures; identification of the party responsible for implementing the O&M plan; assurances of access to inspect and verify the treatment system O&M for the life of the project; and assurances of the submittal of the annual O&M report to the City. The executed Stormwater Agreement shall be recorded, at applicant/developer's expense, with the County Recorder's Office of the County of Alameda.

38. Landscape Plans: Landscaping plans shall be designed to minimize runoff, promote surface infiltration, incorporate Bay Friendly Landscaping approaches, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution and be consistent with the MIP, the Site A SWMP, the preliminary stormwater management plan for the Phase 1 Waterfront Park, and 401 Certification Conditions
39. Backflow Prevention: Backflow prevention devices shall be installed on all new and existing domestic, commercial, irrigation, and fire water services and as required by the East Bay Municipal Utility District (EBMUD).

Solid Waste

40. Waste Management Plan: The applicant/developer shall submit a Waste Management Plan (WMP) to the Public Works Environmental Services Division for approval. The plan shall describe how the trash and debris will be handled. The WMP shall be submitted by the developer to Environmental Services via Green Halo (greenhalosystems.com) prior to start of the demolition, remodeling, or construction work. This must be done using Green Halo's web interface. The Public Works Environmental Services Division will review the WMP, and will provide comments that shall be incorporated into the plans for the project. The project is subject to the WMP requirement of section 21-24 of the AMC, and must recycle at least 50% of total debris hauled from the project.
41. Green Halo: Within thirty (30) days after the completion of the demolition work, the developer shall submit a Summary Report to the Public Works Environmental Services Division, via Green Halo (greenhalosystems.com) or other form approved by the Public Works Director. For approval, this reporting will specify actual tonnages disposed and/or recycled for each material, and the actual destination/processor. Disposal and/or recycling weight tags from that facility or facilities will be directly uploaded to Green Halo to verify this activity.
42. Collection: Internal collection and storage area(s) and the individual bins and containers provided, shall be adequate in capacity, number, and distribution to serve the anticipated demand for trash, recycling, and organics as determined by the Public Works Department. The trash collection areas shall be accessible to residents and employees. Each storage area shall be no more than 250 feet from any dwelling unit, or in the garage. Trash enclosures and/or recycling area shall be covered; no other area shall drain onto these areas. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. The applicant shall contact

the City and East Bay Municipal Utility District (EBMUD) for specific connection and discharge requirements prior to building permit issuance. Discharges to the sanitary sewer are subject to the review, approval, and conditions of the City and EBMUD.

43. Fitted Lids: All solid waste containers, including dumpsters and individual cans or carts, must have fitted lids which shall remain closed at all times when the container is not being used

Construction Conditions

44. Traffic Control Plan: At least three weeks prior to the commencement of work within the public right-of-way that affects access for pedestrian, bicyclist, and vehicular traffic, the applicant/developer shall provide a Traffic Control Plan (TCP) to the Public Works Department for review and approval. The TCP shall be prepared by a registered civil engineer or traffic engineer licensed in the State of California, and be in accordance with the California MUTCD standards. The engineer shall sign and stamp the plans as approved. In general, any public right-of-way shall remain unobstructed during project construction or an ADA compliant alternative route established as approved by the Public Works Director. At locations where adequate alternate access cannot be provided, appropriate signs and barricades shall be installed at locations determined by the Public Works Director and Police Chief. Should transit routes be affected, applicant/developer is required to obtain prior approval from AC Transit of any proposed traffic detours or temporary closure of bus stops. Construction work may not commence until the TCP is approved by the Public Works Director.
45. Hazardous Materials. The applicant/developer shall provide documentation from a qualified professional to the City of Alameda stating that adequate soils and ground water investigations and, where warranted, remediation, have been conducted to ensure that future site use complies with the regulatory requirements for hazard related risks as established by applicable Federal, State and local requirements. The project sponsor shall ensure that all proposed areas for demolition and abatement shall be assessed by qualified licensed contractors for the potential presence of lead-based paint or coatings, asbestos containing materials, and PCB-containing equipment prior to issuance of a demolition permit. During Construction the developer/applicant shall ensure that all construction crews are properly trained and made aware of any site contamination issues consistent with the Alameda Point Site Management Plan (SMP) and MMRP.
46. Truck Plan: Prior to issuance of grading permit, developer/applicant shall submit a Truck Route Plan for hauling to be approved by the City Engineer. The Plan must be incorporated into any construction documents for every contract.
47. Notice to Neighbors: At least two weeks prior to initiating any construction activities at the site, the applicant shall provide notice to businesses and residents within 500 feet of the project site including (1) project description, (2) description of construction activities, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name and phone number of the Noise Management Individual for the project, (5)

commitment to notify neighbors at least four days in advance of authorized extended work hours and the reason for extended hours, and (6) that construction work is about to commence. A copy of such notice and methodology for distributing the notice shall be provided to the City for review and approval at least five (5) business days in advance.

48. Construction Hours: Construction activity shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Friday, and between 8:00 a.m. and 5:00 pm on Saturday. No construction-related activity shall occur on Sunday or on any Federal Holiday. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment re-design, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) wherever feasible and necessary. No construction activity that may cause excessive off-site vibration from heavy machinery such as drilling rigs (except as necessary for elevator, shoring, and soil testing), etc. shall be allowed. Impact tools (e.g., jack hammers, pavement breakers and noise drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to 10dB. External jackets on the tools themselves shall be used where feasible. Quieter procedures shall be used such as drilling rather than impact equipment whenever feasible.
49. Dust Control: Prior to issuance of building or grading permits, the developer/applicant shall ensure that a program of dust control is implemented consistent with City, MMRP and BAAQMD requirements.
50. Cultural Resources: In the event that previously unidentified cultural resources are discovered during site preparation or construction, work shall cease in the immediate area until such time as a qualified archaeologist and City of Alameda personnel can assess the significance of the find. If human remains are encountered, work shall halt within 50 feet of the find and the County Coroner shall be notified immediately.
51. Utilities: If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department, Alameda Municipal Power, and the Community Development Department, and carry out any necessary corrective action to their satisfaction.

Fire Safety

52. Fire Access: All streets and courts within the development that are required to be fire access roads, shall be marked as fire access roads to the satisfaction of the Fire Chief. All roads that are required to be fire access roads shall be designed to handle fire apparatus weight of up to 35,000 pounds per axle. Parking shall be prohibited within the streets and alleys that are dedicated as fire lanes. CC&R's shall include an enforcement mechanism.

Alameda Municipal Power (AMP)

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Planning Board Meeting

53. The applicant shall comply to AMP's Rules and Regulations as stated in Article X and AMP's "Material and Installation Criteria for Underground Electrical Systems" (both available at www.alamedamp.com) and provide completed "Service Planning Sheets" for AMP's review prior to submitting plans for building permits.
54. The applicant shall provide information on the location of transformers and total load in kilowatts or kilowatt/volts (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.
55. Concurrent with submittal of Improvement Plans, the Applicant shall coordinate with 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.
56. The Applicant shall provide and install street lighting consistent with AMP's standard specifications and AMP's "Material and Installation Criteria for Underground Electrical Systems". All street lights shall be designed to preserve "dark skies" and direct light downward toward the public right of way. No signs shall be installed or mounted on street light poles owned and/or maintained by AMP. All new signs shall be installed on dedicated sign posts.
57. Applicant/Developer shall have all streetlights included in the Improvement Plans, installed, fully functional and operating prior to issuance of a Certificate of Occupancy for any building unless a phasing plan is approved by the Director of Public Works. Applicant/Developer shall pay to AMP the sum of Six Dollars (\$6.00 as adjusted no more than annually for inflation) per streetlight per month, or portion of a month, for the streetlight energy costs until the applicable improvements are accepted for maintenance by City.
58. The Applicant shall be required to furnish two streetlight poles and LED fixtures of each type installed, at no cost, to AMP as a stock for future pole/fixture replacement on public street. If AMP agrees to maintain private streetlights, the Applicant/Developer shall also be required to furnish two additional streetlight assemblies (e.g. pole, fixture, arm, shroud, etc) of each type.
59. All public streets shall be lit with LED lighting. Streetlight layout shall be staggered for a more uniform light distribution. Applicant/Developer can provide alternate design if a better efficient light distribution is met. Applicant/Developer shall use AMP LED standard fixtures. LED streetlight fixtures shall offer tri-level lighting with the mid-level setting meeting IES RP-8-14.
60. 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. Existing Alameda Point electric substructures will NOT be re-used.

61. The Applicant shall provide an easement for electric utility vehicle access to AMP's Cartwright Station. The easement shall encompass the entire perimeter of the substation, including buildings and exterior yards with a 25-foot minimum clearance from any structure (above or below grade), wall and fence. Applicant shall avoid planting any trees that will grow in fullness to the point they may encroach into the perimeter easement.
62. The Applicant/Developer 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 Project Engineer in writing.
63. Applicant/Developer will be required to provide an oil containment facility for all AMP owned pad-mount distribution switches and/or transformers installed within 100-feet of any body of water or in other critical locations. Applicant/Contractor shall contact AMP to verify all dimensions, elevations, and orientation before commencing work.
64. The Applicant shall furnish and install code-size service cables in code-size conduit from each customer electric meter switchgear 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.
65. The improvement plans and all subdivision maps shall show all necessary easements and access to all electrical utility facilities that are in the private properties, at no charge to AMP.
66. 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.
67. 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 under grounding 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.
68. The Applicant/developer 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.

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

HOLD HARMLESS.

The applicant shall defend (with counsel reasonably 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 Community Development 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.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 14th day of March, 2016, by the following vote to wit:

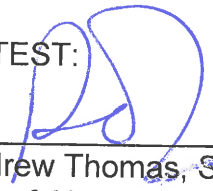
AYES: (5) Knox White, Köster, Henneberry, Sullivan and Zuppan

NOES: (0)

ABSENT: (1) Mitchell

RECUSE: (1) Burton

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

* * * * *

CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-16-07

APPROVING DESIGN REVIEW (PLN 15-0451) FOR BLOCK 8 WITHIN THE SITE A
DEVELOPMENT PLAN IN THE WATERFRONT TOWN CENTER PLAN AREA AT
ALAMEDA POINT

WHEREAS, an application was made on September 22, 2015, 2015 by Alameda Point Partners (APP), for a design review approval of two residential buildings for an affordable housing project serving low-income families and seniors, referred to as "Block 8" within the approved Site A Development Plan in the Waterfront Town Center Precise Plan (Town Center Plan) area of the Alameda Point property; and

WHEREAS, the proposed Block 8 plan consists of 130 multi-family residential units restricted to very-low and low-income households, approximately 3,500 square feet of community and amenity uses, 98 off-street parking spaces, and approximately 15,000 square feet of courtyard and roof deck space; and

WHEREAS, Block 8 is designated as Mixed Use in the General Plan; and

WHEREAS, the Block 8 is located within the Alameda Point Waterfront Town Center Sub-district (WTC Sub-district); which is in the Alameda Point District [Alameda Municipal Code (AMC) 30-4.24] of the Zoning Ordinance and

WHEREAS, the Town Center Plan is a Specific Plan pursuant to Government Code Section 65450 et seq. for a transit-oriented development of the waterfront lands that surround the Seaplane Lagoon and the property at the entrance of Alameda Point between Main Street and Seaplane Lagoon;

WHEREAS, Block 8 is located within the Site A Development plan approved by the City Council on June 16, 2015;

WHEREAS, the Town Center Plan and the Site A Development Plan requires that the Planning Board approve a Design Review application prior to redevelopment and reuse of Block 8;

WHEREAS, the affordable housing project planned for Block 8 helps the applicant meet their very low- and low-income affordable housing obligations pursuant to the City's Inclusionary Housing Ordinance, Density Bonus Regulations and the Renewed Hope Settlement Agreement;

WHEREAS, the Planning Board held a public hearing on January 11, 2016, February 22, 2016, and March 14, 2016, for this Design Review application, and examined pertinent maps, drawings, and documents;

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NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds that the following findings can be made in support of the Design Review approval:

DESIGN REVIEW FINDINGS:

1. **The proposed design is consistent with the General Plan, Zoning Ordinance, Town Center Plan, approved Site A Development Plan, and the City of Alameda Design Review Manual.** The proposed design of a multi-family building on Block 8 for an affordable housing project at the heart of the commercial center along a major transit corridor within Alameda Point's "town center" creates a transit-and pedestrian-oriented higher density mixed-income living environment consistent with the General Plan, Zoning Ordinance, Town Center Plan and Site A Development Plan.
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 proposed design of Block 8 is compatible with the residential uses proposed on the adjacent blocks in the Site A Development Plan. Block 8 will provide a transition between the townhomes proposed to the east on Blocks 6 and 7 and the higher density residential uses proposed on Blocks 9 and 11 to the west. The southern building on Block 8 fronts West Atlantic Avenue, the main transit corridor, and the community amenity spaces are planned for the ground floor to create an active pedestrian environment along West Atlantic Avenue. The northern building fronting on G Street maintains its entrance and a ground floor that creates a pedestrian scaled environment as an appropriate transition to the active neighborhood park across the street. Additionally, the mid-block parklet creates a harmonious transition and common area for interaction between the senior and family housing projects on Block 8. The parklet also provides an inviting connection between Block 7 to the east and Block 9 to the west, tying the blocks together through common open spaces.
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 design of Block 8 draws inspiration from design elements of the existing buildings near and within the Naval Air Station Alameda Historic District. The Block 8 architectural design shares architectural elements, materials and colors that reflect and respect, without replicating, the architectural elements of some of the most important contributing buildings in the Historic District. Examples of these elements include the strong horizontal lines that define the architectural design of the building, the use of strong vertical elements near the corner on the south west, and the use of industrial materials similar to the hangars along the Seaplane Lagoon.

BE IT FURTHER RESOLVED that the Planning Board finds that the Alameda Point Project, including the Town Center Plan containing Site A, was adequately considered by FEIR, and that:

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1. By Resolution No. 14891 the City Council of the City of Alameda certified the Final Alameda Point Environmental Impact Report (FEIR) (State Clearinghouse No. 201312043) under the California Environmental Quality Act ("CEQA"), California Public Resources Code Section 21000 *et seq.* and adopted written findings and a Mitigation Monitoring and Reporting Program ("MMRP") on February 4, 2014, for the Alameda Point Project, including the Town Center Plan area which contains Site A; and
2. The City Council having certified the FEIR for the Alameda Point Project and the Town Center Plan containing Block 8, based on substantial evidence, that no further review under CEQA is required; and
3. Block 8 architectural design and the adjacent waterfront street are consistent with the General Plan, Zoning Ordinance, Town Center Plan, and Site A Development Plan; and
4. The FEIR was certified by the City Council for the Alameda Point Project, including amendments to the General Plan and Zoning Ordinance, as well as the Town Center Plan; and
5. There are no environmental impacts peculiar to Block 8 that were not analyzed in the FEIR, or any such impact can be substantially mitigated by imposition of uniformly applied development policies or standards previously adopted by the City; and
6. There are no significant effects of the Block 8 project that were not analyzed as significant effects in the FEIR; and
7. There are no potentially significant off-site impacts of the proposed Block 8 project and there are no cumulative impacts to which the proposed Block 8 project makes a considerable contribution which were not discussed in the FEIR; and
8. There are no previously identified significant impacts of the proposed Block 8 project which, as a result of substantial new information which was not known at the time the EIR was certified, have been determined to have a more severe adverse impact than discussed in the FEIR.

BE IT FURTHER RESOLVED, that pursuant to the streamlining provisions of Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183, no further environmental review of the design review application is required;

BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby approves Design Review PLN 15-0451, subject to the following conditions:

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1. Building and Site Improvement Permit Plans: The plans submitted for Building and Site Improvement Permits shall be in substantial compliance with the plans prepared by KTG Architects dated February 4, 2016, on file in the office of the City of Alameda Community Development Department.
2. CEQA: Prior to issuance of a Building or Site Improvement Permit, the applicant shall submit a Mitigation Measure Compliance Checklist confirming compliance with all required environmental mitigation measures 4-C-1, 4.D-2, 4.D-3, 4.D-4, 4.E-1f, 4.E-1g, 4.E-4b, 4.E-4c, 4.E-4f, 4.F-1a, 4.F-1b, 4.F-1c, 4.F-1d, 4.F-2, 4.F-7b, 4.G-1a, 4.G-1b, 4.G-1c, 4.G-1d, 4.G-4, 4.G-5, 4.H-1, 4.H-2, 4.H-4, 4.H-5, 4.I-1, 4.I-2, 4.I-8, 4.J-1a, 4.J-1b, 4.J-1c, 4.J-1d, 4.J-2, 4.J-7, 4.K-4, 4.M-5 contained in the MMRP adopted by the Alameda City Council on February 4, 2014, for the redevelopment and reuse of Alameda Point, including Block 8 within Site A.
3. Infrastructure Improvement Plans and Subdivision Maps: Prior to issuance of building permits for new construction, the applicant shall submit infrastructure improvement plans for on and off-site improvements for review and approval by the Public Works Department and the Community Development Department, and the applicant shall submit a Tentative Subdivision Map or Tentative Parcel Map for Block 8 consistent with the Site A Development Plan for review and approval by the Planning Board and City Council. Such maps and infrastructure plans shall be consistent with the Development Plan and the DDA, and subject to the requirements of the AMC, and Alameda Point Master Infrastructure Plan (MIP). Such maps and infrastructure improvement plans shall include a phased infrastructure construction plan for all off-site infrastructure, including the dimensions, cross-sections, and -configuration of all public rights of way, ADA ramps at all intersections and associated ADA improvements, public open space, and development parcels and include the proposed site grading, drainage improvements and utility and construction phasing.
4. Public Access Easements: The Tentative Map shall include public access easements on all on-site areas between the face of the building or the edge of the internal park and the adjacent public right of way. Public access between the two buildings through the internal park shall be permitted. The internal park shall not be gated.
5. Final Design Details. Prior to issuance of a building permit, the applicant shall submit the following final design detail for Planning Board review and approval:
 - a. Final street tree, street lights, street signage, and street furniture design details. All street trees shall be protected by a curb.
 - b. Final building signage and on-site building lighting.
 - c. Final window details showing a minimum of a two and one half inch recess between the face of the window glass and the exterior face of the adjacent wall.
6. Affordable Housing: Prior to the issuance of the Building Permit, the project applicant shall

submit an affordable housing compliance report documenting progress on implementation of the executed Affordable Housing Implementation Plan included within the DDA with the City of Alameda for Site A.

7. Automobile Parking: The Building Permit plans shall include design details providing for a minimum of three (3) electric car charging stations and for cost-effective expansion of electric car charging stations to additional stalls as demand warrants and shall meet the latest applicable codes as they relate to electric car charging. The Building Plans shall also provide details such as warning lights and alarms to ensure safe pedestrian crossings at the on-site driveways into the parking garages.
8. Sea Level Rise: Prior to Building Permit approval, a description of the improvements shall be provided to ensure that any new habitable buildings will be constructed at a minimum elevation of 24 inches above the 100-year tidal flood plan elevation.
9. Sustainable Design: Prior to issuance of a building permit, the applicant shall submit a checklist showing that the project meets either: a minimum LEED™ Certified rating and be so certified by the US Green Building Council or a minimum GreenPoint Rated score of fifty (50) and be so verified by Build It Green.
10. Modifications: Minor project design details requested by the applicant may be established, modified, and approved by the Community Development Director. Engineering standards and specifications requested by the applicant may be established, modified and approved by the Public Works Director, or his 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.
11. Other Agency Approvals: Prior to issuance of building permit(s) for work within jurisdictional lands, the applicant shall provide evidence that all required approvals, permits, or waivers from Regional Water Quality Control Board (Water Board), including a possible 401 Certification for the construction of a stormwater outfall, and/or the Army Corp. of Engineers, if any, have been obtained. The final improvement plans shall incorporate all other agency requirements.

Biological

12. Biological Regulations: Applicant shall notify all future property owners or occupants of the Declaration of Restrictions for the Former Naval Air Station Alameda (Declaration) consistent with the Biological Opinion issued by the U.S. Department of Fish and Wildlife Service (Service) and thereafter the Declaration shall be incorporated by reference in all deeds and leases of any portion of the Block 8.
13. Feral Cat Feeding Stations. Feral cat feeding stations and colonies, and the feeding of any native and non-native wildlife species that are potential predators of least terns is prohibited in perpetuity and thereafter this prohibition shall be incorporated in all deeds and leases of any portion of the Block 8.

14. Fireworks Displays. Fireworks displays will not be authorized from April 1 to August 15 and thereafter this prohibition shall be incorporated in all deeds and leases of any portion of the Block 8.
15. Lighting: Pedestrian and vehicular lighting at all intersections and project driveways shall meet Alameda Municipal Power standards for crosswalks, sidewalks, and intersections and be consistent with the Declaration and Alameda Point Lighting Mitigation Measures.
16. Service Review of Stormwater Plans. All stormwater management and monitoring plans for Block 8 shall be developed in coordination with the Service and implemented in perpetuity to protect open water foraging areas for the endangered California Least Tern. The plans shall be reviewed and approved by the Service prior to development of the project.

Improvement Plans

17. Landscape Plans: The improvement plans shall include landscape and irrigation plans for both on-site and off-site improvements consistent with the Town Center Plan and MIP, including flood and sea-level rise protection improvements, as required by the MIP and DDA. The plans shall be prepared, signed, and stamped by a licensed landscape architect and civil engineer for flood and sea-level rise protection improvements and shall be in accordance with the AMC and other regional jurisdictional requirements. The landscape architect shall also assume responsibility for review of the work and shall provide a Letter of Acceptance of construction conformance to the City, prior to acceptance of the work, that the installation of landscaping and irrigation in the public right-of-way was constructed in accordance with the approved plans.
18. Fire Water: The improvement plans for the project site shall include a Fire Water System consistent with the MIP. The system shall be designed to the satisfaction of EBMUD and the Alameda Fire Department. The Applicant shall be responsible for the placement of on-site hydrants. The location and number of hydrants shall be established in improvements plans. Placement shall be shown on the improvement plans and shall be to the satisfaction EBMUD, the City Fire Chief and the City Engineer.
19. Fire Sprinklers: The improvement plans and building permit plans shall include fire sprinkler systems within each residential unit including the garage and attic spaces and within any commercial spaces.
20. Fire Safety: 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. Ensure sufficient fire flow for the development compliant with California Fire Code Appendix B and AMC 15-1.2 where a maximum reduction of the fire flow can be reduced by 50% for fire sprinklered buildings.

- b. Fire hydrant flows shall be a minimum of 1,500 G.P.M. from any one hydrant;
- c. Provide adequate turn around space or acceptable emergency vehicle through access for any street greater than 150 feet in length;
- d. Ensure that all roads that are required to be fire access roads have an adequate turning radii for fire apparatus (inside turning radius of 28" and outside turning radius of 44'8"); and
- e. For all roads designated as fire access roads shall have a minimum fire lane width of 26' unobstructed for buildings taller than 30'. Should parking within the fire lane be required, the fire lane width shall be increased as required to meet fire access requirements.

- 21. Utilities: The improvement plans shall include facilities and improvements to ensure that utility services are maintained for existing users throughout the construction process and the access to such service for maintenance purposes is preserved throughout the construction process for new utilities.
- 22. Geotechnical Report: A geotechnical report, including recommendations, shall be prepared by a registered geotechnical engineer licensed in the State of California. The improvement plans shall incorporate all geotechnical recommendations in the report and be consistent with the MIP and DDA. The geotechnical engineer shall sign and stamp the improvement plans as conforming to its recommendations. The geotechnical engineer shall also assume responsibility for inspection of the work and shall certify to the City, prior to acceptance of the work that the work performed is adequate and complies with their recommendations.

Public Improvements

- 23. Maintenance: Maintenance of improvements not within the public ROW shall be the responsibility of the new development.
- 24. Street Resurfacing: Applicant/developer shall resurface the existing street pavement whenever a street is cut for utility or other improvement installations or the condition of the existing pavement requires improvements. The resurfacing shall extend a sufficient distance beyond any cut to ensure a smooth transition and shall consist of an average of one and a half (1½) inch asphalt concrete overlay, with a minimum one inch asphalt concrete overlay.
- 25. Curb and Gutter: Applicant/developer shall replace any damaged curb, gutter, and sidewalk along street frontages to the satisfaction of the Public Works Director, in accordance with the Public Works Department's Standard Plans and Specifications prior to acceptance of the project.
- 26. Access Phasing Plan: Prior to Building or Site Improvement Permit, a fire, pedestrian, bicycle, and automobile access plan for the phasing of all four sides of Block 8 shall be approved by the Public Works Director.

Water Quality

27. 401 Certifications Conditions. The development of Block 8 must be designed and constructed to comply with all of the conditions of the Conditional 401 Water Quality Certification for Alameda Point Stormwater Outfall Upgrades Project in the City of Alameda (Corps File No. 2014-00087S) (401 Certification Conditions) issued by the Water Board.
28. Final Stormwater Management Plan: The improvement plans shall incorporate a Final Stormwater Management Plan for Block 8, including all appropriate pollution prevention source control measures, permanent low impact development (LID) measures, storm water treatment controls and/or design techniques to manage the quantity and quality of storm water runoff from the project site to prevent and minimize impacts to water quality and must be consistent with the 401 Certification Conditions, the Site A Stormwater Management Plan (Site A SWMP), the preliminary stormwater management plan for Block 8 attached to this application, the MIP and the Provision C3 requirements of the City's municipal stormwater permit. Efforts shall be taken to minimize impervious surface areas, especially directly connected impervious surface areas. Roof drains shall discharge and drain to an unpaved area wherever practicable. Design techniques may include green roofs, rainwater harvesting, vegetated swales, vegetated buffer zones, bio retention units, retention/detention basins and ponds, tree well systems, and the incorporation of pervious surface areas and LID measures. The improvement plans shall provide details sufficient to ensure that the storm water 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, the MIP, the Site A SWMP, the preliminary stormwater plan for Block 8, and the 401 Certification Conditions. Applicants may also refer to the Bay Area Storm water Management Agencies Association (BASMAA) *Start at the Source Manual* for technical guidance. All storm water design and treatment measures for private development pads shall be consistent with the C3 requirements and 401 Certification Conditions and be located on the development pad or an adjacent private development pad and shall not be located on property planned for public parks or public rights of way. Areas between the building and the public right of way with public access easements may be treated within the public storm water treatment system if sized to handle the flow.
29. Water Board Approval. Pursuant to Condition #15 of the 401 Certification Conditions, the applicant shall submit the proposed Site A SWMP to the Water Board's Executive Officer for review and approval prior to the issuance of a building permit or site improvement permit by the City for any construction of the Site A development, including Block 8. If the Water Board staff does not respond to the applicants Site A SWMP within 45 days of the received date, the plans will be deemed approved by the Executive Officer and the City may issue a building or site improvement permit if no changes have been made to the submitted Site A SWMP. The on-site drainage management areas indicated in the finalized stormwater management plans shall be reviewed for conformance with the corresponding off-site improvement plans.

30. Other Water Board Documents: The applicant/developer shall provide to the City Engineer or his designee, prior to the issuance of the first combination building/grading permit, a copy of both the WDID# issued to the project site by Water Board and the required Storm Water Pollution Prevention Plan (SWPPP). These documents shall provide verification to the City that the project site is in compliance with SWRCB Order No. 2009-0009-DWQ. Information on this State Order is available at: <http://www.waterboards.ca.gov>.
31. Best Management Practices: The applicant/developer shall be responsible for ensuring that all contractors and sub-contractors install, implement and effectively maintain appropriate sediment control, erosion control and other water quality protection measures to prevent any pollutants from entering the municipal storm water drainage system or the Seaplane Lagoon, either directly or indirectly, during all construction activities. All implemented measures shall be consistent with the City's urban runoff Best Management Practices (BMPs) standards. The applicant/developer shall pay for any required cleanup, testing, and/or City administrative costs resulting from consequence of construction materials entering the storm water drainage system.
32. Hydro Seeding: Hydro seeding of all disturbed pervious surface areas shall be completed in compliance with the requirements included in the State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ.
33. Storm Water Trash Capture: Prior to the issuance of the first grading/building/combination permit for each project phase, the Improvement Plans shall indicate the storm water trash capture measure(s) being installed on the project site (or within the backbone public system) to ensure that the stormwater drainage from the project site is subject to full trash capture consistent with the City's municipal stormwater permit definition of a full trash capture device. Improvement plan sheets shall provide sufficient plan views and details of the full trash capture device installation(s) necessary for engineering review and approval. A full trash capture system or device is any single device or series of devices that trap all particles retained by a 5mm mesh screen and has a design treatment capacity of not less than the peak flow Q resulting from a one-year, one-hour storm in the sub-drainage area. Plan sheets shall include detail and cross-sectional drawings of any stormwater full trash capture device.
34. Storm Drains: All new storm drain inlets shall be clearly marked with the words 'No Dumping! Drains to Bay' by means approved by the Public Works Department. Permanently affixed thermoplastic, metallic or plastic laminate style markers are acceptable forms. The Improvement Plans shall clearly indicate this.
35. Operations and Maintenance Plan: The Applicant/Developer shall submit a stormwater treatment measures Operations and Maintenance (O&M) plan for review and approval to the Public Works Department prior to the approval of and consistent with the improvement plans for each phase. The O&M plan shall include, but not be limited to: treatment and design measure(s) descriptions and summary inventory; a legible, recordable, reduced-scale (8.5"x11") copy(-ies) of the Site Plan indicating the treatment

and design measure(s) location(s) and site drainage patterns; treatment measure(s) maintenance requirements and maintenance schedule; the approved plant list and planning plan; detailed description of the integrated pest management principals and techniques and/or Bay Friendly Landscaping Program techniques to be utilized during landscape maintenance to ensure pesticide/herbicide use-minimization in landscaped areas; name and contact information of current maintenance personnel; and template of the annual O&M report submittal to the City. The O&M plan(s) for all stormwater treatment and design measures to be maintained by any HOA or CA shall be incorporated with the CC&Rs of the relevant HOA/CA.

36. Stormwater Agreement: For any stormwater treatment or design measure not to be maintained by an HOA or CA, the Applicant/Developer shall execute a Stormwater Treatment Measures Maintenance Agreement (Stormwater Agreement) with the City prior to the issuance of the certificate of occupancy. The Stormwater Agreement shall include, but not be limited to: the O&M plan for all approved stormwater treatment measures; identification of the party responsible for implementing the O&M plan; assurances of access to inspect and verify the treatment system O&M for the life of the project; and assurances of the submittal of the annual O&M report to the City. The executed Stormwater Agreement shall be recorded, at applicant/developer's expense, with the County Recorder's Office of the County of Alameda.
37. Landscape Plans: Landscaping plans shall be designed to minimize runoff, promote surface infiltration, incorporate Bay Friendly Landscaping approaches, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution and be consistent with the MIP, the Site A SWMP, the preliminary stormwater management plan for Block 8, and 401 Certification Conditions
38. Backflow Prevention: Backflow prevention devices shall be installed on all new and existing domestic, commercial, irrigation, and fire water services and as required by the East Bay Municipal Utility District (EBMUD).

Solid Waste

39. Waste Management Plan: The applicant/developer shall submit a Waste Management Plan (WMP) to the Public Works Environmental Services Division for approval. The plan shall describe how the trash and debris will be handled. The WMP shall be submitted by the developer to Environmental Services via Green Halo (greenhalosystems.com) prior to start of the demolition, remodeling, or construction work. This must be done using Green Halo's web interface. The Public Works Environmental Services Division will review the WMP, and will provide comments that shall be incorporated into the plans for the project. The project is subject to the WMP requirement of section 21-24 of the AMC, and must recycle at least 50% of total debris hauled from the project.
40. Green Halo: Within thirty (30) days after the completion of the demolition work, the developer shall submit a Summary Report to the Public Works Environmental Services

Division, via Green Halo (greenhalosystems.com) or other form approved by the Public Works Director. For approval, this reporting will specify actual tonnages disposed and/or recycled for each material, and the actual destination/processor. Disposal and/or recycling weight tags from that facility or facilities will be directly uploaded to Green Halo to verify this activity.

41. Collection: Internal collection and storage area(s) and the individual bins and containers provided, shall be adequate in capacity, number, and distribution to serve the anticipated demand for trash, recycling, and organics as determined by the Public Works Department. The trash collection areas shall be accessible to residents and employees. Each storage area shall be no more than 250 feet from any dwelling unit, or in the garage. Trash enclosures and/or recycling area shall be covered; no other area shall drain onto these areas. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. The applicant shall contact the City and East Bay Municipal Utility District (EBMUD) for specific connection and discharge requirements prior to building permit issuance. Discharges to the sanitary sewer are subject to the review, approval, and conditions of the City and EBMUD.
42. Fitted Lids: All solid waste containers, including dumpsters and individual cans or carts, must have fitted lids which shall remain closed at all times when the container is not being used

Construction Conditions

43. Traffic Control Plan: At least three weeks prior to the commencement of work within the public right-of-way that affects access for pedestrian, bicyclist, and vehicular traffic, the applicant/developer shall provide a Traffic Control Plan (TCP) to the Public Works Department for review and approval. The TCP shall be prepared by a registered civil engineer or traffic engineer licensed in the State of California, and be in accordance with the California MUTCD standards. The engineer shall sign and stamp the plans as approved. In general, any public right-of-way shall remain unobstructed during project construction or an ADA compliant alternative route established as approved by the Public Works Director. At locations where adequate alternate access cannot be provided, appropriate signs and barricades shall be installed at locations determined by the Public Works Director and Police Chief. Should transit routes be affected, applicant/developer is required to obtain prior approval from AC Transit of any proposed traffic detours or temporary closure of bus stops. Construction work may not commence until the TCP is approved by the Public Works Director.
44. Hazardous Materials. The applicant/developer shall provide documentation from a qualified professional to the City of Alameda stating that adequate soils and ground water investigations and, where warranted, remediation, have been conducted to ensure that future site use complies with the regulatory requirements for hazard related risks as established by applicable Federal, State and local requirements. The project sponsor shall ensure that all proposed areas for demolition and abatement shall be assessed by qualified licensed contractors for the potential presence of lead-based paint or coatings,

asbestos containing materials, and PCB-containing equipment prior to issuance of a demolition permit. During Construction the developer/applicant shall ensure that all construction crews are properly trained and made aware of any site contamination issues consistent with the Alameda Point Site Management Plan (SMP) and MMRP.

45. Truck Plan: Prior to issuance of grading permit, developer/applicant shall submit a Truck Route Plan for hauling to be approved by the City Engineer. The Plan must be incorporated into any construction documents for every contract.
46. Notice to Neighbors: At least two weeks prior to initiating any construction activities at the site, the applicant shall provide notice to businesses and residents within 500 feet of the project site including (1) project description, (2) description of construction activities, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name and phone number of the Noise Management Individual for the project, (5) commitment to notify neighbors at least four days in advance of authorized extended work hours and the reason for extended hours, and (6) that construction work is about to commence. A copy of such notice and methodology for distributing the notice shall be provided to the City for review and approval at least five (5) business days in advance.
47. Construction Hours: Construction activity shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Friday, and between 8:00 a.m. and 5:00 pm on Saturday. No construction-related activity shall occur on Sunday or on any Federal Holiday. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment re-design, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) wherever feasible and necessary. No construction activity that may cause excessive off-site vibration from heavy machinery such as drilling rigs (except as necessary for elevator, shoring, and soil testing), etc. shall be allowed. Impact tools (e.g., jack hammers, pavement breakers and noise drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to 10dB. External jackets on the tools themselves shall be used where feasible. Quieter procedures shall be used such as drilling rather than impact equipment whenever feasible.
48. Dust Control: Prior to issuance of building or grading permits, the developer/applicant shall ensure that a program of dust control is implemented consistent with City, MMRP and BAAQMD requirements.
49. Cultural Resources: In the event that previously unidentified cultural resources are discovered during site preparation or construction, work shall cease in the immediate area until such time as a qualified archaeologist and City of Alameda personnel can assess the significance of the find. If human remains are encountered, work shall halt within 50 feet of the find and the County Coroner shall be notified immediately.

50. Utilities: If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department, Alameda Municipal Power, and the Community Development Department, and carry out any necessary corrective action to their satisfaction.

Fire Safety

51. Fire Access: All streets and courts within the development that are required to be fire access roads, shall be marked as fire access roads to the satisfaction of the Fire Chief. All roads that are required to be fire access roads shall be designed to handle fire apparatus weight of up to 35,000 pounds per axle. Parking shall be prohibited within the streets and alleys that are dedicated as fire lanes. CC&R's shall include an enforcement mechanism.

Alameda Municipal Power (AMP)

52. The applicant shall comply to AMP's Rules and Regulations as stated in Article X and AMP's "Material and Installation Criteria for Underground Electrical Systems" (both available at www.alamedamp.com) and provide completed "Service Planning Sheets" for AMP's review prior to submitting plans for building permits.
53. The applicant shall provide information on the location of transformers and total load in kilowatts or kilowatt/volts (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.
54. Concurrent with submittal of Improvement Plans, the Applicant shall coordinate with 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.
55. The Applicant shall provide and install street lighting consistent with AMP's standard specifications and AMP's "Material and Installation Criteria for Underground Electrical Systems". Cobra head light fixtures shall not be used for street lights and all street lights shall be designed to preserve "dark skies" and direct light downward toward the public right of way. No signs shall be installed or mounted on street light poles owned and/or maintained by AMP. All new signs shall be installed on dedicated sign posts.
56. Applicant/Developer shall have all streetlights included in the Improvement Plans, installed, fully functional and operating prior to issuance of a Certificate of Occupancy for any building unless a phasing plan is approved by the Director of Public Works. Applicant/Developer shall pay to AMP the sum of Six Dollars (\$6.00 as adjusted no more than annually for inflation) per streetlight per month, or portion of a month, for the streetlight energy costs until the applicable improvements are accepted for maintenance by City.

57. The Applicant shall be required to furnish two streetlight poles and LED fixtures of each type installed, at no cost, to AMP as a stock for future pole/fixture replacement on public street. If AMP agrees to maintain private streetlights, the Applicant/Developer shall also be required to furnish two additional streetlight assemblies (e.g. pole, fixture, arm, shroud, etc) of each type.
58. All public streets shall be lit with LED lighting. Streetlight layout shall be staggered for a more uniform light distribution. Applicant/Developer can provide alternate design if a better efficient light distribution is met. Applicant/Developer shall use AMP LED standard fixtures. LED streetlight fixtures shall offer tri-level lighting with the mid-level setting meeting IES RP-8-14.
59. 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. Existing Alameda Point electric substructures will NOT be re-used.
60. The Applicant shall provide an easement for electric utility vehicle access to AMP's Cartwright Station. The easement shall encompass the entire perimeter of the substation, including buildings and exterior yards with a 25-foot minimum clearance from any structure (above or below grade), wall and fence. Applicant shall avoid planting any trees that will grow in fullness to the point they may encroach into the perimeter easement.
61. The Applicant/Developer 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 Project Engineer in writing.
62. Applicant/Developer will be required to provide an oil containment facility for all AMP owned pad-mount distribution switches and/or transformers installed within 100-feet of any body of water or in other critical locations. Applicant/Contractor shall contact AMP to verify all dimensions, elevations, and orientation before commencing work.
63. The Applicant shall furnish and install code-size service cables in code-size conduit from each customer electric meter switchgear 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.
64. The improvement plans and all subdivision maps shall show all necessary easements and access to all electrical utility facilities that are in the private properties, at no charge to AMP.

65. 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.
66. 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 under grounding 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.
67. The Applicant/developer 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.
68. The Applicant/developer shall submit, with the site improvement plans, detailed drawings showing the required site electric utility facilities.

HOLD HARMLESS. The applicant shall defend (with counsel reasonably 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 Community Development 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.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 14th day of March, 2016, by the following vote to wit:

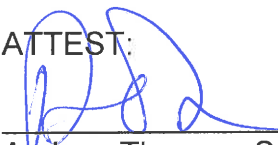
AYES: (5) Knox White, Köster, Henneberry, Sullivan and Zuppan

NOES: (0)

ABSENT: (1) Mitchell

RECUSE: (1) Burton

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

* * * * *

**CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-16-08**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING USE PERMIT PLN15-0594 TO ESTABLISH AN APPROXIMATELY 592-SQUARE-FOOT CONVENIENCE MARKET AND COFFEE SHOP WITH OUTDOOR SEATING AND OFF-SITE BEER AND WINE SALES AT 1120 BALLENA BOULEVARD.

WHEREAS, an application was made on December 9, 2015, by Emily Vought, applicant, requesting approval of a use permit to operate a convenience market and coffee shop with outdoor seating and off-site beer and wine sales; and

WHEREAS, the subject use permit application was accepted as complete on January 21, 2016; and

WHEREAS, the project site is located within a CM-PD, Commercial Manufacturing – Planned Development zoning district; and

WHEREAS, the project site has a General Plan Land Use Designation of Mixed Use 3; and

WHEREAS, the Planning Board held a public hearing on this application on March 14, 2016.

NOW THEREFORE BE IT RESOLVED THAT, the Planning Board has made the following findings concerning the project:

1. The location of the proposed use is compatible with other land uses in the general neighborhood area, and the project design and size are architecturally, aesthetically, and operationally harmonious with the community and surrounding development.

The proposal is consistent with the CM-PD zoning district and the Mixed Use 3 General Plan land use designation with the approval of a use permit. The Mixed Use 3 land use designation encourages uses on the site that promote “commerce and navigation.” The CM-PD zone is intended to be applied where general commercial facilities are necessary and desirable for public service and convenience. The use permit proposal is consistent with the CM-PD zone and Mixed Use 3 land use designation by providing the convenience of a local market/coffee shop within close proximity for the commercial marina patrons and businesses. The project site is not located adjacent to residential homes and is located more than 600 feet from the nearest residential development. The project is not located within an area with an overconcentration of off-site alcohol sales in the area. The project site is located at least one half mile from the nearest off-site

alcohol retailer. No exterior changes to the existing building envelope is proposed as part of this use permit. The use is compatible with the neighboring commercial, office, and marina uses and will provide a variety of food and beverages to the marina.

2. The proposed use will be served by adequate transportation and service facilities, including pedestrian, bicycle and transit facilities.

The location of the proposal is fully developed and does not require additional service facilities. The proposed convenience market/coffee shop will primarily serve the local commercial business and marina users. The marina facility has ample areas for vehicle and bicycle parking, and there are no barriers to public access to the site. The AC Transit Bus No. 631 provides transit services to the area when the local schools are in session, and is located within ½ mile of the project site.

3. 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 proposed market/coffee shop will not adversely affect the surrounding properties, hurt the existing business district, or the local economy. The project is a small, low-intensity use that operates between the hours of 9:00 AM to 6:00 PM, with only 5% of floor area allowed for off-site beer and wine sales. The outdoor seating area will be located in front of the store and limited to normal business hours. The proposed use is consistent with the commercial uses in the marina. Staff has not received any reports of significant police activity or alcohol related problems in the area. A police activity report provided by the Alameda Police Department shows there were approximately 60 total crimes in the surrounding area of the marina between January 1, 2015 and December 31, 2015. Only eight of the crimes from the report were located within one thousand feet of the project site. The proposal is located at least 600 feet from the nearest residential development. Furthermore, there are no existing off-site alcohol businesses within one-half mile of the project site, and the project will not result in an oversaturation of off-site alcohol retail outlets in the area. The proposed use actually will have a positive impact on existing and future businesses at the marina by providing food, beverages, and outdoor seating that will complement the surrounding restaurants, offices, and marina uses. Therefore, the proposed Use Permit will not adversely affect the surrounding neighborhood.

4. The proposed use relates favorably to the General Plan.

The proposal would offer the convenience of a pedestrian-oriented market and coffee shop for the marina. The Mixed Use 3 General Plan land use designation requires uses on the property that promote "commerce and navigation." The proposed commercial use will support commerce and navigation by providing food and beverages to the patrons of the Ballena Isle Marina.

THEREFORE, BE IT FURTHER RESOLVED THAT, this project has been

determined to be Categorically Exempt pursuant to Section 15301 of the CEQA Guidelines, which allows the operation of existing private structures involving negligible expansion of use beyond that which exists.

BE IT FURTHER RESOLVED THAT the Planning Board of the City of Alameda hereby approves Conditional Use Permit No. PLN15-0594 allowing the establishment of an approximately 592-square-foot convenience market and coffee shop with outdoor seating and off-site sale of beer and wine at 1120 Ballena Boulevard subject to compliance with the following conditions:

1. Compliance with Conditions. The applicant/property owner shall ensure compliance with all of the following conditions. Failure to comply with any condition may result in construction being stopped, issuance of citation, and/or modification or revocation of the Permit.
2. Compliance with City Ordinances. The approved use is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies.
3. Alcoholic Beverages. The sale of alcoholic beverages shall be limited to off-site beer and wine sales, ABC Type 20 License, and occupy a maximum of five percent of the store floor area. No sale of spirits shall be allowed at the facility.
4. Outdoor seating. The outdoor seating shall be limited to tables in front of the store during normal operating hours. The outdoor seating area shall conform to the regulations of the City's Noise Ordinance.
5. Signs. The applicant must obtain a City Sign Permit before installing permanent business signage, including window signs.
6. Waste, Recycling, and Composting. The establishment shall recycle cans or bottles that are subject to the State of California Container Deposit Law and comply with all local, state, and regional laws requiring source-separation of waste material for recycling and composting.
7. Building Permits. Building Permit plans shall incorporate this approval notice, including the conditions of approval.
8. Exterior Lighting and Fencing. No new exterior lighting or changes to the exterior fencing shall be allowed without review and approval of the Community Development Department.
9. Revocation. This Use Permit may be modified or revoked by the Zoning Administrator, pursuant to Alameda Municipal Code Section 30-21.3d should the Zoning Administrator determine that: 1) the use or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity; 2) the property is operated or maintained so as to

constitute a public nuisance; or 3) the use is operated in violation of the conditions of the Use Permit.

10. Vesting. The Use Permit approval shall expire two (2) years after the date of approval or by March 14, 2018 unless authorized construction or use of the property has commenced. The applicant may apply for a time extension, not to exceed two (2) years. An extension request will be subject to approval by the Zoning Administrator and must be filed prior to the date of expiration.
11. Indemnification. The Applicant shall defend (with counsel reasonably 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 Community Development Department, Alameda City Planning Board, the City of or City Council related 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. 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. 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.

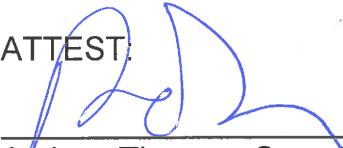
I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 14th day of March, 2016, by the following vote to wit:

AYES: (5) Knox White, Köster, Henneberry, and Sullivan

NOES: (0)

ABSENT: (2) Mitchell and Zuppan

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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**CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-16-09**

RESOLUTION RECOMMENDING THAT THE CITY COUNCIL APPROVE APPLICATION PLN16-0102 and PLN16-0103 AT 101-223 BRUSH STREET AND 150-284 MAPLE WAY (ESPERANZA) AND 719-727 BUENA VISTA AVENUE AND 718-746 EAGLE AVENUE (ROSEFIELD VILLAGE) FOR A ZONING MAP AMENDMENT TO REMOVE THE "G" SPECIAL GOVERNMENT COMBINING OVERLAY ZONING DISTRICT

WHEREAS, the current zoning of the site for Esperanza (APN 74-475-1-5) is an R-4-G Neighborhood Residential Zoning District with a Special Government Combining District overlay; and

WHEREAS, the current zoning of the site for Rosefield Village (APN 73-426-5) is R-5-G General Residential Zoning District with a Special Government Combining District overlay; and

WHEREAS, the current General Plan designation for both parcels is Medium Density Residential; and

WHEREAS, both properties are owned and operated by the Alameda Housing Authority; and

WHEREAS, neither property is in Federal or State ownership; and

WHEREAS, the properties no longer meet the intent of the "G" overlay zoning district; and

WHEREAS, the project is exempt from the California Environmental Quality Act (CEQA) Guidelines, Section 15305 Minor Alterations to Land Use Limitations.

THEREFORE, BE IT RESOLVED that the Planning Board has reviewed the proposed Zoning Map Amendment and finds:

1. **The amendment maintain the integrity of the General Plan.** The proposed zoning map amendment ensures consistency between the General Plan and the Alameda Zoning Map. The underlying zoning of each property is consistent with the General Plan.
2. **The amendment will support the general welfare of the community.** The proposed zoning map amendment will support the general welfare of the community by assisting the Alameda Housing Authority in refinancing and redevelopment efforts for affordable housing.

3. **The amendments are equitable.** The proposed zoning map amendment is equitable in that it is consistent with the General Plan, the City Charter and other City documents. The map amendment is a conformance rezoning to remove the "G" overlay from both properties as the overlay is no longer applicable.

THEREFORE BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda recommends that the City Council find the Zoning Map Amendment is exempt from the California Environmental Quality Act (CEQA) Guidelines, Section 15305 Minor Alterations to Land Use Limitations.

BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda recommends that the City Council approve the Zoning Map Amendment for Assessor's Parcel Numbers APN 74-475-1-5 and APN 73-426-5 to remove the "G" Special Government Combining District overlay.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 28th day of March, 2016, by the following vote to wit:

AYES: (5) Knox White, Köster, Mitchell, Sullivan and Zuppan

NOES: (0)

ABSENT: (2) Burton and Henneberry

ATTEST:



Allen Tai, Secretary
City of Alameda Planning Board

* * * * *

CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-16-10

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING DESIGN REVIEW, DENSITY BONUS, DENSITY BONUS WAIVER AND PARKING EXCEPTION APPLICATION PLN15-0536 FOR DEVELOPMENT OF A THREE-STORY MIXED-USE DEVELOPMENT INCLUDING NINE RESIDENTIAL UNITS AND 4,700 SQUARE FEET OF GROUND FLOOR RETAIL AT 1435 WEBSTER STREET (APN 74-427-5-1). THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15332 – INFILL DEVELOPMENT PROJECTS

WHEREAS, Dannan Development has submitted an application for Design Review, Density Bonus, Density Bonus Waiver, and Parking Exception for the site at 1435 Webster Street; and

WHEREAS, the General Plan designation of the site is Community Commercial; and

WHEREAS, the parcel is located within the C-C Zoning District (Community Commercial); and

WHEREAS, the Planning Board held a noticed public hearing and examined all pertinent materials on February 22, 2016 and March 28, 2016; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds that the project is exempt from further environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15332 In-Fill Development Projects. The project is consistent with the applicable general plan designation, policies and zoning designations and regulations. The proposal is located within the city limits on a project site of no more than five acres substantially surrounding by urban uses. The project site has no value as habitat for endangered, rare or threatened species. The site has been operated as a parking lot. The project would not result in significant effects relating to traffic, noise, air quality or water quality. The site is adequately served by all required utilities and public services.

NOW, THEREFORE BE IT FURTHER RESOLVED, the Planning Board makes the following findings:

DENSITY BONUS AND WAIVER FINDINGS:

- A. The existing zoning designation for the property allows up to seven residential units. Dannan Development has submitted material, including a base plan, which shows compliance with the various aspects of the Density Bonus application, as specified in Section 30-17.4 of the Municipal Code, and as allowed under California Government Code 65915. The applicant is proposing two moderate income affordable units, which qualifies the seven-unit project for a 23% density bonus for a total of nine (9) units.

- B. The proposed affordable units make the project eligible for development standard waivers under California Government Code 65915 and City of Alameda Municipal Code Section 3-17. Dannan Development has requested a waiver from Alameda Municipal Code Section 30-53 Prohibition on Multifamily Housing to accommodate the bonus units on the site. The required development standard waiver is necessary to accommodate nine (rather than seven) units on the property. As shown in the application materials and as described in the February 22, 2016 Staff Report, the waiver from the Multi-family Prohibition is required to accommodate nine units on the property in a configuration that is consistent with General Plan policies and Webster Street Design Manual guidelines. Granting the requested waiver would not have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon health safety, or physical environment. Finally, the required development standard waiver would not be contrary to state or federal law.

PARKING EXCEPTION FINDINGS

- C. The proposal includes 18 off-street parking spaces instead of the 21 off-street parking spaces required by AMC 30-7. The reduction in spaces is warranted and justified by the following project-specific factors: the project is designed as a mixed use transit oriented development that is located on a major transit route with multiple transit lines, the project will be providing AC Transit Passes to project residents and employees, the on-site parking will be leased separately from the cost of the units, and the project site is situated in an urban area within walking distance of retail services.

DESIGN REVIEW FINDINGS

- D. The proposed project design is consistent with the General Plan, Zoning Ordinance, and City of Alameda Design Review Manual. The proposed building height and site plans complies with General Plan policies and Zoning Ordinance requirements for building height, parking location, and continuous street wall on Webster Street.
- E. The proposed project design is compatible with the adjacent or neighboring buildings and promotes harmonious transitions in scale and character with surrounding land uses. The three story height, the setback from the adjacent residential properties and the continuous street wall and ground floor retail space on Webster Street promotes a harmonious transition with the surrounding land uses.
- F. The proposed design of the project is visually compatible with the surrounding development. The three-story height, the setback from the adjacent residential properties and the continuous street wall and ground floor retail space on Webster Street ensures a scale and massing and arrangement of land uses that is visually compatible with the surrounding development. Conditions of approval ensure that the colors and materials and architectural details will further promote a compatible design for the neighborhood.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Board hereby approves Design Review, Density Bonus, Density Bonus Waiver, and Parking Exception Application PLN15-0536, subject to the following conditions:

Community Development

1. **Building Permit:** Building Permit plans, and Improvement Plans submittals shall be in substantial compliance with Exhibit 1: 1435 Webster Street, which are on file in the office of the City of Alameda, subject to the conditions specified in this resolution approving the project. These conditions shall be printed on the first page of all building plans and improvement plans.
2. **Design Review Elevations.** Prior to issuance of the building permit for the project, the applicant shall submit the following design details for review and approval by the Community Development Department.
 - a) Final landscape and lighting details for all exterior areas and wall surfaces. Landscape plans shall be compliant with Bay Friendly Landscaping Standards and AMC requirements. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
 - b) Street Tree Plan. The Tree Plan shall show existing trees to be preserved, existing trees to be removed, and new trees to be planted within the public right of way. Trees selected shall be of an appropriate size and shape to allow at least 14-15 feet of overhead clearance for solid waste collection trucks and other vehicles. Deep root barriers shall be required for all trees planted adjacent to curbs, sidewalks and other pavements, to the satisfaction of the Public Works Director. The single tree to be removed shall be noticed according to the City of Alameda's Tree Removal Policy. There shall be a minimum of three (3) street trees planted on the Taylor Avenue project frontage, subject to the approval of the Public Works Director after factoring physical clearances stated in Condition 31 below.
 - c) Public access easements to be shown on the Improvement Plans.
 - d) The cornice design and bracket profiles shall continue consistently across all elevations the building, for instance, brackets shall be equally spaced and the double rafter tails featured at the building corner shall be repeated across the building.
 - e) The cornice at the building corner shall be appropriately scaled down to function as a major bracket complementing the minor brackets on the rest of the building.
 - f) The horizontal trim band under the third story windows on the south elevation shall continue to the building corner and across all elevations.
 - g) The north elevation shall incorporate a decorative mural in sufficient size to alleviate a plain blank wall, to the satisfaction of the Community Development Director.
 - h) Final colored elevations shall be submitted to the Planning Board for approval prior to issuance of building permits. The building colors shall avoid colors that give the building a muted appearance.
3. **Transportation and Parking:** Prior to the issuance of a building permit, the applicant shall record a restriction on the deed of the property or prepare Covenants, Code and Restrictions (CC&R's) for the property to require that the property manager or the homeowners association shall be responsible for:
 - a. Acquiring and distributing annually twenty (20) AC Transit Passes for use by project residents and/or business employees.
 - b. Leasing and managing the distribution of the eighteen (18) off-street parking spaces. Spaces shall be leased on a month-to-month basis to

project residents and/or business employees independently from the lease or purchase price of a residential unit or retail space.

- c. At least nine of the spaces shall be reserved for residential tenants of the building.
- d. The plans submitted for the Building Permit shall show that the parking lot is pre-wired to accommodate future spaces for electric charging stations.

The obligations, requirements and provisions under this condition cannot be amended, revised, deleted or rescinded by the property owners, the HOA or its membership without the prior written approval of the City's Transportation Commission or City Council.

4. Public Art. Prior to issuance of the building permit, the applicant is required to comply with the terms of the City of Alameda Public Art requirement as specified in Alameda Municipal Code section 30-65.
5. Affordable Housing Agreement: Prior to issuance of the building permit, the project applicant shall execute an Affordable Housing Agreement with the City in conformance with the requirements of Section 30-16 Inclusionary Housing Requirements for Residential Projects. The Affordable Housing Agreement will require construction and sale of two (2) moderate-income units to income eligible households. The affordable units shall be comparable in quality to the market rate units and shall be distributed throughout the development.
6. Universal Design: The plans submitted for the Building Permit shall show that each unit shall include:
 - Accessible route of travel to dwelling unit from public sidewalk to the unit's primary entrance or an easily adaptable route.
 - Accessible route of travel from garage/parking to the unit's primary entrance.
 - Minimum 32" clear primary entry doorway and a "no step entry" (1/2" or less threshold) with dual peephole and doorbell
 - All exterior/interior doors shall meet Chapter 11a. code required maneuvering clearances, hardware, thresholds, and strike side clearances
 - An accessible route of travel with a minimum 42" wide hallway to all bedrooms, living rooms, kitchens, and bathrooms.
 - Light switches, electrical receptacles, and environmental controls at accessible heights on the primary accessible floor
 - Rocker light switches throughout entire unit
 - Minimum required work/floor clearance of 30"x48" in front of stove, refrigerator, dishwasher, sink, and oven
 - Accessible countertops with a 30" wide workspace
 - Under-cabinet lighting
 - At least one full bathroom on accessible route of travel, with separate shower stall and toilet with grab bar reinforcement for potential retrofit
 - Bathroom with removable base cabinets
 - Lower towel racks and robe hooks
 - Accessible toilet tissue holder

7. Public Frontage Improvements. The applicant shall underground all overhead utilities along the project public right of way frontage, including all utilities along Webster Street and Taylor Avenue. The applicant/developer shall reconstruct frontage improvements along Webster Street and Taylor Avenue so the street is restored to pre-project conditions. Any use of the public right of way for commercial or other purposes shall be subject to approval of and Encroachment Permit by the City of Alameda.
8. Modifications: Minor project design details requested by the applicant may be established, modified, and approved by the Community Development Director. Engineering standards and specifications requested by the applicant may be established, modified and approved by the Public Works Director, or his designee. Major modifications that are not consistent with this development plan or these conditions shall be subject to review and approval of the Planning Board.

Public Works

9. Prior to final inspection of the first housing unit, the applicant/developer shall establish a Homeowners Association or other entity to provide funding for maintenance of private improvements including parking lot, landscaping in common areas, all (public and private) biotreatment areas, and fencing. Site improvements and demolition may commence prior to approval of the funding mechanism. The common area shall be owned and maintained by the HOA or other entity.
10. The applicant/developer shall design the private utility systems to be separate from the public utility systems so that there is a clear point of connection between the two systems. The utility system design shall be reviewed and approved by the Public Works Director prior to approval of the improvements plans, parcel/final map(s), or grading permit, whichever comes first.
11. The applicant/developer shall provide utility access easements across all areas where public utilities cross private property. Public utilities must be accessible to City maintenance vehicles.
12. The applicant/developer shall grant the City of Alameda an Emergency Vehicle Access (EVA) easement wherever the Fire Rescue Vehicle access route crosses over private property. All streets and sidewalks within the access route shall be designed to support Fire Rescue Vehicle loads and accommodate truck turning radii.
13. The applicant/developer shall grant to the City an ingress/egress easement for the purpose of waste collection wherever the collection vehicle access route crosses over private property. Collection vehicle access shall not be restricted by bollards or gates. All streets and sidewalks within the access route shall be designed to support collection vehicle loads and accommodate truck turning radii, truck grabber arm clearance, and curbside cart placement.

Engineering

14. If the applicant provides door/gate access through the north fence at the property line through the parking area, the applicant shall record a reciprocal access easement with the adjacent property. In addition, the area shall provide an

accessible route as required by the building code and ADA guidelines.

15. The applicant/developer shall submit construction improvement plans for all on- and off-site improvements, including detailed designs for all wet and dry utilities, landscaping and irrigation, water, grading, drainage, erosion control, paving, and solid waste storage and recycling areas. The plans shall be prepared, signed, and stamped as approved by a registered civil engineer licensed in the State of California, unless the Public Works Director authorizes them to be prepared by some other qualified professional, and be in accordance with the AMC, the City of Alameda Standard Plans and Specifications, Standard Subdivision Specifications and Design Criteria, and the Master Street Tree Plan. The plans shall be reviewed and approved by the Public Works Director prior to approval of the improvement plans... The engineer shall also assume responsibility for inspection of the on-site construction work, including but not limited to parking lots, pathways, storm facilities, sewer facilities, etc., and shall certify to the City, prior to acceptance of the work or issuance of any occupancy permit, including a temporary occupancy permit, whichever comes first, that the installation of the on-site work (excluding the building and foundation) was constructed in accordance with the approved plans.
16. The landscape and irrigation plans for improvements on-site and in the public right of way 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 Master Street Tree Plan, the AMC, conditions of approval by the Planning Board, and other regional jurisdictions requirements, as applicable. Projects required to meet the Bay-Friendly Landscape (BFL) requirements shall:
 - Have plans prepared by a qualified BFL design professional;
 - Earn, at a minimum, a total of 60 points on the StopWaste.Org "Bay-Friendly Scorecard for Commercial & Civic Landscapes" (Scorecard), as determined by a qualified BFL Rater;
 - Complete the nine required practices identified on the Scorecard related to mulch, compost, diversion of construction and demolition waste, selection of planting materials, and the design and installation of irrigation systems, as determined by a qualified BFL Rater;
 - Acquire the services of an approved BFL Rater to assist the landscape project design and construction team with gaining BFL qualification, consistent with the BFL qualification requirements of the Bay Friendly Coalition
 - Pay the required BFL application and final submittal fees via the BFL Rater to the Bay Friendly Coalition
 - Submit to the City written certification from the Bay Friendly Coalition that the design and construction of the landscaping and irrigation meets the most recent version of the "Bay-Friendly Landscape Guidelines" developed by StopWaste.Org and The Bay Friendly Coalition. This certification is required prior to acceptance of the work or issuance of any occupancy permit, including a temporary occupancy permit, whichever comes first.

In addition, the final landscape plans shall ensure that all landscaping and bioswales are compatible with the storm water treatment measures designed to minimize irrigation and runoff; promote surface infiltration, where appropriate; and minimize the use of fertilizers and pesticides that can contribute to storm water pollution. Also, integrated pest management (IPM) principles and techniques shall be incorporated into the landscaping design and specifications. Where feasible, landscaping shall be designed and operated to treat storm water runoff by incorporating elements that collect, detain, and infiltrate runoff. Plant placement within the site landscape design shall not interfere with the design function of any of the storm water treatment measures. For example, trees planted in or near a biotreatment swale shall not adversely interfere with the design flow capacity of the swale. The plans shall be reviewed and approved by the Public Works Director prior to approval of the improvements plans. The landscaped architect shall also assume responsibility for inspection of the work and shall certify to the City, prior to acceptance of the work or issuance of any occupancy permit, including a temporary occupancy permit, whichever comes first, that the installation of landscaping and irrigation in the public right of way was constructed in accordance with the approved plans.

17. A storm drainage hydrology analysis, acceptable to the Public Works Director, identifying the total peak drainage 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 engineer shall sign and stamp the analysis as approved. 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/developer will pay for the cost of the modeling study. The applicant/developer will include the recommended improvements into the project's improvements plans prior to approval of the improvement plans.
18. The applicant/developer shall submit a soils investigation and geotechnical report, acceptable to the Public Works Director, in accordance with the AMC and prepared by a registered geotechnical engineer licensed in the State of California, with recommendations based on the findings. The report shall address the structural and environmental analysis of existing soils and groundwater. The improvement plans shall incorporate all design and construction criteria specified in the report. The geotechnical engineer shall sign and stamp the improvement plans as approved and as conforming to their recommendations prior to approval of the improvement plans. The geotechnical engineer shall also assume responsibility for inspection of the work and shall certify to the City, prior to acceptance of the work that the work performed is adequate and complies with their recommendations. Additional soils information may be required during the plan check of individual house plans. The applicant/developer will include the engineer's recommended improvements into the projects improvement plans prior to approval of the improvement plans.
19. All required public frontage and street improvements shall be designed, built, and in accordance with City ordinances and Public Works Department standards and shall include curbs, gutters, sidewalks, street trees, landscaping and irrigation, streetlights, etc.
20. The applicant/developer shall resurface the existing street pavement whenever a

street is cut, either by a longitudinal or transverse cut, for utility or other improvement installations so the street is restored to pre-project conditions. The resurfacing shall extend a sufficient distance beyond any cut to ensure a smooth transition, as determined by the Public Works Director, and shall consist of a one and a half (1½) inch asphalt concrete overlay. The applicant/developer shall also provide dig outs and reconstruction of any potholed and/or alligatored areas adjacent to the project.

21. Installation of street paving shall include reconstruction of the existing pavement section to provide adequate conforms. The limits of the reconstruction shall be established by the Public Works Director prior to approval of the improvement plans.
22. Exposed soil surfaces shall be periodically sprinkled to retard dust. During construction, the applicant/developer shall ensure that construction crews undertake a program of dust control including, but not limited to, watering soil surfaces as needed to prevent dust blowing, covering trucks carrying materials to and from the site, and frequent clean-up of soil carried by construction vehicle tires from the site onto streets. No City water shall be used for this purpose.
23. All project related grading, trenching, backfilling, and compaction shall be conducted in accordance with City of Alameda Standards and Specifications.
24. Hydro seeding of all disturbed areas shall be completed by October 1. Applicant/developer shall provide sufficient maintenance and irrigation to ensure growth is established by November 1.
25. 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.
26. Construction equipment must have state of the art muffler systems as required by current law. Muffler systems shall be properly maintained.
27. Noisy stationary construction equipment, such as compressors, shall be placed away from developed areas off-site and/or provided with acoustical shielding.
28. Grading and construction equipment shall be shut down when not in use.
29. During non-working hours, open trenches shall be provided with appropriate signage, flashers, and barricades approved by the Public Works Director to warn oncoming motorists, bicyclists, and pedestrians of potential safety concerns.
30. Prior to trenching within existing street areas, the applicant's engineer shall ascertain the location of all underground utility systems and shall design any proposed subsurface utility extensions to avoid disrupting the services of such system.
31. New street trees shall maintain clearances from utilities as follow: a) Fire hydrant – six feet; b) top of driveway wing – five feet; c) stop signs – 15'; d) street/pathway lights and utility poles – 25'; e) storm drain, sanitary mains, gas, water, telephone,

electrical lines – five feet; f) front of electrical pad-mounted equipment – ten feet. Verify minimum clearance distances of street trees/shrubs from electrical transformers with Alameda Municipal Power (AMP).

32. Approved backflow prevention devices shall be installed on all new and existing domestic, commercial, irrigation, and fire water services and as required by the East Bay Municipal Utility District (EBMUD). These devices must be tested by an AWWA certified tester from a list of testers provided by EBMUD.
33. Costs for inspection by the Public Works construction inspectors during non-working hours shall be at time and one half. Work on Saturday's requiring inspection shall not be done unless approved in advance by the Public Works Director. No work allowed on Sundays. Any work done without inspection may be rejected at the contractor's expense.
34. The applicant/developer shall repair all damaged sidewalk, curb and gutter that fronts the development on Webster Street and on Taylor Avenue in accordance with the Public Works Department's Standard Plans and Specifications prior to acceptance of the project.
35. No structures shall be placed over existing or proposed easements.

Storm water and Water

Prior to issuance of the grading, combination grading/building permit, or approval of the Civil Improvement Plans, whichever comes first:

36. The Civil Improvement Plans shall include the finalized storm water quality management (treatment) site plan at the 100% complete level. This finalized storm water quality management site plan shall include:
 - a) The identification and location of all of the drainage management areas (DMAs) for all impervious surface areas on the project site
 - b) The identification and locations of all of the Provision C3-compliant storm water quality design and treatment measures for each DMA.
 - c) The area values (in square feet) of each DMA and corresponding C3-compliant measure
37. The applicant/developer shall submit, for review by the Public Works Department, a finalized, stamped, signed City of Alameda C3 certification form from a qualified, independent, third-party civil engineer with storm water treatment facility design experience that indicates the storm water treatment measure designs of the finalized improvement plans and storm water quality management (treatment) plan meet the established sizing design criteria for storm water treatment measures consistent with the requirements of the City's Municipal NPDES storm water permit. City qualification standards are listed below.
38. Civil Improvement Plan sheets shall include Detail and cross-sectional drawings of the storm water quality design and treatment measures consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual and Provisions C.3.c and C.3.d of the City's Municipal NPDES storm water permit.

39. Civil Improvement Plans shall indicate that the soil mix used in all of the bioretention areas will be compliant with the Attachment L soil specifications of the City's Municipal NPDES storm water permit. A copy of the Attachment L specifications shall be included in the Civil Improvement Plans. Provide Biotreatment Soil Mix Notes in the Civil Plans identifying potential biotreatment soil mix vendors and indicating the need to obtain Attachment L compliance documentation such as the following:

"The following vendors are listed by the regional Clean Water Program as offering biotreatment soil mixes compliant with the required Attachment L specifications:

- a. American Soil Products, www.americansoil.com, 510-292-3000
- b. L.H. Voss, www.lhvoss.com, 925-676-7910
- c. Lyngso Garden Materials, www.lyngsogarden.com/, 650-333-1044
- d. Pleasanton Trucking, www.pleasantontrucking.com, 925-449-5400
- e. Redi-Gro, www.redi-gro.com/, 800-654-4358
- f. TMT Enterprises, www.tmtenterprises.net, 408-432-9040

Obtain verification documentation from the supplier of all loads of the biotreatment soil mix, indicating that the soil mix is compliant with the Attachment L specifications, for review by the design engineer and inclusion with the post-construction certification report to be submitted to the City Public Works Department."

40. Finalized Landscaping Plans for all landscape-based storm water treatment measures shall be consistent with the civil engineering designs and functional intent of these treatment measures. The landscape architect's plans shall indicate:
- a) The usage of biotreatment soils compliant with the storm water requirement's Attachment L specifications in all landscape-based treatment measures.
 - b) The plant palette(s) described for the landscape-based storm water treatment measures shall be consistent with the civil engineering designs and functional intent of these treatment measures and the use of the Attachment L compliant biotreatment soil.
 - c) The landscaped-based storm water treatment areas shall also be designed to minimize runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to storm water pollution. Design consideration shall be given to pest-resistant landscaping and design features and the use of integrated pest management (IPM) principles and techniques.
41. The finalized Civil Improvement plans shall indicate the structural storm water trash capture measure(s) being installed on the project site to ensure that the storm water drainage from the project site is subject to full trash capture consistent with City's municipal storm water permit definition of a full trash capture device. 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 detail and cross-sectional drawings of any storm water full trash capture device(s).
42. The finalized Civil Improvement Plans shall include Pollution Prevention Sheet(s) that list the City's urban runoff, erosion and sediment control standards and provide detail drawings and installation specifications for all control measures. These Plan

Sheet(s) shall be reviewed and accepted by the Public Works Clean Water Program for conformance with these City standards.

The applicant/developer shall be responsible for ensuring that all contractors and sub-contractors install and regularly maintain all pollution prevention measures required during any and all construction activities in order to prevent any pollutants entering directly or indirectly the storm water system or waters of the State. The applicant/developer 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.

43. The applicant/developer shall submit for review and approval by Public Works Engineering a Storm water 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 storm water treatment 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.
44. The Improvement Plans shall indicate that all new storm drain inlets within the public right-of-way shall be clearly marked with the words "No Dumping! Drains to Bay," or equivalent, as approved by the City Public Works Department. Permanently affixed thermoplastic, metallic or plastic laminate style markers are examples of acceptable forms.
45. Improvement Plan design of all external enclosures for solid waste, recycling and organics shall be approved by the Public Works Department. 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.

Prior to issuance of the initial, temporary or first occupancy permit, whichever comes first:

46. The applicant/developer shall submit a certification report (Report) prepared by a registered civil engineer, licensed in the State of California, affirming that all project site storm water 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 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 Public Works Engineering.
47. The property owner shall establish a legally enforceable mechanism to ensure that the responsibility for implementing the O&M Plan is identified and assigned by either executing a C3-LID Treatment Measures Maintenance Agreement (Agreement) with the City or incorporating the O&M Plan within the CC&R's of a homeowners'

association. The Agreement or CC&R's shall include, but not be limited to: the O&M Plan, approved by the Public Works Department, for all storm water treatment measures; assurances of the party responsible to implement the storm water treatment measures O&M plan; assurances of City access to inspect and verify the treatment system O&M for the life of the project; and, assurances of the submittal of the annual O&M report to the City.

City of Alameda Certification Form Qualification Standards:

The City of Alameda C3 certification forms need to be completed and submitted by a reviewer meeting the following criteria:

- (1) Be a Civil Engineer or a Licensed Architect or Landscape Architect registered in the State of California.
- (2) Provide verification acceptable to the Public Works Department that they are not also hired to design and/or construct the storm water treatment system(s) being certified (the "no conflict of interest" provision).
- (3) Provide verification acceptable to the Public Works Department that they have current training on storm water treatment system design (within three years of the certification signature date), relevant to the certifications being submitted, for water quality and understand the groundwater protection principals applicable to the project site.

Training conducted by an organization with storm water treatment system design expertise (such as a college or university, the American Society of Civil Engineers, American Society of Landscape Architects, American Public Works Association, California Water Environment Association (CWEA), BASMAA, National Association of Flood & Storm water Management Agencies, California Storm water Quality Association (CASQA), or the equivalent) may be considered qualifying training.

Traffic and Transportation

48. The applicant/developer shall submit a traffic striping and signage plan for all on- and off-site improvements, including all crosswalks, bus stops, turn lanes, merge lanes, acceleration lanes, lane drops, etc, as part of the construction improvement plan submittal. The plans shall be prepared by a registered civil engineer or traffic engineer licensed in the State of California. The engineer shall sign and stamp the plans as approved. The plans shall be reviewed and approved by the Public Works Director prior to approval of the improvements.
49. For any off-street parking facilities associated with the subdivision, the applicant/developer shall submit the improvement plans to the Community Development Department and Pubic Works Department for review and approval. The plans shall be prepared by a registered civil engineer licensed in the State of California and shall be signed and stamped as approved. The Community Development Department shall review and approve the parking lot layout, including number of spaces, dimensions of spaces, and Americans with Disabilities Act (ADA) requirements, and the Public Works Director shall review and approve the internal and external circulation of the parking lot, including lane widths and access points, prior to approval of the improvements.
50. At least three weeks prior to the commencement of work within the public right-of-

way that affects access for pedestrian, bicyclist, and vehicular traffic, the applicant/developer shall provide a Traffic Control Plan (TCP) to the Public Works Department for review and approval. The TCP shall be prepared by a registered civil engineer or traffic engineer licensed in the State of California, and be in accordance with the California MUTCD standards. The engineer shall sign and stamp the plans as approved. In general, any vehicular, transit, bicyclist, and pedestrian access through and/or adjacent to the project site shall remain unobstructed during project construction or an ADA compliant alternative route established as approved by the Public Works Director. At locations where adequate alternate access cannot be provided, appropriate signs and barricades shall be installed at locations determined by the Public Works Director and Police Chief. Should transit routes be affected, applicant/developer is required to receive prior approval from AC Transit of any proposed traffic detours or temporary closure of bus stops. Constructed work may not commence until the TCP is approved by the Public Works Director.

Waste Collection Access

51. Driveways or aisles shall provide unobstructed access for collection vehicles and personnel and provide at least the minimum clearance required by the collection methods and vehicles used by the City's designated collector or hauler.

Construction Waste

52. The applicant shall submit a Waste Management Plan (WMP) approved by the Public Works Director in accordance with AMC Section 21-24.
53. During the construction/demolition/renovation period of the project, applicant/developer must obtain the necessary hauling permit, use a City certified waste hauler, or use the City of Alameda's franchised waste hauler, Alameda County Industries (ACI), in accordance with AMC Section 21-21, to remove all wastes generated during the project development.
54. The trash enclosure shall have a floor drain connected to the sanitary sewer system and have a fire sprinkler system.
55. The trash enclosure opening, from end to end, shall be free of obstruction so that service trucks can obtain access to each bin.
56. The storage area(s) and the individual bins and containers provided within shall be adequate in capacity, number and distribution to serve the anticipated demand as determined by the Public Works Director.
57. A sign clearly identifying each exterior solid waste and recyclable material storage area and the accepted material(s) is required. Each sign shall not exceed two square feet in area and shall be posted on the exterior of the storage area adjacent to all access points.
58. All solid waste containers, including dumpsters and individual cans or carts, must have fitted lids which shall remain closed at all times when the container is not being used or emptied

Alameda Municipal Power

59. The applicant shall provide an easement for a pad-mounted transformer and the service will need to be undergrounded. The existing transformer shall be moved to the new location. The new location shall have 3-foot clearance on each side and back and 8-foot clearance in front. The applicant shall pay the cost of constructing the transformer pad and moving the transformer.
60. Pedestrian and vehicular lighting at all intersections and project driveways shall meet AMP standards for crosswalks, sidewalks, and intersections.
61. To provide electric service to the proposed development, primary line extensions will be required. Per AMP's Rules and Regulations, the owner/developer shall be responsible for 60% of the installed costs of the required primary trunk cables and pad mounted switches. The applicant/developer's electrical consultant shall coordinate with AMP regarding power requirements.
62. The applicant/developer shall provide all necessary underground substructures, including conduits, pull boxes, transformer pads, etc. per 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.
63. The applicant/developer shall be responsible for the cost of AMP's assigned inspector during construction.
64. The applicant/developer shall furnish and install Code-sized service cables in code-sized conduit from each house to the nearest secondary pull box. AMP will connect the service to the secondary distribution system.
65. The applicant/developer shall furnish easements and access to all electrical utility facilities that are in the private properties, at no charge to AMP.
66. The applicant/developer shall furnish and install service equipment for each unit. The service equipment shall meet Electric Utility Service Equipment Requirement Committee standards.
67. AMP will take over ownership and will be responsible for maintaining all new substructures for undergrounding primary and secondary circuits, and distribution transformers once the improvements have been inspected and found to have been properly installed. The applicant/developer or successor property owners shall be responsible for the service cables and service equipment.
68. The applicant/developer shall be responsible for all expenses involved in the duct system engineering design, plan check, and electrical construction inspection.
69. The applicant/developer shall submit two sets of approved drawings showing the required electric utility facilities.

Fire Department

70. For accessibility for the Alameda Fire Department, the following will be required:
- The installation of a Knox box at the Taylor Street entrance door for the storage of the building's keys. The Knox box is to be sufficiently sized to accommodate the keys to the following doors: The lobby entry door, the mechanical room, the electrical room, elevator keys, the doors to the corridors on the 2nd and 3rd floors, the rooftop, and all commercial spaces. Keys are to be labeled as to which doors they open.
 - Any gate at Taylor Street will require the installation of a Knox key switch.
71. The applicant shall be responsible for a water main extension to serve the project, whose design shall be shown on the Improvement Plan to the satisfaction of the East Bay Municipal Utilities District and the Public Works Director. The applicant may also be responsible for off-site improvements related to fire flow requirements.
72. Prior to approval of the Building Permits, the applicant shall submit revised plans, for review and approval by the Public Works Director in consultation with the Fire Chief, that ensure fire flow for the development shall be 1,500 G.P.M. from any one hydrant and that the elevator is to comply with California Building Code 3002.4 such that the elevator car can accommodate an ambulance stretcher.
73. Hold Harmless and Indemnification Agreement The developer/applicant shall defend (with counsel reasonably 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 Community Development Department, Alameda City Planning Board, or City Council relating to this project. The City shall promptly notify the developer/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.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 28th day of March, 2016, by the following vote to wit:

AYES: (5) Knox White, Köster, Mitchell, Sullivan and Zuppan

NOES: (0)

ABSENT: (2) Burton and Henneberry

ATTEST:


Allen Tai, Secretary
City of Alameda Planning Board

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CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-16-11

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING ZONING TEXT AMENDMENT PLN16-0104 TO COMPLY WITH NEW STATE LAWS REGARDING WATER EFFICIENT LANDSCAPING.

WHEREAS, Water conservation landscaping regulations were adopted into the Alameda Municipal Code in 1992 as Article IV of Chapter 30; and

WHEREAS, said regulations were amended in June of 2012, to apply to both City and private development projects and to integrate Bay-Friendly Landscape protocols; and

WHEREAS, the State of California updated its statewide Model Water Efficient Landscape Ordinance (MWELO) on July 15, 2015, in order to better address drought conditions; and

WHEREAS, The State has instructed local agencies to adopt the State MWELO or adopt their own ordinance by December 1, 2015, and until the City amends its own water conservation landscaping regulations to be consistent, the State MWELO is effective by default; and

WHEREAS, amendments to Alameda Municipal Code are now proposed to bring the City's water efficient landscape regulations into compliance with the new State MWELO; and

WHEREAS, the Planning Board held a public hearing on this application on April 11, 2016; and

WHEREAS, the Planning Board suggested the requirement to divert construction and demolition debris from landfills be removed from the Draft Ordinance, and since solid waste diversion is addressed in Chapter 21 of the Alameda Municipal Code, requirement has been deleted from the Draft Ordinance; and

WHEREAS, the Planning Board requested that staff consider ways to further encourage the use of greywater systems to conserve water.

NOW THEREFORE BE IT RESOLVED THAT, the Planning Board has made the following findings concerning the project:

1. **The amendments maintain the integrity of the General Plan.** The proposed text amendments are necessary to ensure that the Zoning Ordinance is in compliance with the State of California Model Water Efficient Landscape Ordinance (MWELO). The amended Zoning Ordinance will attain General Plan Open Space and Conservation Element goals to promote and implement water conservation

measures and encourage the use of drought-resistant landscaping.

2. **The amendments will support the general welfare of the community.** The proposed text amendments will promote the continued installation of landscaped areas in development projects while reducing the water demands of such landscaped areas. Additionally, the proposed text amendments will promote the use of the Bay Friendly Landscape Guidelines to ensure landscaped areas are compatible with the surrounding ecosystem.
3. **The amendments are equitable.** The proposed zoning amendments are equitable in that they establish submittal requirements, development standards and review procedures for landscape projects. The proposed zoning amendments also allow the City's permitting process to adapt to potential further changes mandated by the State.

THEREFORE, BE IT FURTHER RESOLVED THAT, this text amendment has been determined to be Categorically Exempt pursuant to Section 15305 of the CEQA Guidelines, which allows minor amendments to land use limitations.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 11th day of April, 2016, by the following vote to wit:

AYES: (6) Knox White, Köster, Henneberry, Mitchell, Sullivan and Zuppan

NOES: (0)

ABSENT: (1) Burton

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-16-12

RECOMMENDING THE CITY COUNCIL RENAME "ROAD B" IN THE HARBOR BAY BUSINESS PARK TO "PENUMBRA PLACE" AND CONSOLIDATE THE 1998 "CORPORATE ADDRESS DESIGNATION POLICY FOR PUBLIC OR PRIVATE STREETS" WITH THE 2007 "POLICY FOR NAMING CITY PROPERTY, FACILITIES AND STREETS".

WHEREAS, in 1998 the City Council adopted the Corporate Address Designation Policy for Public or Private Streets as an economic development incentive to attract corporate businesses to locate in Alameda; and

WHEREAS, in 2007 the City Council adopted the Policy for Naming City Property, Facilities and Streets, which combined the separate Street Naming Policy and Facilities Naming Policy in effect at the time but kept the corporate addressing provisions as a separate policy; and

WHEREAS, in 2016 Penumbra, Inc. filed a request pursuant to the Corporate Address Designation Policy for Public or Private Streets to rename Road B to Penumbra Place; and

WHEREAS, the Planning Board held public hearing on April 25, 2016, to consider the street renaming request, at which time all materials submitted and all comments made by all parties regarding this request were considered.

NOW, THEREFORE BE IT RESOLVED, on April 25, 2016 the Planning Board considered the request, all public testimony, and all pertinent documents and reports and made the following findings concerning the request:

1. The proposal to rename Road B in the Harbor Bay Business Park to Penumbra Place conforms to the General Considerations and Designation sections of the 2007 Policy for Naming City Property, Facilities and Streets, fulfilling the technical requirements for naming conventions, suffix, and emergency services criteria.
2. The proposal to rename Road B in the Harbor Bay Business Park complies with eligibility criteria and requirements in the 1998 Council-adopted Corporate Address Designation Policy for Public or Private Streets, as follows:
 - a) A corporate address designation may be approved for a street in those instances where the corporate campus which the street serves is larger than one acre encompassing at least two buildings in a commercial area. Penumbra currently occupies six buildings along Road B covering an area greater than one acre.
 - b) The roadway to be named must be developed as a street. The street to be named must be full radius return and be acceptable as a street under City design standards

for sidewalks, curbs and intersection configuration. Road B is an existing private street that was constructed according to City design standards at the time of construction.

- c) The street to be named must be located in an area of the City designated in the General Plan as Community Commercial Office Business Park Mixed Use or General Industry on corporate property greater than one acre in size with two or more corporate buildings on site. Road B is located within the Harbor Bay Business Park, which is designated as Business Park on the General Plan and complies with the size and building requirements as discussed above.
- d) The name to be used must be distinct from all other street names used in the City of Alameda to eliminate possible confusion during an emergency response from the City of Alameda. Penumbra Place is a unique name distinct from other street names in the City. The use of Penumbra Place will have no impact on emergency response. The name also conforms to the 2007 Street Naming Policy, which prescribes the suffix "Place" for cul-de-sac or dead-end streets.
- e) The only buildings to be addressed from the named street which is under the full control of said corporation shall be those which are owned or leased long-term and are used for the operation of the corporation for which the street is named. In general, buildings shall be addressed from the street where the main entrance is located. All addressing must be approved by the City Building Official. Penumbra has control of all the buildings along Road B. The City Building Official has confirmed there are no issues with the proposed addressing.

BE IT FURTHER RESOLVED, the Planning Board finds this project exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b), as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

BE IT FURTHER RESOLVED, that the Planning Board of the City of Alameda hereby recommends the City Council approve renaming Road B to Penumbra Place and consolidate the Corporate Address Designation Policy for Public or Private Streets with the Policy for Naming City Property, Facilities and Streets.

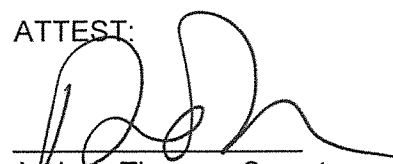
I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 25th day of April, 2016, by the following vote to wit:

AYES: (6) Henneberry, Zuppan, Köster, Mitchell, Sullivan and Burton

NOES: (0)

ABSENT: (1) Knox White

ATTEST:

A handwritten signature in black ink, appearing to read 'Andrew Thomas', written over a horizontal line.

Andrew Thomas, Secretary
City of Alameda Planning Board

**CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-16-13**

DECLARING A STATEMENT OF COMPLIANCE UNDER PERIODIC REVIEW FOR DEVELOPMENT AGREEMENT, DA-89-1, FOR THE PERIOD APRIL 5, 2015 THROUGH APRIL 4, 2016

WHEREAS, Harbor Bay Village Four Associates (HBV4), Harbor Bay Village Five Associates (HBV5) and Harbor Bay Isle Associates (HBIA) have initiated a Periodic Review of a Development Agreement between the City of Alameda and said Harbor Bay Entities, as required under Zoning Ordinance Section 30-95.1; and

WHEREAS, the Board held a public hearing on this request on May 23, 2016, and examined pertinent documents.

NOW THEREFORE BE IT RESOLVED THAT, the Board has made the following finding:

1. The Harbor Bay Entities have complied with the terms and conditions of the Development Agreement, DA-89-1, through the April 4, 2016 review period, as summarized in the Annual Report submitted by the Harbor Bay Entities and have demonstrated a continuing good faith effort to implement the terms and conditions as set forth in the Development Agreement, DA-89-1.

NOW THEREFORE BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby declares that Harbor Bay Entities are in compliance with the terms and conditions of Development Agreement, DA-89-1, through April 4, 2016.

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 or decision on any appeal plus extensions authorized by California Code of Civil Procedure Section 1094.6.

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.

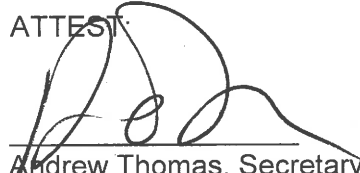
I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 23rd day of May, 2016, by the following vote to wit:

AYES: (5) Knox White, Zuppan, Mitchell, Sullivan and Burton

NOES: (0)

ABSENT: (2) Köster and Henneberry

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

**CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-16-14**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING PLN16-0039, A DESIGN REVIEW TO PERMIT A 909-SQUARE-FOOT SECOND STORY ADDITION AT 3244 STERLING AVENUE

WHEREAS, an application was made on January 21, 2016, by Catrina and Jarred Fobian, requesting a Design Review approval to permit a second story addition to an existing single story residence; and

WHEREAS, the application was accepted as complete on February 18, 2016; and

WHEREAS, the project site is located within a R-1, One Family Residence District; and

WHEREAS, the project site is located within a Low Density Residential District; and

WHEREAS, the subject property is listed on Alameda's Historical Building Study List with an S designation; and

WHEREAS, the Community Development Department approved this application on March 14, 2016, to allow adding a second story addition of 954-square-feet; and

WHEREAS, an appeal to the approval of Design Review Application PLN16-0039 was received on March 24, 2016; and

WHEREAS, the Planning Board held public hearing on April 25, 2016, to consider the Design Review appeal and remanded the project back to staff and the applicant for further design changes; and

WHEREAS, the Planning Board held a de novo public hearing on June 13, 2016, on the Design Review application at which time all materials submitted and all comments made by all parties, including staff, regarding this application were considered.

NOW, THEREFORE BE IT RESOLVED, on June 13, 2016 the Planning Board considered the appeal, the public testimony, and all pertinent plans and reports and made the following findings concerning the project:

Appeal Findings:

The Appellant has failed to demonstrate that the Community Development Department's actions, findings and conclusions were not supported by substantial evidence, not consistent with General Plan policy, or inconsistent with the purposes and standards of the Zoning Ordinance.

Design Review Findings:

1. The proposed design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual, because the proposed new construction is compatible in design and use of materials with the existing building and surrounding neighborhood. The project involves adding a second story addition of 909-square-feet to an existing one story residence of 1,079-square-feet. The proposed project meets all required state and local regulations. The resultant overall building height will be twenty-four feet (24'), which is below the thirty foot (30') building height limit in the R-1 zoning district. The proposed design of the second story addition is well integrated to the original bungalow style of the original one story residence and appears to be part of the original design. Given the constraints of the shallow lot size of 58'X57' and square shape of the existing building footprint, a strict enforcement of the City's Guide to Residential Design is impractical. However, the project is in substantial conformance with many of the provisions in the City's Guide to Residential Design that are viable options for this site. The stated reason for enforcing the 1 ½ story configuration or placing the new second story addition at the rear of the existing bungalow is to avoid having the building mass loom over the street and minimizing the verticality of the second story. The proposed design is stepped back from the first story front elevation and west side elevation and uses roof forms that echo the existing horizontal roof of the first story in an effort to reduce massing impacts as seen from the street.
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. Sterling Avenue is a block of 40 Bungalows that vary from one to one and on-half to two story residences. The second story addition of 3244 Sterling Avenue preserves the character-defining features of the original one story bungalow style architecture and incorporates appropriate building articulation and suitable architectural details which follow the established style of the neighborhood. The second story is subordinate in size to the existing first story, allowing the exposure of much of the original first story character-defining roof. The addition also replicates the horizontality of the original one story roofline by incorporating a low-pitched side-facing gable thereby creating a low profile as seen from the street. The second story includes several subordinate gables which relate to the gables of the existing residence. The only original two-story residence on the block also has second story gables that are subordinate to the first story gables. The new windows on the second story are strategically placed to minimize the loss of the neighbors' privacy, including the placement of windows over the staircase and offsetting new windows relative to the existing neighbors' windows. The overall design is well integrated into the existing residence and upholds the bungalow style architectural design.
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 project incorporates the bungalow style architectural features which are characteristic of the neighborhood, as well as in the existing

residence. The low-pitched side facing gable roof, with large eave overhangs and exposed rafter tails of the second story addition, are prevalent in the bungalows on Sterling Avenue. Roof treatment also includes large brackets on the gable ends. Wood shingles are used on the second story addition to match the existing first story and the existing chimney is extended up to the new second story. The proposed addition is designed to match the existing building and is also compatible with the design elements found on residential buildings in the neighborhood.

4. The project complies with the Secretary of the Interior's Standards for the Treatment of Historic Properties in that all rehabilitation and exterior modifications are consistent and compatible with the historic building's architectural style. The proposed changes do not alter the use, character and profile, and maintain the original style and materials of the building that make it eligible for the City's Historic Building Study List as a State resource. The structure will continue to serve as a State resource under the proposed design.

BE IT FURTHER RESOLVED, the Planning Board finds this project exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(e), which allows minor alterations of existing private structures involving negligible or no expansion of use. The proposed 909square-foot second story addition will not result in an expansion of the building footprint. This exemption allows additions to existing structures provided that the addition will not result in an increase of more than 10,000 square feet if the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and the area in which the project is located is not environmentally sensitive.

BE IT FURTHER RESOLVED, that the Planning Board of the City of Alameda hereby approves Design Review no. PLN15-0030 subject to the following conditions:

1. This approval is valid for two years and will expire on June 13, 2018, unless construction has commenced under valid permits. The approval may be extended by the Community Development Director for two years to June 13, 2020, upon submittal of an extension request and payment of the associated fee.
2. The plans submitted for building permit and construction shall be in substantial compliance with this project description: The project consists of a second story addition of 909 square feet to an existing one-story residence. The second story has a side yard setback of five feet and nine inches (5'-9") on the west side, creating a separation of twenty-seven feet and five inches (27'-5") from the westerly neighbor. The project is also set back from the front elevation to expose the roof of the original first story. The overall height of the residence will be twenty-four feet (24'). The property is listed on the Historical Buildings Study List with an (S) designation. The project is located within an R-1 (One-Family Residential) zoning district.

3. The applicants shall work with staff during the building permit plan check process to explore a roof modification that would remove the hip roof element on the west elevation and extend the front facing gable at the front elevation through to the rear elevation. Any change to the roof design shall be approved administratively by the Community Development Director as part of the building permit plan check process.
4. The plans submitted for building permit and construction shall be in substantial compliance with plans prepared by Elaine Lee, dated May 11, 2016, and on file in the office of the City of Alameda Community Development Department, except as modified by the conditions listed in this resolution.
5. 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.
6. A copy of the project conditions shall be printed on the cover of the final Building Permit plans.
7. Building Permit plans shall incorporate the approved window schedule.
8. The final plans submitted for Building Permit approval shall conform to all applicable codes and guidelines.
9. Any additional exterior changes shall be submitted to the Community Development Department for review and approval prior to construction.
10. The applicant, or its successors in interest, shall defend (with counsel reasonably 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 against the City of Alameda, Alameda City Planning Board and their respective agents, officers or employees to attack, set aside, void or annul, any approval or related decision to this project. This indemnification shall include, but is not limited to, all damages, costs, expenses, attorney fees or expert witness fees arising out of or in connection with the 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.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 13th day of June, 2016, by the following vote to wit:


AYES: (5) Köster, Burton, Mitchell, Sullivan and Zuppan

NOES: (0)

ABSENT: (1) Henneberry

RECUSED: (1) Knox White

ATTEST:



Allen Tai, Secretary
City of Alameda Planning Board

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CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-16-15

APPROVING AN AMENDMENT TO DENSITY BONUS APPLICATION AND DESIGN
REVIEW NO. PLN15-0179 FOR DEVELOPMENT OF 20 AFFORDABLE HOUSING UNITS
ON 0.83 ACRES OF LAND LOCATED AT 2437 EAGLE AVENUE

WHEREAS, the Housing Authority of the City of Alameda is requesting an amendment to the Density Bonus and Design Review application approved by the Planning Board on November 9, 2015, to permit the construction of twenty affordable housing units in three residential buildings and associated parking, landscaping and other improvements on property located at 2437 Eagle Avenue, and;

WHEREAS, the applicant submitted revised plans on May 11, 2016, to reduce the number of buildings and units for the project from three three-story buildings and one two-story building containing twenty-two units to three three-story buildings containing twenty units.

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

WHEREAS, the subject property is located in a NP-RD, North Park Street – Residential Zoning District; and

WHEREAS, the Board held a public hearing on June 13, 2016 on the amendment to Density Bonus Application and Design Review No. PLN15-0179, and examined all pertinent maps, drawings, and documents.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resource Code 21159.23 exemption g because the proposal is a 100 percent affordable residential project for lower-income households, the project is consistent with the General Plan and Zoning Ordinance, and the site was evaluated as a residential site in the North Park Street Environmental Impact Report (EIR). In addition, this project is exempt from CEQA pursuant to CEQA Guidelines Section 15332 – Infill Development Projects. The project meets all requirements for the infill exemption, including the following:

- a. The project is consistent with the applicable general plan designation and all applicable general plan policies, as well as with the applicable zoning designation and regulations. The project meets these criteria because, as proposed, it is consistent with the Medium Density Residential General Plan designation and the NP-RD zoning district. The project complies with the requirements of the Density Bonus Ordinance for increased density and the requested waivers of zoning requirements. The proposed project with Density Bonus waivers is compliant with the development regulations of the NP-RD zone.

- b. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. The project site is located within the North Park Street District, a heavily urbanized area within the city limits. The project site is designated as Medium Density Residential by the General Plan and is approximately 0.83 acres in size.
- c. The project site has no value as habitat for endangered, rare or threatened species. The area of the proposed development is currently a vacant lot within a heavily urbanized area of the North Park Street District. The site is surrounded by urban uses and is subject to high levels of disturbance from foot and vehicle traffic from the surrounding city streets.
- d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The project is a residential development located within an urbanized area with sewer and water infrastructure to support the development. 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 or water quality impacts. A letter from TJKM Transportation Consultants advises that the proposal will generate no more than approximately twelve a.m. peak hour trips and fourteen p.m. peak hour trips.
- e. 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 the Board made the following findings relative to the Density Bonus Application:

- 1. The 0.83 acre parcel can accommodate up to eight duplexes for a total of 16 units under the provisions of the NP-RD residential zoning district. With all 16 units proposed for lower income households, the project qualifies for a 35% density bonus. The proposed total of 20 housing units qualifies for the density bonus pursuant to AMC Section 30-17 Density Bonus Ordinance.
- 2. To enable the 20 units to physically fit on the site the Planning Board finds that the following waivers are required and justified:
 - a. Multifamily Prohibition Waiver. By allowing more than two units to be included in each building, the project is able to provide 20 units in three structures instead of eleven structures. By reducing the number of structures, the architect was able to eliminate the many small spaces between buildings and consolidate these spaces into usable spaces for recreation as required by the Zoning Ordinance and provide parking.
 - b. Rear Yard Setback Waiver. The western property line of the subject site is

technically the rear property line. This property line abuts the side yard of the adjacent commercial property on Eagle Avenue. The project provides a 10-foot 6-inch setback from the rear property line while the side yard setback for the adjacent property is five feet. The combined setbacks would provide a minimum of 15 feet 6 inches between the proposal and any future building on the adjacent property, which is an adequate amount of building separation.

- c. **Street Side Yard Setback Waiver.** The Zoning Ordinance requires a 10-foot street side yard setback on Eagle Avenue. The majority of the building frontages along Eagle Avenue meet the 10-foot setback except the corner unit at the southeast corner of the property and several stoops along the Eagle Avenue elevation. The corner unit requires the shortest setback of seven feet. A seven-foot street side yard setback is not uncommon in the neighborhood and allows the project to increase the amount of recreation area and open space on the project site.
- d. **Building Height Limit Waiver.** The proposed design includes three buildings with a third story. In order to accommodate the third story, and a more interesting roof line with pitched roofs to match the neighborhood, the building heights on three buildings were increased to approximately 40 feet 6 inches. Although the height limit is 30 feet in this district, several residential buildings in the immediate vicinity of the project also exceed the 30-foot height limit.

BE IT FURTHER RESOLVED, that the Board made the following findings relative to the Design Review approval:

1. The proposed project design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual. The proposal includes materials, architectural elements, and building colors to match and compliment the surrounding neighborhood. The project is compatible with the North Park Street Design Guidelines.
2. The project will be compatible with adjacent or neighboring buildings and promotes harmonious transitions in scale and character in areas between adjacent land uses. The project utilizes a courtyard housing configuration with row house building architecture as recommended by the North Park Street Design Guidelines. Design elements found in the surrounding neighborhood are incorporated into the building designs including sheltered entry porches, tall articulated windows, and gabled roofs. The design utilizes varying roof lines and building separation to articulate and reduce the scale of the structures for a more harmonious transition along the street. The site plan maximizes the amount of landscaped grounds and parking spaces on the site. A mix of balconies, porches, and patios provide personal open space for the residents. Outdoor amenities and landscaped areas provide gathering locations for the residents.

3. The proposed design of the structures and exterior materials and landscaping are visually compatible with the surrounding development. Design elements have been incorporated to ensure the compatibility of the structures with the character and uses of adjacent development. Fiber cement siding, panels, and board and batten, are used to emulate and accentuate the vertical proportions that are often displayed in Stick style architecture of the Victorian era. Columns of bay windows, the varying roof lines, and the composition of the façade materials are carefully designed to further break up the mass of each building and articulate the individual units. The materials, design, and scale of the buildings are compatible with the residential character of the adjacent properties.

BE IT FURTHER RESOLVED, that the Planning Board of the City of Alameda hereby conditionally approves the amendment to the Design Review, Density Bonus, and Density Bonus Waivers for PLN15-0179. The following conditions of approval shall supersede the conditions of approval established by Planning Board Resolution No. PB15-24:

COMMUNITY DEVELOPMENT DEPARTMENT

1. These conditions shall be printed on the first page of all building plans and improvement plans.
2. Building Permit Plans: The plans submitted for building permits shall be in substantial compliance with the plans prepared by Anne Phillips Architects, date stamped May 11, 2016 on file in the office of the City of Alameda Community Development Department.
3. The Design Review approval for the three affordable housing buildings shall expire and become void unless actual construction under valid permits has been commenced within two years after this approval. A one-time extension for an additional two years may be granted by the Community Development Director upon written request.
4. Any additional exterior changes shall be submitted to the Community Development Department Director or designee for review and approval prior to construction.
5. At least two weeks prior to initiating any construction activities at the site, the applicant shall provide notice to businesses and residents within 500 feet of the project site including (1) project description, (2) description of construction activities, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name and phone number of the Noise Management Individual for the project, (5) commitment to notify neighbors at least four days in advance of authorized extended work hours and the reason for extended hours. A copy of such notice and methodology for distributing the notice shall be provided in five (5) business days in advance to the City for review and approval.

6. All construction activity shall be consistent with the limitations of the Alameda Municipal Code and Alameda Noise Ordinance. Construction activities shall be limited to the hours of 7:00 AM to 7:00 PM Monday through Fridays or 8:00 A.M. to 5:00 P.M. on Saturdays.
7. The applicant shall address Comments No. 2, 4-7, 10-12, 14, 16, 18-21 from the June 10, 2016 Alameda Architectural Preservation Society comment letter. Any architectural changes that are feasible within the Housing Authority's project budget, as determined by the Housing Authority, shall be incorporated in the building permit plan set for review by the Community Development Director.
8. The applicant shall evaluate the bicycle parking plan and landscaping plan to determine if more useable open space can be provided for the residential development. Any modifications that are feasible within the Housing Authority's project budget, as determined by the Housing Authority, shall be incorporated in the building permit plan set for review by the Community Development Director.
9. The City of Alameda requires as a condition of this approval that the applicant, or its successors in interest, shall defend (with counsel reasonably 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 against the City of Alameda, Alameda City Planning Board and their respective agents, officers or employees to attack, set aside, void or annul, any approval or related decision to this project. This indemnification shall include, but is not limited to, all damages, costs, expenses, attorney fees or expert witness fees arising out of or in connection with the 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.
10. All Time and Material charges for this application shall be paid in full prior to the issuance of building permits.

PUBLIC WORKS

Engineering

11. The applicant/developer shall submit construction improvement plans for all on- and off-site improvements, including detailed designs for all wet and dry utilities, landscaping and irrigation, water, grading, drainage, erosion control, paving and solid waste storage and recycling areas. The plans shall be prepared, signed and stamped as approved by a registered civil engineer licensed in the State of California, and be in accordance with the AMC, the City of Alameda Standard Plans and Specifications, Standard Specifications and Design Criteria, and the Master Street Tree Plan. The plans shall be reviewed and approved by the Public Works Director prior to approval of the improvements plans or the building permit, whichever comes first. The engineer shall

also assume responsibility for inspection of the on-site construction work, including but not limited to parking lots, pathways, storm facilities, sewer facilities, etc., and shall certify to the City, prior to acceptance of the work or issuance of any occupancy permit, including a temporary occupancy permit, whichever comes first, that the installation of the on-site work (excluding the building and foundation) was constructed in accordance with the approved plans.

12. The landscape and irrigation plans for on-site and off-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 Master Street Tree Plan, the AMC, conditions of approval by the Planning Board, and other regional jurisdictions requirements, as applicable.

- a. Projects required to meet the Bay-Friendly Landscape (BFL) requirements shall:
 - i. have plans prepared by a qualified BFL design professional;
 - ii. earn, at a minimum, a total of 60 points on the StopWaste.Org "Bay-Friendly Scorecard for Commercial & Civic Landscapes" (Scorecard), as determined by a qualified BFL Rater;
 - iii. complete the nine required practices identified on the Scorecard related to mulch, compost, diversion of construction and demolition waste, selection of planting materials, and the design and installation of irrigation systems, as determined by a qualified BFL Rater;
 - iv. acquire the services of an approved BFL Rater to assist the landscape project design and construction team with gaining BFL qualification, consistent with the BFL qualification requirements of the Bay Friendly Coalition
 - v. pay the required BFL application and final submittal fees via the BFL Rater to the Bay Friendly Coalition
 - vi. submit to the City written certification from the Bay Friendly Coalition that the design and construction of the landscaping and irrigation meets the most recent version of the "Bay-Friendly Landscape Guidelines" developed by StopWaste.Org and The Bay Friendly Coalition. This certification is required prior to acceptance of the work or issuance of any occupancy permit, including a temporary occupancy permit, whichever comes first,
- b. In addition, the final landscape plans shall ensure that all landscaping and bioswales are compatible with the storm water treatment measures designed to minimize irrigation and runoff; promote surface infiltration, where appropriate; and minimize the use of fertilizers and pesticides that can contribute to storm water pollution. Also, integrated pest management (IPM) principles and techniques shall be incorporated into the landscaping design and specifications. Where feasible, landscaping shall be designed and operated to treat storm water runoff by incorporating elements that collect, detain, and infiltrate runoff.

Plant placement within the site landscape design shall not interfere with the design function of any of the storm water treatment measures. For example, trees planted in or near a mistreatment swale shall not adversely interfere with the design flow capacity of the swale. The plans shall be reviewed and approved by the Public Works Director prior to approval of the improvements plans or the building permit, whichever comes first. The landscaped architect shall also assume responsibility for inspection of the work and shall certify to the City, prior to acceptance of the work or issuance of any occupancy permit, including a temporary occupancy permit, whichever comes first, that the installation of landscaping and irrigation in the public right of way was constructed in accordance with the approved plans.

13. A storm drainage hydrology analysis identifying the total peak drainage 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 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 developer will pay for the cost of the modeling study. The developer will include the recommended improvements into the project's improvements plans prior to approval of the improvements plans or the building permit, whichever comes first.
14. The applicant/developer shall submit a soils investigation and geotechnical report, prepared by a registered geotechnical engineer licensed in the State of California and acceptable to the Public Works Director. The report shall address the structural and environmental analysis of existing soils and groundwater. The improvement plans shall incorporate all design and construction criteria specified in the report. The geotechnical engineer shall sign and stamp the improvement plans as approved and as conforming to their recommendations prior to approval of the improvement plans. The geotechnical engineer shall also assume responsibility for inspection of the work and shall certify to the City, prior to acceptance of the work or establishment of the use, whichever comes first, that the work performed is adequate and complies with their recommendations.
15. All required public frontage and street improvements shall be designed, built, and dedicated to the City in accordance with City ordinances and Public Works Department standards and shall include curbs, gutters, sidewalks, street trees, landscaping and irrigation, streetlights, etc.
16. Applicant/developer shall resurface the existing street pavement whenever a street is cut, either by a longitudinal or transverse cut, for utility or other improvement installations so the street is restored to pre-project conditions. The resurfacing shall extend a sufficient distance beyond any cut to ensure a smooth transition, as determined by the Public Works Director, and shall consist of a one and a half (1½) inch asphalt concrete overlay. Applicant/developer shall also provide digouts and

reconstruction of any potholed and/or alligatored areas adjacent to the project.

17. Installation of street paving shall include reconstruction of the existing pavement section to provide adequate conforms. The limits of such reconstruction shall be established by the Public Works Director prior to approval of the improvement plans, issuance of a building permit, or prior to establishment of the use, whichever comes first.
18. During construction, the applicant/developer shall ensure that construction crews undertake a program of dust control including, but not limited to, watering soil surfaces as needed to prevent dust blowing, covering trucks carrying materials to and from the site, and frequent clean-up of soil carried by construction vehicle tires from the site onto streets. No City water shall be used for this purpose.
19. All project-related grading, trenching, backfilling, and compaction shall be conducted in accordance with City of Alameda Standards and Specifications.
20. 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.
21. Construction equipment must have state of the art muffler systems as required by current law. Muffler systems shall be properly maintained.
22. Noisy stationary construction equipment, such as compressors, shall be placed away from developed areas off-site and/or provided with acoustical shielding.
23. Grading and construction equipment shall be shut down when not in use.
24. During non-working hours, open trenches shall be provided with appropriate signage, flashers, and barricades approved by the Public Works Director to warn oncoming motorists, bicyclists, and pedestrians of potential safety concerns.
25. Prior to trenching within existing street areas, the applicant's engineer shall ascertain the location of all underground utility systems and shall design any proposed subsurface utility extensions to avoid disrupting the services of such system.
26. New street trees shall maintain clearances from utilities shall be as follow: a) Fire hydrant – 6 feet; b) top of driveway wing – 5'; c) stop signs – 15'; d) street/pathway lights and utility poles – 25'; e) storm drain, sanitary mains, gas, water, telephone, electrical lines – 5'; f) front of electrical pad-mounted equipment – 10'. Verify minimum clearance distances of street trees/shrubs from electrical transformers with City of Alameda Municipal Power (AMP).
27. Approved backflow prevention devices shall be installed on all new and existing

domestic, commercial, irrigation and fire water services and as required by the East Bay Municipal Utility District (EBMUD). These devices must be tested by an AWWA certified tester from a list of testers provided by EBMUD.

28. Costs for inspection by the Public Works construction inspectors during non-working hours shall be at time and one half. Work on Saturday's requiring inspection shall not be done unless approved in advance by the Public Works Director. No work allowed on Sundays. Any work done without inspection may be rejected at the contractor's expense.

Stormwater, Wastewater and Water

Prior to issuance of the grading or combination building/grading permit, or approval of the Civil Improvement Plans, whichever comes first:

29. The Civil Improvement Plans shall include the finalized storm water quality management (treatment) plan at the 100% complete level. Civil Plan sheets shall include detail and cross-sectional drawings of the storm water quality design and treatment measures consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual and Provisions C.3.c and C.3.d of the City's Municipal NPDES storm water permit.
30. In tandem with the submittal of the Civil Improvement Plans, the applicant/developer shall also submit, for review by the Public Works Department, a finalized, stamped, signed City of Alameda C3 certification form from a qualified independent civil engineer with storm water treatment facility design experience that indicates the storm water treatment measure designs of the finalized improvement plans and storm water quality management (treatment) plan meet the established sizing design criteria for storm water treatment measures.
31. Finalized Landscaping Plans for all landscape-based storm water treatment measures shall be consistent with the civil engineering designs and functional intent of these treatment measures. The landscape architect's plans shall indicate the usage of biotreatment soils compliant with the storm water requirement's Attachment L specifications in all landscape-based treatment measures. The plant palette(s) described for the landscape-based storm water treatment measures shall be consistent with the civil engineering designs and functional intent of these treatment measures and the use of the Attachment L compliant mistreatment soil. The landscaped areas shall also be designed to minimize runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to storm water pollution. Consideration shall be given to pest-resistant landscaping and design features and the use of integrated pest management (IPM) principles and techniques.
32. The finalized Civil Improvement plans shall indicate the structural storm water trash capture measure(s) being installed on the project site to ensure that the storm water drainage from the project site is subject to full trash capture consistent with City's

municipal storm water permit definition of a full trash capture device. 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 detail and cross-sectional drawings of any storm water full trash capture device(s).

33. The project proponent shall provide a construction-phase urban runoff/storm water pollution prevention plan (SWPPP) for review and approval by the Public Works Clean Water Program for conformance with the City's erosion and sediment control standards. This Plan shall include appropriate erosion, sediment and pollution control measures to effectively prevent the entry of any soil, rock, debris and/or other pollutants to storm water runoff, the municipal storm drain system, or the Bay/estuary during construction.
34. The Civil Improvement Plans shall contain erosion and sediment control plan sheet(s) notes and detail drawings consistent with the approved SWPPP document. Detail drawings shall be provided in the Civil Improvement Plan sheets for the installations of all structural erosion and/or sediment control practices. These specifications should meet industry standards for erosion and sediment control effectiveness, such as those established by the California Storm water Quality Association's Storm water Best Management Practice Handbook – Construction (www.cabmphandbooks.com).
35. In compliance with the project site's SWPPP, the applicant/developer shall be responsible for ensuring that all contractors and sub-contractors install and regularly maintain all control measure elements required in the project site's SWPPP. The applicant/developer shall pay for any required cleanup, testing, and City administrative costs resulting from the consequence of construction materials entering the storm water system and/or waters of the State.
36. Fire sprinkler system test water discharges shall be directed to the sanitary sewer system or to appropriately-sized onsite vegetated area(s).
37. The Improvement Plans shall indicate that all new storm drain inlets shall be clearly marked with the words "No Dumping! Drains to Bay," or equivalent, as approved by the City Public Works Department. Permanently affixed thermoplastic, metallic or plastic laminate style markers are examples of acceptable forms.
38. Improvement Plan design of all external enclosures for solid waste, recycling and organics shall be approved by the Public Works Department. 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.
39. The applicant/developer shall submit for review and approval by Public Works Engineering a Storm water 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 storm water treatment measures at the site. This O&M Plan shall be consistent with the City of Alameda's C3-LID Measures O&M Plan Checklist.

Prior to issuance of the initial, temporary or first occupancy permit, whichever comes first:

40. The applicant/developer shall submit a certification report (Report) prepared by a registered civil engineer, licensed in the State of California, affirming that all project site storm water 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 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 for review and approval by Public Works Engineering.
41. The Housing Authority shall submit a signed statement to the City Public Works Department that the Housing Authority accepts full responsibility for the implementation of the approved O&M Plan for the project site's storm water treatment measures until such responsibility is legally transferred to another entity, complete with the approved O&M Plan and annual reporting template. This signed statement shall also provide, but not necessarily be limited to: identification of the party responsible for storm water treatment measures O&M; assurances of City access to inspect and verify the treatment system O&M for the life of the project; and assurances of the submittal of the annual O&M report by the Housing Authority to the Public Works Department.

Traffic and Transportation

42. The applicant/developer shall submit a traffic striping and signage plan for all on-site improvements, as part of the construction improvement plan submittal. The plans shall be prepared by a registered civil engineer or traffic engineer licensed in the State of California. The engineer shall sign and stamp the plans as approved. The plans shall be reviewed and approved by the Public Works Director prior to approval of the improvements plans or building permit, whichever comes first.
43. The applicant/developer shall submit the improvement plans for any on-site parking facilities to the Community Development Department and Public Works Department for review and approval. A registered civil engineer licensed in the State of California shall prepare the plans and signed and stamped them as approved. The Community Development Department shall review and approve the parking lot layout, including number of spaces, dimensions of spaces, and ADA requirements and the Public Works Director shall review and approve the internal and external circulation of the parking lot,

including lane widths and access points. The plans shall be reviewed and approved by the Community Development Department and Public Works Director prior to approval of the improvements plans or the building permit, whichever comes first.

44. At least three weeks prior to the commencement of work within the public right-of-way that affects access for pedestrian, bicyclist, and vehicular traffic, the applicant/developer shall provide a Traffic Control Plan (TCP) to the Public Works Department for review and approval. The TCP shall be prepared by a registered civil engineer or traffic engineer licensed in the State of California, and be in accordance with the California MUTCD standards. The engineer shall sign and stamp the plans as approved. In general, any vehicular, transit, bicyclist, and pedestrian access through and/or adjacent to the project site shall remain unobstructed during project construction or an ADA compliant alternative route established as approved by the Public Works Director. At locations where adequate alternate access cannot be provided, appropriate signs and barricades shall be installed at locations determined by the Public Works Director and Police Chief. Should transit routes be affected, applicant/developer is required to receive prior approval from AC Transit of any proposed traffic detours or temporary closure of bus stops. Constructed work may not commence until the TCP is approved by the Public Works Director.
45. Applicant/developer shall replace any damaged curb, gutter, and sidewalk along street frontages to the satisfaction of the Public Works Director, in accordance with the Public Works Department's Standard Plans and Specifications prior to acceptance of the project or issuance of any occupancy permit, including a temporary occupancy permit, whichever comes first.

Environmental

Waste Management:

46. The project shall be subject to the WMP requirement of section 21-24 of the Alameda Municipal Code, and must recycle at least 50% of total debris hauled from project. Failure to comply with any of the terms of that chapter shall be punishable as an infraction pursuant to subsection 1-5.1 of the Municipal Code. For purposes of this provision, one or more permits for construction or demolition issued within a short period of time (as for example, the time between the application for the initial approval and the issuance of a certificate of occupancy or final inspection approval for that initial approval) and with respect to the same premises or with respect to multiple premises owned by the same person shall be deemed a single "project" unless the Building Official determines that treating such permits as involving multiple projects will not obstruct the accomplishment of the purposes of this chapter.
 - a) The WMP shall be submitted by the developer to Environmental Services via Green Halo (greenhalosystems.com) prior to start of the demolition, remodeling, or construction work. This must be done using Green Halo's web interface, which will include information such as:

- I. Franchised or permitted waste hauler's name, address, and telephone number
 - EXCEPTION: Self-haul is allowed, but ONLY in fixed body trucks that belong to the permit holder –debris or roll-off boxes are prohibited for self-haulers, and unpermitted and subcontracted waste haulers are prohibited. (AMC 21-21)
- II. Project location and/or street address
- III. Anticipated start and completion dates of the project
- IV. A list of materials expected to be generated (e.g., glass, wood, metal, drywall, concrete, bricks);
- V. The estimated tonnage of each material; how they are to be reused, disposed or recycled; and
- VI. The destination/processor for that reuse, recycling or disposal.

The Environmental Services Division will review the WMP, and will provide recommendations that shall be incorporated into the plans for the project.

- b) Final Hauling Report: Within thirty (30) days after the completion of the demolition, remodeling or construction project, or prior to final inspection approval, whichever comes first, the developer shall submit a Summary Report to the Environmental Services Division, via Green Halo (greenhalosystems.com). For approval, this reporting will specify actual tonnages disposed and/or recycled for each material, and the actual destination/processor. Disposal and/or recycling weight tags from that facility or facilities will need to be directly uploaded to Green Halo to verify this activity.

Should paper forms be necessary for the WMP and Summary Report, please request City-specified forms, and note that additional City staff hours required for reporting and calculation will be charged to the permit.

47. Compliance as a Condition of Approval. Compliance with these provisions of the Alameda Municipal Code shall be a condition of approval on any building or demolition permit issued by the City and the Building Official shall provide the applicant written notice of that fact. (Ord. No. 2886 N.S. §1). The Building Official shall not issue a certificate of occupancy or a final inspection approval pursuant to the Building code for any project for which a C&D Applicant is not in compliance with the WMP requirement unless that non-compliance has been resolved by payment of the corresponding penalty (ninety five (\$95) dollars for every ton of material required to be diverted but which is not diverted).

WASTE/RECYCLING ENCLOSURES:

48. Design of all external enclosures for solid waste, recycling, and organics shall be approved by the Public Works Director 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 Public Works Director prior to establishment of the use. These facilities are to 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 discharged to the storm drain system. External enclosures are to be roofed and/or enclosed. Any enclosures containing food waste shall have floor drains connected to the sanitary sewer system. If the enclosures are attached to buildings they shall have fire sprinklers. Internal collection and storage area(s) and the individual bins and containers provided, shall be adequate in capacity, number, and distribution to serve the anticipated demand for trash, recycling, and organics as determined by the Public Works Director.

49. The storage area(s) shall be accessible to residents and employees. Each storage area within a residential development shall be no more than 250 feet from each dwelling unit.
50. Driveways or aisles shall provide unobstructed access for collection vehicles and personnel and provide at least the minimum clearance required by the collection methods and vehicles used by the City's designated collector or hauler. In all cases where a parcel is served by an alley, all exterior storage areas shall be directly accessible to the alley.
51. The storage area(s) and the individual bins and containers provided within shall be adequate in capacity, number and distribution to serve the anticipated demand as determined by the Public Works Director.
52. The design and construction of the storage area(s) shall:
 - a. Be compatible with the surrounding structures and land uses; and
 - b. Be properly secured to prevent access by unauthorized persons. If gates with locks are planned to limit access to the enclosure or to the property, cards or keys must be provided to the City's franchised waste hauler and recycling collector; at present Alameda County Industries; and
 - c. Contain a concrete pad within the fenced or walled area(s) and a concrete apron which facilitates handling of the individual bins and containers; and
 - d. Provide a 6-inch wide curb or parking bumpers along the interior perimeter of the enclosure walls to protect them from damage by the dumpster. A 6-inch wide parking bumper, at least 3 feet long, should also be placed between the refuse dumpster and the recycling containers; and
 - e. Maintain a minimum space of 12 inches between the dumpster(s) and the walls of the enclosure and the recycling container(s) to allow for maneuvering the dumpster(s); and
 - f. Protect the area(s) and containers from adverse environmental conditions, which might render the collected materials non-collectible, noxious, unsafe, or in the case of recyclable materials, unmarketable.
53. Dimensions of the storage area(s) shall accommodate containers consistent with the current methods of collection. The storage area(s) shall be appropriately located and

screened from view on at least three sides by a solid wall six feet in height, and on the fourth side by a solid gate not less than five feet in height. The gate shall be maintained in good working order and shall remain closed except when in use. Gates must open straight out and gates and hinges must be flush with the enclosure wall to allow adequate maneuverability of the dumpster in and out of the enclosure. The design of the wall and gate shall be architecturally compatible with the surrounding structures.

54. A sign clearly identifying each exterior solid waste and recyclable material storage area and the accepted material(s) is required. Each sign shall not exceed two square feet in area and shall be posted on the exterior of the storage area adjacent to all access points.
55. All solid waste containers, including dumpsters and individual cans or carts, must have fitted lids which shall remain closed at all times when the container is not being used or emptied.

ALAMEDA MUNICIPAL POWER

56. The applicant shall comply to AMP's Rules and Regulations as stated in Article X and AMP's "Material and Installation Criteria for Underground Electrical Systems" (both available www.alamedamp.com) and provide completed "Service Planning Sheets" for AMP's review prior to submitting plans for building permits.
57. The applicant shall provide information on the location of transformers and total load in kilowatts or kilowatt/volts (KVA) to Alameda Municipal Power (AMP) for approval prior to issuance of building permits. 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.
58. Prior to issuance of the building permit(s), the applicant shall show the location of fire hydrant spacing on all sides of the project.

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.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 13th day of June, 2016, by the following vote to wit:

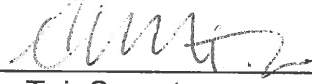
AYES: (5) Knox White, Burton, Mitchell, Sullivan and Zuppan

NOES: (0)

ABSENT: (1) Henneberry

RECUSED: (1) Köster

ATTEST:



Allen Tai, Secretary
City of Alameda Planning Board

* * * * *

CITY OF ALAMEDA PLANNING BOARD
RESOLUTION PB-16-16

APPROVING AMENDMENT (PLN16-0165) TO THE ESPLANADE FINAL DEVELOPMENT PLAN (PLN15-0092) TO ALLOW SENIOR ASSISTED LIVING AS A PERMITTED USE AT 2900 HARBOR BAY PARKWAY.

WHEREAS, an application was made on March 23, 2016 by Pacific Union Land Investors, LLC for an amendment to the Esplanade Development Plan No. PLN16-0165 to permit the construction of a 105,499 square foot two-story senior assisted living facility located at 2900 Harbor Bay Parkway, and;

WHEREAS, the subject property is 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, and subsequently amended by PDA-85-4, PDA05-0003, PLN07-061, and PLN15-0092; and

WHEREAS, the Board held a public hearing on June 22, 2016, for this application, and examined pertinent maps, drawings, and documents; and

WHEREAS, the Board was not able to review the project architecture for design review approval; and

WHEREAS, the Board reviewed the proposed site plan and directed the applicant to reduce the size and building footprint of the proposed facility; and

WHEREAS, the Board directed the applicant to revise the site plan to address concerns with view corridors on the project site; and

WHEREAS, the Board determined that senior assisted living is an appropriate land use for this site within the Harbor Bay Business Park CM-PD, Commercial Manufacturing-Planned Development Zoning District; and

WHEREAS, the Board directed staff to return at a later date to review the site plan, landscaping plan, and architecture for the project.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board made the following findings regarding the California Environmental Quality Act (CEQA):

1. No further environmental review is required for the proposed amendment to the Development Plan pursuant to Section 15162 of the California Environmental Quality Act Guidelines because there have been no significant changes in circumstances that require revisions to the previously certified Environmental Impact

Report since the City Council made the same finding in 2008 regarding the Esplanade Project.

2. The project site has no value as habitat for endangered, rare or threatened species. The Harbor Bay Isle Environmental Impact report analyzed the impacts of Harbor Bay development on wildlife, migratory birds and jackrabbits. The biological survey for the proposed assisted living facility concludes that the proposal does not substantially change the determination of the previously certified Environmental Impact Report. The area of the proposed development is currently a vacant 5.5 acre project site. The vacant site has no habitat value for any endangered, rare, or threatened wildlife species. A burrowing owl and other raptors, snowy plover, California least tern, and passerine nesting bird survey was conducted by Monk & Associates Environmental Consultants at the project site on May 4, 2016, and no evidence of the presence of these species were observed on or within a zone of influence of the site. A condition of approval will also require an additional survey be conducted 14 days prior to construction.

During the survey, four black-tailed jackrabbits were observed on the project site. No young were present on the site at the time of the survey and no burrows or rabbit dens were detected. The black-tailed jackrabbit is not a protected species in California as they are quite common in ruderal areas, grasslands, and crop fields. The back-tailed jackrabbit's highly adaptable nature to anthropogenic communities and highly disturbed areas make them a robust species and they successfully relocate to nearby open spaces when necessary.

3. Approval of the project would not result in any substantial changes in the environmental determination in regards to traffic, noise, and air navigation. The previously certified Harbor Bay Isle Environmental Impact Report analyzed the impacts of the Harbor Bay development on traffic, noise, and air navigation. The traffic analysis, noise analysis, and Airport Land Use Commission analysis conclude that the proposed assisted living facility will not substantially change the determinations of the previously certified Environmental Impact Report. The proposed project will not result in any significant traffic, noise, air quality or water quality impacts because the project is a less intensive use than the previously approved office building use. A traffic and parking analysis conducted by TJKM traffic consultants indicates that a senior care facility use generates considerably fewer trips on a daily basis, especially during both the a.m. and p.m. peak hours, when compared with a comparable office building use. Moreover, the parking demand for a senior assisted living facility of one parking space for every three beds is considerably less than an office use which requires 3.51 parking spaces for every 1,000 square feet of floor area. Therefore, the senior assisted living facility use does not create a substantial change in the project traffic generation and parking demand from approval comparable office use. The senior assisted living facility use was also approved by the Alameda County Airport Land Use Commission in regards to compliance with the safety, noise, and height development requirements of the adjacent Oakland Airport. The Noise analysis conducted by AGD Acoustics determined that the use can meet city, state, and county requirements in regards to noise levels through the implementation of standard CNEL building requirements.

BE IT FURTHER RESOLVED, that the Board made the following findings relative to the Amendment to the Development Plan:

1. The proposed use relates favorably to the General Plan. The proposed use of the property provides employment opportunities on a property that is currently vacant and assisted living and memory care services for seniors. General Plan policies recognize the need for new employment opportunities in Alameda and the growing need for senior housing. The site's General Plan designation of "Business Park" is supported by its C-M Commercial Manufacturing/Planned Development zoning designation. The proposed uses are consistent with the zoning designations. Pursuant to the Alameda Municipal Code, assisted living and memory care facilities and services as proposed by the applicant are defined as commercial facilities. Section 30-4.10 b. lists the specific uses that are permitted in the C-M District. Item number 1 on the list references all of the uses permitted by right in the C-1 and C-2 commercial districts. Item number 3 on the list includes, *"Other commercial-manufacturing uses, which are similar to the uses permitted in the district..."*. Both Section 30-4.8.b C-1 Neighborhood Business District, Uses Permitted and Section 30-4.9.b C-2 Central Business District, Uses Permitted list *"Uses permitted in the AP District..."* as uses that are permitted in the C-1 and C-2 Zoning Districts. Section 30-4.7 –AP Administrative Professional District, subsection b. Uses Permitted includes item number 2: "Medical facilities, including but not limited to the following: (e) Nursing and convalescent homes, and (g) Rest Homes. Nursing homes, convalescent homes, and rest homes are defined by the Webster's Dictionary as: "a privately operated establishment providing maintenance and personal or nursing care for persons (as the aged or the chronically ill) who are unable to care for themselves properly. A rest home is defined as an "establishment that provides housing and general care for the aged or the convalescent".
2. The development is a more effective use of the site than is possible under the regulations for which the PD district is combined. The western portion of the Esplanade development site is considered the end of the Harbor Bay business park and abuts the ferry terminal and residential development. The proposed assisted living facility provides a complementary transition between the nearby residential development, the ferry terminal, and the existing business park.
3. 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 conditions of approval require that the Planning Board review and approve the revised development plan, architecture and landscape design to ensure that project is architecturally and aesthetically harmonious with its surroundings. Operationally, a senior assisted living facility at this location is compatible with the adjacent ferry terminal, adjacent office buildings, and adjacent lagoon and San Francisco Bay.
4. The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities. The site is served by an existing roadway network, an adjacent Ferry Terminal, and an existing free Harbor Bay

shuttle service connecting the site to BART. The senior assisted living facility will provide van services for all residents, which will reduce automobile trips from and to the site. Furthermore, assisted living facility employees typically arrive and depart on rotating 8 hour shifts which minimize peak hour trips from the property. From a transportation point of view, the proposed use will generate relatively few peak hour automobile trips in Harbor Bay. Based upon the traffic analysis conducted on May 6, 2016 by TJKM Traffic Consultants, the use can be determined to generate less AM peak Hour trips and PM peak hour automobile trips than a comparable sized office use. The analysis shows potential daily and peak hour traffic generated by the proposed use will be substantially less than traffic generated by a comparable sized office use.

5. 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 assisted living facility is a commercial use that is in great demand in Alameda. Demand for such facilities far exceeds supply; therefore, the facility will not be detrimental to other similar facilities in Alameda. This type of commercial facility does not generate a large number of truck or automobile trips, does not generate significant off-site noise or odors, and is generally considered to be a compatible use for adjacent residential and business uses.

BE IT FURTHER RESOLVED, that the Planning Board of the City of Alameda hereby approves an Amendment to Esplanade Final Development Plan PLN15-0092 to allow a senior assisted living facility as a permitted use subject to the following conditions:

COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS

1. This amendment (PLN16-0165) to the Esplanade Final Development Plan (PLN15-0092) is limited to allowing Senior Assisted Living as a permitted use on a portion of the 5.5-acre portion of the site. No other changes to the Esplanade Final Development Plan are approved.
2. Conditions relating to the Planning Board Resolution No. 1203, PB-08-06, and PB15-13 are incorporated by reference, except where modified in the conditions herein.
3. Design Review Required: The applicant shall submit plans for the architectural, site plan, and landscape design for Design Review approval by the Planning Board prior to issuance of any building permits for Senior Assisted Living uses.
4. Shuttle Service Required: All senior assisted living uses shall provide complimentary shuttle services from the facility to commercial service areas in Alameda, including the Park Street business district, South Shore Shopping Center, and Harbor Bay Landing Shopping Center.
5. Bike Facility Improvements Required: The applicant shall contribute up to \$30,000 to the Water Emergency Transportation Authority (WETA), at the satisfaction of the

WETA, for either the replacement or expansion of bike lockers at the Harbor Bay ferry terminal.

6. Assisted Living Units are not Separate Dwelling Units: Assisted living units shall not include full kitchens, ovens, or gas utilities for kitchen appliances. Plans submitted for Design Review shall include floor plan details in compliance with this condition.
7. BCDC Permits: The applicant/owner shall secure any necessary approvals from the Bay Conservation & Development Commission for the proposed project.
8. Biological Survey: A biological resource survey shall be conducted for nesting birds/raptors including the western burrowing owls, western snowy plovers, and the California least terns no more than fourteen (14) days prior to the commencement of construction for the project.
9. ALUC Airport Noise: The maximum aircraft-related interior noise levels for the building shall be mitigated to 45 dB CNEL.
10. ALUC Avigation Easement: Prior to issuance of building permits, the applicant shall provide evidence of an executed Avigation Easement for the Oakland International Airport, in a form approved by the Port Attorney, for this project.
11. FAA Compliance: Prior to issuance of building permits, the applicant shall submit to the Federal Aviation Administration (FAA) a Form (currently designated 7460 although FAA may designate a substitute form), completed to FAA satisfaction, which describes the electronic and light emissions and reflections from the facility toward Port of Oakland runways and related information. The FAA Form 7460 or the equivalent regulates both building external elements and construction elements including temporary use of cranes. The applicant shall conform to FAA requirements in the Form 7460 or FAA-approved equivalent process. The applicant shall conform to any process of the Alameda County Airport Land Use Commission and shall provide verification to the Community Development Director of compliance efforts.
12. Outdoor Storage: There shall be no outdoor storage unless approved by the Community Development Director, and any outdoor storage permitted shall be temporary for in-transit materials.
13. View Corridor: New construction shall maintain a 60-foot-wide view corridor between the McGuire and Hester building and any new building constructed on the remaining 5.5-acre undeveloped portion of the site. Landscaping, parking, and small utility structures may be allowed in the view corridor, but no structures with habitable or conditioned space may be constructed within the view corridor.
14. The City of Alameda requires as a condition of this approval that the applicant, or its successors in interest, shall defend (with counsel reasonably 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 against the City of Alameda, Alameda City Planning Board and their respective agents, officers or employees to attack, set aside, void or annul, any approval or related decision to this project. This indemnification shall include, but is not limited to, all damages, costs, expenses, attorney fees or expert witness fees arising out of or in connection with the 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.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 22nd day of June, 2016, by the following vote to wit:

AYES: (5) Knox White, Köster, Henneberry, Mitchell, and
Zuppan

NOES: (1) Sullivan

ABSENT: (1) Burton

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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**PLANNING BOARD
RESOLUTION NO. PB-16-17**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA RECOMMENDING THAT THE CITY COUNCIL ADOPT A FINAL NEGATIVE DECLARATION, INTRODUCE AN ORDINANCE AMENDING CHAPTER 30 OF THE ALAMEDA MUNICIPAL CODE SECTION 3—4.21 E, ESTUARY DISTRICT, AND APPROVE TENTATIVE MAP #8337 (PLN16-0240) FOR A 105 LOT SUBDIVISION LOCATED ALONG THE OAKLAND INNER HARBOR TIDAL CANAL FROM APPROXIMATELY 1,800 FEET NORTHWEST OF THE PARK STREET BRIDGE TO APPROXIMATELY 2,300 FEET SOUTH OF HIGH STREET

WHEREAS, the U.S. Army Corps of Engineers (the "Army Corps") excavated, dredged, and created the Oakland Inner Harbor Tidal Canal (the "Tidal Canal") between 1882-1905, which is a waterway approximately 1.8 miles long and 400 feet wide and connects the Oakland Estuary with the San Leandro Bay from approximately 1,800 feet northwest of the Park Street Bridge to approximately 2,300 feet south of High Street Bridge. The Army Corps has retained fee title ownership of the Tidal Canal since its creation. The southern edge of the Alameda side of the Tidal Canal now includes uplands and bulkheads that have been utilized to varying degrees by adjacent private property owners.

WHEREAS, in 1990, the U.S. Congress authorized the Army Corps to transfer the Tidal Canal at no cost to the cities of Alameda and Oakland through the Water Resources Development Act ("WRDA") of 1990, as amended by WRDA 1996, 2007, and 2014.

WHEREAS, starting in 2000, the Army Corps instituted a moratorium on issuing regulatory permits or real estate licenses for any repairs, upgrades, improvements or new construction along the Tidal Canal, with the exception of emergency repairs, (the "Permitting Moratorium") to encourage the City of Alameda (the "City") to accept the Alameda side of the Tidal Canal. The Permitting Moratorium has prevented repairs and improvements to existing structures along the waterfront, which has negatively affected adjacent property owners and has limited the City's ability to enforce code requirements along the Tidal Canal.

WHEREAS, the Army Corps has agreed to take all reasonable steps necessary to effectuate the transfer, including filing a tentative map application under the Subdivision Map Act (CA Gov. Code §§66410-66413.5) to divide the Tidal Canal into approximately 105 individual parcels to facilitate the transfer to the City and the immediate subsequent sale of portions of the Alameda side of the Tidal Canal to private purchasers. The Army Corps also has agreed to lift the Permitting Moratorium on the Alameda side of the Tidal Canal once the property is transferred out of federal ownership.

WHEREAS, an application was made on June 1, 2016, by City staff on behalf of the Army Corps requesting approval to subdivide 105 lots out of the approximately 85-acre

Tidal Canal.

WHEREAS, out of the 105 lots, the Army Corps desires to transfer Parcels 2 and 4 through 102 to the City (the "Transferred Property") and to reserve and retain ownership of Parcels 1 (Oakland side of the canal), 3 (property adjacent to the federally-owned Navy Operational Support Center), and 103 through 105 (bridge footings for the High Street Bridge, the Miller-Sweeney Bridge and the Fruitvale Rail Bridge and the Park Street Bridge) as depicted in the Tentative Map included as Attachment A.

WHEREAS, the project site is currently located within the E, Estuary District.

WHEREAS, an amendment to the E, Estuary District is necessary to ensure that submerged lands removed from federal ownership are limited in use to water-dependent uses, subject to subsequent discretionary review and approval by the City, as more particularly described in the revised E, Estuary District provided as Attachment B to this Resolution.

WHEREAS, on June 1, 2016, the City published a Draft Initial Study/Negative Declaration ("IS/ND") for the OIHTC Project in accordance with the California Environmental Quality Act ("CEQA"), which addresses all potential environmental impacts associated with the proposed transfer and subsequent transfers into private ownership, amendments to the E, Estuary District, and the proposed subdivision map application and is provided as Attachment C.

WHEREAS, the Planning Board held a public hearing on this application on July 11, 2016.

NOW THEREFORE BE IT RESOLVED that the Planning Board of the City of Alameda hereby makes the following findings concerning the Negative Declaration:

1. A Draft Negative Declaration for the OIHTC Project has been prepared and circulated for public review in accordance with the California Environmental Quality Act (CEQA).
2. The Draft Negative Declaration addresses all potential environmental impacts associated with the proposed transfer and subsequent transfers into private ownership.
3. The Planning Board has reviewed the Draft Negative Declaration and finds that the proposed project will not result in any significant impacts on the physical environment.

NOW THEREFORE BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby makes the following findings concerning the proposed zoning amendment:

1. **The amendments maintain the integrity of the General Plan.** The proposed amendments to the zoning ordinance related to the use of submerged lands ensure appropriate use of submerged lands consistent with the General Plan Land Use Element and Open Space and Recreation Element policies regarding public and private use of waterways and adjacent shorelines. The proposed amendments to the E-District Zoning will permit only water-related uses within the Tidal Canal (e.g. boathouses, boat docks, etc.) and will require that all future improvement projects be subject to subsequent discretionary review and approval by the City.
2. **The amendments will support the general welfare of the community.** The proposed amendments ensure that these lands are used in a manner that supports the general welfare and that all future proposals for changes to the physical environment will be subject to discretionary and environmental review.

3. **The amendments are equitable.** The proposed amendments will apply to all private and public owners of submerged lands and ensure that all the interests of the general public are considered whenever new structures or uses are proposed on these lands.

NOW THEREFORE BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby makes the following findings concerning the proposed subdivision map:

1. **The proposed subdivision is in conformance with the General Plan and Zoning for this site.** The proposed subdivision does not include any proposed construction or development. Future uses of the Transferred Property would be consistent with the designated uses identified in the E, Estuary District and would be restricted to water -dependent uses, subject to future discretionary review and approval by the City.
2. **Subdividing the property will facilitate subsequent transfer allowing proper City code enforcement.** The property is being subdivided into 105 parcels to facilitate future sales to private purchasers to clear title issues and to allow City code enforcement, which is currently prevented under the Permitting Moratorium.
3. **There will be no development of the site.** The proposed project does not involve any construction or development. Any future improvements proposed by the subsequent owners of the property will require a future discretionary approval from the City and will be subject to separate CEQA review.
4. **The proposed subdivision will not cause environmental damage or substantially and avoidably injure fish or wildlife or their habitat.** The project does not involve any ground disturbance and will not cause any potentially significant environmental impacts as confirmed in the IS/ND, published by the City on June 1, 2016. The public comment period for the IS/ND closed on June 30,

2016, and there were no public comments challenging the conclusions reached in the IS/ND.

5. **The proposed subdivision will not conflict with easements acquired by the public at large for access through or use of property within the subdivisions.**
All existing public access easements are to be retained.
6. **The design of the subdivision will not cause serious public health problems.**
The project does not involve any ground disturbance and will not cause any potentially significant environmental impacts as confirmed in the IS/ND.

NOW THEREFORE BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby recommends that the City Council review and adopt the draft Negative Declaration; and

NOW THEREFORE BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby recommends that the City Council hold a public hearing to introduce an Ordinance amending Chapter 30 of the Alameda Municipal Code (Zoning Ordinance) to clarify the allowed uses in the E, Estuary District.

NOW THEREFORE BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby recommends that the City Council approve Tentative Map #8337 which would establish 105 lots subject to compliance with the following conditions:

1. The Final Map shall show all existing and proposed easement locations, uses and recording information. The Owner's Statement shall list all easements to be dedicated and the Certificate of City Clerk shall list all public easements to be abandoned, if any, with recording information as part of the Final Map
2. The Final Map shall include three (3) public access easements in favor of the City, extending seventeen and one half (17.5) feet on each side of the property lines which divide Parcels 65 and 66, Parcels 78 and 79 and Parcels 90 and 91 so that the public access easement is as wide as the public access on the publicly owned property immediately adjacent thereto. The purpose of these public access easements is to preserve the City's ability to connect the existing three (3) City owned public access areas along Fernside to the open water parcel (Parcel 2) for future public water and personal watercraft access and launching facilities at the existing public access parcels.
3. The Final Map shall include a new Estuary Property line starting at the northern most point of the property line on the right hand side of Parcel 91 and connecting to a point just north of the outward most pole on Parcel 92 and connecting to the northern most point of the property line on the right hand side of Parcel 94. Extent property lines to connect with the new Estuary Property line to avoid bisecting a dock at Parcel 92.
4. The Final Map shall show the property line on the right hand side of Parcel 32 moved to the right (approximately 2 feet) to include a pole within Parcel 32.

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 time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City of Alameda is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitation period is specified by any other provision, including without limitation Government Code section 65009 applicable to many land use and zoning decisions, Government Code section 66499.37 applicable to the Subdivision Map Act, and Public Resources Code section 21167 applicable to the California Environmental Quality Act (CEQA). Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred. Government Code section 65009 and 66499.37, and Public Resources Code section 21167, impose shorter limitations periods and requirements, including timely service in addition to filing. If a person wishes to challenge the above actions in court, they may be limited to raising only those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City of Alameda, at or prior to the meeting. In addition, judicial challenge may be limited or barred where the interested party has not sought and exhausted all available administrative remedies.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 11th day of July, 2016, by the following vote to wit:

AYES: (4) Knox White, Köster, Curtis, and Zuppan

NOES: (0)

ABSENT: (3) Burton, Mitchell, and Sullivan

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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**CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-16-18**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA RECOMMENDING
THAT THE CITY COUNCIL APPROVE SITE A PHASE 1 SUBDIVISION TENTATIVE MAP
TRACT 8336 FOR 12 PARCELS, INCLUDING FOR CONDOMINIUM PURPOSES ON LOTS 2
AND 3, ON 21.33 ACRES OF LAND AT ALAMEDA POINT

WHEREAS, Alameda Point Partners (APP) submitted an application to create 12 parcels on 21.33 acres of land for Phase 1 within Site A and remainder parcels at Alameda Point; and

WHEREAS, by Resolution No. 14891 the City Council of the City of Alameda certified the Final Alameda Point Environmental Impact Report (FEIR) (State Clearinghouse No. 201312043) under the California Environmental Quality Act (CEQA), California Public Resources Code Section 21000 *et seq.* and adopted written findings and a Mitigation Monitoring and Reporting Program (MMRP) on February 4, 2014, for the Alameda Point Project, including the Town Center Plan area which contains Site A; and

WHEREAS, by Resolution No. 14893 the City Council of the City of Alameda approved the Alameda Point Master Infrastructure Plan (MIP); and

WHEREAS, Phase 1 of Site A is designated as Mixed Use in the General Plan; and

WHEREAS, Site A is located within the Alameda Point Waterfront Town Center Sub-district (WTC Sub-district), which is in the Alameda Point District [Alameda Municipal Code (AMC) 30-4.24] of the Zoning Ordinance; and

WHEREAS, the WTC Sub-District requires a Master Plan for the WTC Sub-district, which was prepared and approved on July 15, 2014 (Town Center Plan) and relied on the FEIR; and

WHEREAS, the City Council approved the Development Plan for Site A on June 16, 2015 consistent with the Town Center Plan; and

WHEREAS, the City Council approved the Disposition and Development Agreement for Site A on July 7, 2015; and

WHEREAS, subdivision of the property will facilitate the development of Site A consistent with the approved Development Plan; and

WHEREAS, subdivision of the property will occur in phases consistent with the tentative map application; and

WHEREAS, the Planning Board held a notice public hearing and examined all pertinent materials in July 11, 2016,

NOW THEREFORE be it resolved that, the Planning Board makes the following findings relative to the proposed Tentative Map application:

1. **The proposed subdivision is in conformance with the General Plan and Zoning for this site.** The proposed tentative map is consistent with the Mixed Use General Plan and WTC Sub-District zoning designation and Town Center Plan for Phase 1 of Site A. The subdivision will create six residential, one mixed-use, four public park and one retail and park parcels. The proposed subdivision is designed to ensure lots face streets and parks, that the parcels are adequately accessed by a grid of complete streets, pedestrian sidewalks, and bicycle paths and lanes. The proposed parcels are also designed to accommodate a mix of uses and a variety of housing types and incomes.
2. **The site is physically suitable for the proposed development.** The tentative map facilitates the development of Phase 1 of Site A consistent with the Town Center Plan at the "gateway" of Alameda Point, and is intended to provide rental, for-sale, affordable housing options, retail, commercial, office opportunities that help create an economically balanced mixed-use project. The tentative map also provides for a retail core at the heart of Alameda Point adjacent to the waterfront and new public parks and open spaces, including an initial phase of the waterfront park at the heart of the Town Center to be used for public gatherings and events and the creation of passive and active outdoor recreational opportunities.
3. **The site is physically suitable for the density of the development.** The proposed subdivision will not exceed the planned density for Phase 1 of Site A, as allowed in the Town Center Plan and in the approved Development Plan, which sets forth a maximum development for Site A of 800 residential units, up to 600,000 square feet of retail, hotel, and commercial uses, which would occupy new buildings and repurposed existing buildings, 13.35 acres of parks and open space, new and replacement utilities and infrastructure, and new streets and streetscape improvements.
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.** All future improvement on Phase 1 of Site A will be subject to the environmental protections and mitigations imposed by the FEIR and federal biological requirements stemming from the 2012 Alameda Point U.S. Fish and Wildlife Service Biological Opinion.
5. **The design of the subdivision will not conflict with easements acquired by the public at large for access through or use of property within the subdivision.** All future improvements on the site will be subject to compliance with the MIP and Tentative Map, and all necessary easements are to be provided.
6. **The design of the subdivision and its improvements will not cause serious public health problems.** Subdivision of the property will facilitate investment in the property, which is necessary to upgrade the existing substandard infrastructure and preserve public health and will comply with the Alameda Point Soil Management Plan, as well as any hazardous materials mitigations imposed by the FEIR.

NOW THEREFORE BE IT FURTHER RESOLVED the Planning Board finds that the potential environmental impacts of the project have been evaluated and disclosed pursuant to

CEQA. On February 4, 2014, the City of Alameda certified the FEIR in compliance with CEQA. The FEIR evaluated the environmental impacts of redevelopment and reuse of the lands within the Alameda Point zoning district, which includes Site A. Consistent with the February 2014 action, the draft conditions of approval of the Tentative Map Applications require that property owners comply with, and implement, all the relevant mitigations measures adopted by the City Council in February 2014.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Board hereby recommends that the City Council approve the Phase 1 Site A Tentative Map Tract 8336, subject to the following conditions:

Final Map

1. All maps filed pursuant to this approval shall be in substantial compliance with the map titled, "Phase 1 Tentative Map Tract 8336" prepared by BKF Engineers dated 6/14/2016, marked Exhibit 7, and on file in the office of the Alameda Community Development Department.
2. The Final Map(s) and Parcel Map shall be in substantial compliance with the Tentative Map.
3. The Phase 1 Tentative Map may be finalized in phases. A Parcel or Final Map for Lot 2 and Lot 3 may be approved prior to approval of any other Final Maps solely for conveyance purposes in which case all improvements would be required pursuant to subsequent Final Maps. APP shall continue to be responsible to the City for the completion of all public improvements associated with Lots 2 and 3 after the issuance of the Parcel or Final Map for Lots 2 and 3 and conveyance of Lots 2 and 3. Development of Lots 2 and 3 shall be conditioned upon approval of a Final Map that includes improvements.
4. Prior to the approval of the first Final Map(s) that includes improvements, all applicable conditions of approval of the approved Tentative Map, as revised or amended, shall be satisfied.
5. The subdivider shall record the first Final Map that includes improvements within twenty-four (24) months of approval, or conditional approval of the Tentative Map by the City Council. An extension of time, not to exceed and additional twelve (12) months, for the filing of the Final Map may be granted before expiration of the approved or conditionally approved Tentative Map.
6. Prior to the City Council approval of the Final Map(s), the Applicant shall submit a Mylar copy and a CAD file of the Final Map.
7. Final Maps shall show all existing and proposed easement locations, uses and recording information. The Owner's Statement shall list all easements to be dedicated and the Certificate of City Clerk shall list all public easements to be abandoned (with recording information) as part of the Final Map(s).

8. Prior to approval of Final Map(s) or Parcel 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 Parcel or 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.
9. Prior to Final Map for condominium purposes for Lots 2 and 3, Final design review approval must be obtained from the Planning Board for Lots 2 and 3 consistent with the Tentative Map.

Land Use and Redevelopment

10. CEQA: Prior to issuance of a building permit, grading permit or site improvement permit, whichever occurs first, the applicant shall submit a Mitigation Measure Compliance Checklist confirming compliance with all required environmental mitigation measures contained in the MMRP adopted by the Alameda City Council on February 4, 2014, for the redevelopment and reuse of Alameda Point, including Site A.
11. Building Permit and Improvement Plans: The plans submitted for the Building Permit, Grading Permit and Site Improvement Permit shall be in substantial compliance with the following:
 - The Approved Development Plan
 - Phase 1 Tentative Map Tract 8336
 - Technical Memorandum #1 – Sanitary Flow and Project Overview
 - Technical Memorandum #2 – Wastewater Pump Station No. 2
 - Technical Memorandum #3 – Preliminary Storm Drainage Report
 - Technical Memorandum #4 – Preliminary Site-Wide Stormwater Management Plan
 - Seaplane Lagoon Shoreline Structures and Flooding Summary
 - Traffic Circulation Analysis
 - Geotechnical Investigation
12. Development Phases: The applicant/developer shall provide access for emergency vehicles, trash collection vehicles, and tenant and resident circulation within each phase of development.
13. Public Improvement Agreement: To guarantee completion of the required on-site and off-site improvements consistent with the MIP, Tentative Map, and DDA, the applicant/developer shall enter into an agreement with the City and provide security in a form and amount acceptable to the City prior to approval of the phased improvements plans and/or final map for each phase of development prior to the first Final Map for that phase of development.

14. Infrastructure Improvement Plans: Prior to approval of the first Final Map, the applicant shall submit and obtain approval of the infrastructure improvement plans for the improvement of the on-site and adjacent off-site parks and open space, streets, waste water, storm water, potable water, recycled water, power, natural gas, and communications facilities for each phase of development, subject to review and approval of the Public Works Director. The improvement plans shall be reviewed for consistency with the DDA, Design Review Approvals and Development Plan, and subject to the requirements of the MIP, Tentative Map and AMC. The park and open space improvement plans may be phased, but no Final Map can be issued prior to approval of Phase 1 park improvement plans for all onsite and adjacent off-site parks and open space being approved by the City. The applicant must provide adequate assurance consistent with the DDA and Public Improvement Agreement for the Phase 1 park improvements.

The plans shall be prepared, signed and stamped as approved by a registered civil engineer licensed in the State of California. The engineer shall also assume responsibility for inspection of the on-site construction work, including but not limited to parking lots, pathways, storm facilities and, sewer facilities, and shall certify to the City, prior to acceptance of the work or issuance of any occupancy permit, including a temporary occupancy permit, whichever comes first, that the installation of the on-site work (excluding the building and foundation) was constructed in accordance with the approved plans. All required public frontage and street improvements shall be designed, built, and dedicated to the City in accordance with City ordinances, Public Works Department standards and the Public Improvement Agreement entered into by the Developer and the City with respect to such improvements and shall include curbs, gutters, sidewalks, street trees, storm water treatment controls, landscaping and irrigation, streetlights, etc.

The infrastructure improvement plans shall include the off-site sanitary sewer pipeline extension from Site A – Phase 1 to the existing Pump Station R consistent with the MIP and Tentative Map and shall be in accordance with the AMC and other regional jurisdictional requirements. The off-site sanitary sewer pipeline shall be installed within the planned public rights of ways as depicted in the MIP and Tentative Map.

The street improvement plans will reflect the following: (1) the addition of street trees in the public right-of-way along the southern side of G Street, east of A Street; (2) the increase in the width of the bike lanes from five feet to six feet and the reduction in sidewalk width from eight feet to seven feet on C Street; (3) at least one striped pedestrian crosswalk at the intersection of West Atlantic and A Street and at the intersection of West Atlantic and B Street; and (4) a 12-foot cycle track on the south side of West Atlantic Avenue and the west side of Pan Am Way unless otherwise approved by the Planning Board.

The improvement plans shall remove the eastbound left turn lane and shift the eastbound through lane and bus lane to the north at the intersection of West Atlantic

Avenue and Main Street. This change may require additional modifications to the intersection on the eastern side of Main Street. The south western pedestrian corner shall be extended to the north to reduce the width of the pedestrian crossing. Modifications to this configuration may be approved by the Planning Board. If at a future date, the City wishes to construct a left turn pocket, as shown in the original design to accommodate future growth in eastbound, left turning traffic, then the southwest corner may be modified at that time to shift the eastbound travel lane and bus lane to the south to make room for an eastbound left turn lane.

15. Design Review Approval: Prior to first Final Map, the applications for the following items shall be submitted for Planning Board review and approval:

- a. Final design of the public right-of-way of West Atlantic Avenue details, such as the dimensions, cross-section, and configuration of the Bus Rapid Transit facilities.
- b. Final street tree, street lights, street signage, paving materials, and street furniture design details. All street trees shall be protected by a curb unless within the privately maintained shared plaza.
- c. Final shared plaza design details, such as bollard placement, pavement details, and tree placement to create a successful shared space where the pedestrians, bicyclists, and people in automobiles may slowly and safely move through and enjoy the space.

16. Biological Regulations and On-Site Lighting: Prior to issuance of a design review, building or site improvement permit, the applicant must comply with all required conditions set forth in the Declaration of Restrictions for the Former Naval Air Station Alameda (Declaration) consistent with the Biological Opinion issued by the U.S. Department of Fish and Wildlife, and Exhibit C of the Memorandum of Agreement between the City of Alameda and Department of Veteran's Affairs (Alameda Point Lighting Mitigation Measures).

17. Public Trust Exchange Act and Agreements: All use of land and buildings and new construction on Public Trust Lands shall be subject to the public trust for commerce, navigation and fisheries and shall be reviewed for consistency with the Naval Air Station Alameda Public Trust Exchange Act, Chapter 734, Statutes of 2000, as amended by Chapter 429, Statutes of 2011 and the Naval Air Station Alameda Exchange Agreement regarding Public Trust Lands at Alameda Point.

18. TDM and Parking Management Plan: Prior to issuance of the first Occupancy Permit, the project applicant and/or property owner shall submit an updated TDM Compliance Strategy, including phase 1 TDM facilities, and a Parking Management Plan for Planning Board review and approval. The plan will address the management and pricing of public and private on-site spaces and public on-street parking and public parking lots and structures.

19. Other Agency Approvals: Prior to issuance of building permit(s) or site improvement

permit for work within jurisdictional lands, the applicant shall provide evidence that all required approvals, permits, or waivers from Bay Conservation and Development Commission (BCDC), Regional Water Quality Control Board (RWQCB), including a possible 401 Certification for the construction of a stormwater outfall, and/or the Army Corp. of Engineers, if any, have been obtained. The final improvement plans shall incorporate all other agency requirements.

Improvement Plans

20. Maintenance Agreement: Prior to the approval of the Improvement Plans, the developer shall prepare and enter into a maintenance agreement with the City of Alameda Public Works Department. The maintenance agreement shall require the Developer to maintain any existing water lines within Site A and any temporary storm drain siphons created by the development of Site A during the construction and phasing of Site A. No permanent storm drain siphons will be allowed.
21. Existing Utilities: The applicant shall be responsible to maintain access and utility services that are affected by the development of Site A to the existing buildings within Alameda Point to the satisfaction of the Public Works Director.
22. Stormwater Outfall: The improvement plans shall include the stormwater outfall to the Seaplane Lagoon consistent with the MIP and Tentative Map, and shall be in accordance with the AMC and other regional jurisdictional permits and requirements as obtained by the City of Alameda Public Works Department.
23. Engineer Approved: The improvement plans shall be prepared, signed, and stamped as approved by a registered civil engineer licensed in the State of California and be consistent with the MIP and Tentative Map. The engineer shall also assume responsibility for inspection of the on-site construction work, and shall certify to the City, prior to acceptance of the work or issuance of any occupancy permit, that the installation of the on-site work (excluding the building and foundation) was constructed in accordance with the approved plans.
24. CC&Rs: In conjunction with the on-site improvement plans, the applicant/developer shall prepare Master Conditions, Covenants and Restrictions (CC&R's) for all properties within Site A, which CC&Rs shall establish a Master Homeowners' Association(s) (HOA) for the residential properties of the project and a Master commercial association (CA) for the commercial properties. All property owners must be a member of an HOA or the CA. The applicant/developer must submit Master CC&Rs, HOA, and CA requirements for the residential and commercial components of the Site A development to the City for approval prior to recording the Final Map and prior to having the documents recorded. The applicant/developer shall bear all costs for recording the documents. The submittal shall include an estimate of costs and proposed level of maintenance for each of the activities to be funded by the HOA or CA. The CC&R's shall provide for funding and provision of maintenance of all common facilities, including but not limited to streets, utilities, and parks and open spaces not accepted for maintenance by a public agency and TDM services outlined in the TDM Compliance Strategy. The CC&R's shall stipulate that the HOAs and CA are

responsible for maintenance of landscaping along the streets (not in public ROW), paseos, on-site open spaces and set forth their obligations related to the TDM Compliance Strategy. The CC&Rs shall require that all private improvements adjacent to and visible from the public right of way be maintained in a first class condition consistent with other mixed-used developments in the Oakland Metropolitan submarket, taking into consideration water conservation and other measures that may apply to landscaping and other features from time to time to address state water shortage issues or concerns and will provide the City with the right to enforce the maintenance requirements and the right to perform such maintenance and receive a reimbursement of expenses after notice and expiration of applicable cure periods.

25. Potable Water: The developer/applicant shall be responsible for potable water infrastructure consistent with the MIP and Tentative Map to serve the project, whose design shall be shown on the Improvement Plans to the satisfaction of EBMUD, the Public Works Director, and the Fire Chief.
26. Water Master Meter: The Developer / Applicant shall be responsible for coordinating and processing the necessary Alameda Point water master meter relocations to the satisfaction of EBMUD, the Public Works Director and the Fire Chief.
27. Storm water Quality and Treatment Controls: The improvement plans shall incorporate appropriate pollution prevention source control measures, permanent low impact development (LID) measures, storm water treatment controls and/or design techniques to manage the quantity and quality of storm water runoff from the project site to prevent and minimize impacts to water quality and be consistent with the MIP and Tentative Map and any existing or future conditions of a 401 certification for Alameda Point (401 Certification Conditions) and the Provision C3 requirements of the City's municipal stormwater permit. Efforts shall be taken to minimize impervious surface areas, especially directly connected impervious surface areas. Roof drains shall discharge and drain to an unpaved area wherever practicable. Design techniques may include green roofs, rainwater harvesting, vegetated swales, vegetated buffer zones, bio retention units, retention/detention basins and ponds, tree well systems, and the incorporation of pervious surface areas and LID measures. The Improvement Plans shall provide details sufficient to ensure that the storm water 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, the MIP, Tentative Map and the 401 Certification Conditions. Applicants may also refer to the Bay Area Storm water Management Agencies Association (BASMAA) *Start at the Source Manual* for technical guidance. All storm water design and treatment measures for private development pads shall be consistent with the C3 requirements and 401 Certification Conditions and be located on the development pad or an adjacent private development pad and shall not be located on property planned for public parks or public rights of way.
28. Landscape Plans: The improvement plans shall include landscape and irrigation plans for both on-site and off-site improvements consistent with the Town Center Plan, MIP, and Tentative Map, including shoreline flood and sea-level rise protection improvements, as required by the MIP, Tentative Map, and DDA. The plans shall be

prepared, signed, and stamped by a licensed landscape architect and civil engineer for flood and sea-level rise protection improvements and shall be in accordance with the AMC and other regional jurisdictional requirements. The landscape architect shall also assume responsibility for inspection of the work and shall certify to the City, prior to acceptance of the work, that the installation of landscaping and irrigation in the public right-of-way was constructed in accordance with the approved plans.

29. Waste Water: A sanitary sewage flow analysis, identifying the total peak sanitary sewage flow quantities 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 City will provide the analysis to an independent consultant who will assess the impact of the proposed development on the City's sanitary sewer system and determine if any improvements to the City's system are required to ensure sufficient sewage capacity for this project and any anticipated growth within the associated sewer sub-area. The applicant/developer will pay for the cost of the modeling study. The applicant/developer will incorporate any recommended improvements from the sewer study into the project's improvements plans and be consistent with the MIP and tentative map. The final location of pump station #2 will be set in the improvement plans by the City of Alameda.
30. Waste Water Capacity: A sanitary sewage treatment capacity analysis for wet weather flows associated with the development, compared to existing or previous conditions, shall be prepared by a registered civil engineer licensed in the State of California and submitted as part of the construction improvement plans. The plan shall identify and mitigate any increase in wet weather flow capacities. The improvements plans will include any recommended improvements and be consistent with the MIP and tentative map.
31. Storm Drainage: A storm drainage hydrology analysis identifying the total peak drainage 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 improvements plans will include any recommended improvements and be consistent with the MIP and tentative map.
32. Off-Site Storm Drainage: A storm drainage analysis identifying improvements to accommodate off-site run-off from the Northside watershed consistent with the City's Storm Drain Master Plan shall be prepared by a registered civil engineer licensed in the State of California and submitted as part of the construction improvement plans. The Public Works Director may elect to require that the infrastructure improvements plans include any recommended improvements within Site A to accommodate this off-site run-off to the satisfaction of the Public Works Director. If included, the City's Urban Runoff Fund would fund the incremental cost of construction these improvements, per the MIP.
33. Utilities: The improvement plans shall include facilities and improvements to ensure that utility services are maintained for existing users throughout the construction process and the access to such service for maintenance purposes is preserved

throughout the construction process for new utilities. The improvement plans shall preserve access to the Cartwright Substation throughout the construction process.

34. Bulkhead Repair and Shoreline Stabilization. The improvements plans for the repair of the Seaplane Lagoon bulkhead and shoreline stabilization shall be consistent with the Seaplane Lagoon Seawall Condition Assessment, Moffat & Nichol, dated May 20, 2016, and Seaplane Lagoon Shoreline Structures and Flooding summary, Moffat & Nichol, dated May 9, 2016.
35. Geotechnical Report: A geotechnical report, including recommendations, shall be prepared by a registered geotechnical engineer licensed in the State of California. The improvement plans shall incorporate all geotechnical recommendations in the report and be consistent with the MIP and DDA. The geotechnical engineer shall sign and stamp the improvement plans as conforming to its recommendations. The geotechnical engineer shall also assume responsibility for inspection of the work and shall certify to the City of Alameda Public Works Department, prior to acceptance of the work that the work performed is adequate and complies with their recommendations.

Public Improvements

36. Maintenance: Maintenance of improvements not within the public ROW shall be the responsibility of the new development.
37. Funding Mechanism and Agreement for Bulkhead Repair: Prior to first Final Map, the applicant must enter into a funding agreement with the City and/or create a binding funding mechanism for the estimated cost to repair and/or stabilize the bulkhead and shoreline of the Phase 1 waterfront park (or replace in the case of limited damage to visible components that are unrepairable) in the event of failure or deformation.
38. Funding and Maintenance Agreement for Phase 1 Waterfront Park. Prior to issuance of a building permit or site improvement permit for any portion of the Phase 1 Waterfront Park, the applicant must have entered into a funding and maintenance agreement with the City of Alameda for the private funding and maintenance of the Phase 1 Waterfront Park, including performance standards, consistent with the plan contained in the design review approval.
39. Funding and Maintenance Agreement for Shared Plaza. Prior to issuance of a building permit or site improvement permit for the shared plaza waterfront street adjacent to Block 11 and the Phase 1 Waterfront Park, the applicant must have entered into a funding and maintenance agreement with the City of Alameda for the private funding and maintenance of the waterfront street, including performance standards, consistent with the plan contained in the design review approval.
40. Survey Monuments: Applicant/developer shall install new City survey monuments at locations to the satisfaction of the City Engineer in accordance with the City's Standard Subdivision Specifications and Design Criteria prior to acceptance of the project.

41. Street Resurfacing: Applicant/developer shall resurface the existing street pavement whenever a street is cut for utility or other improvement installations or the condition of the existing pavement requires improvements. The resurfacing shall extend a sufficient distance beyond any cut to ensure a smooth transition and shall consist of a minimum one and a half (1½) inch asphalt concrete overlay.
42. Curb and Gutter: Applicant/developer shall replace any damaged curb, gutter, and sidewalk along street frontages to the satisfaction of the Public Works Director, in accordance with the Public Works Department's Standard Plans and Specifications prior to acceptance of the project.
43. Sewer Laterals: Prior to the Final Inspections, the applicant/developer shall comply with the provisions of the EBMUD Regional Private Sewer Lateral Program (which the City is a participant of). Compliance requires that each parcel within the subdivision be issued a Compliance Certificate by EBMUD for the upper lateral. The applicant/developer shall schedule verification testing for the public and private sewer mains, manholes, and other appurtenances in the public or private streets within the subdivision, including lower laterals. The City will provide their acquired test results for sewer infrastructure that is privately-owned to EBMUD so that Compliance Certificates can be issued for those parcels (parcels to be owned by Homeowners Association). Review the program requirements and cost for Compliance Certificates at <http://www.easbaypsl.com/>

Water Quality

44. State Water Resources Control Board: The applicant/developer shall provide to the City Engineer or his designee, prior to the issuance of the first combination building/grading permit for each project block or phase, a copy of both the WDID# issued to the project site by the State Water Resources Control Board (SWRCB) and the required Storm Water Pollution Prevention Plan (SWPPP). These documents shall provide verification to the City that the project site is in compliance with SWRCB Order No. 2009-0009-DWQ. Information on this State Order is available at: <http://www.waterboards.ca.gov>.
45. Best Management Practices: The applicant/developer shall be responsible for ensuring that all contractors and sub-contractors install, implement and effectively maintain appropriate sediment control, erosion control and other water quality protection measures to prevent any pollutants from entering the municipal storm water drainage system or the Seaplane Lagoon, either directly or indirectly, during all construction activities. All implemented measures shall be consistent with the City's urban runoff Best Management Practices (BMPs) standards. The applicant/developer shall pay for any required cleanup, testing, and/or City administrative costs resulting from consequence of construction materials entering the storm water drainage system.
46. Erosion Control Measures: The installation of effective erosion control measures (for example, Hydro seeding) for all disturbed pervious surface areas shall be completed in compliance with the requirements included in the State Water Resources Control

47. Storm Water Quality Management Plan: The applicant/developer shall submit a stormwater quality management plan for each distinct project block and/or phase, consistent and concurrent with the finalized improvement plans, to demonstrate and verify appropriate site design for LID and stormwater treatment consistent with the Provision C3 requirements, the MIP, Tentative Map, and the 401 Certification Conditions. This Plan shall include: a completed City of Alameda's Stormwater Requirements Checklist; the determination and identification of drainage management areas (DMAs) for all proposed impervious surface areas on the proposed project site; the establishment of Provision C3-compliant stormwater quality measures for each DMA; a site plan map and inventory identifying each DMA and corresponding C3-compliant measure, including area values (in square feet) for all areas; a stamped, signed City of Alameda certification form from a qualified independent civil engineer with stormwater treatment facility design experience, licensed in the State of California, and acceptable to the Public Works Department that indicates the Plan and all LID and treatment measure designs meet the established sizing design criteria for stormwater treatment measures consistent with Provision C3 of the municipal stormwater permit.
48. On-Site Storm Water Trash Capture: Prior to the issuance of the first grading/building/combination permit for each project phase, the Improvement Plans shall indicate the storm water trash capture measure(s) being installed on the project site to ensure that the stormwater drainage from the project site is subject to full trash capture consistent with the City's municipal stormwater permit definition of a full trash capture device. Improvement plan sheets shall provide sufficient plan views and details of the full trash capture device installation(s) necessary for engineering review and approval. A full trash capture system or device is any single device or series of devices that trap all particles retained by a 5mm mesh screen and has a design treatment capacity of not less than the peak flow Q resulting from a one-year, one-hour storm in the sub-drainage area. Plan sheets shall include detail and cross-sectional drawings of any stormwater full trash capture device.
49. Off-Site Storm Water Trash Capture: Appropriately sized full trash capture devices are to be installed at all new stormwater outfall structures at Alameda Point to implement the trash treatment requirements for all the upgradient drainage areas not independently subject to full trash control in accordance with the standards of full trash control in the City's municipal stormwater permit Provision C10."
50. Storm Drains: All new public storm drain inlets shall be clearly marked with the words 'No Dumping! Drains to Bay' by means approved by the Public Works Department. Permanently affixed thermoplastic, metallic or plastic laminate style markers are acceptable forms. The Improvement Plans shall clearly indicate this.
51. Operations and Maintenance Plan: The Applicant/Developer shall submit a stormwater treatment measures Operations and Maintenance (O&M) plan for review and approval to the Public Works Department prior to the approval of and consistent with the improvement plans for each project block and/or phase. The O&M plan shall

include, but not be limited to: treatment and design measure(s) descriptions and summary inventory; a legible, recordable, reduced-scale (8.5"x11") copy(-ies) of the Site Plan indicating the treatment and design measure(s) location(s) and site drainage patterns; treatment measure(s) maintenance requirements and maintenance schedule; the approved plant list and planning plan; detailed description of the integrated pest management principals and techniques and/or Bay Friendly Landscaping Program techniques to be utilized during landscape maintenance to ensure pesticide/herbicide use-minimization in landscaped areas; name and contact information of current maintenance personnel; and template of the annual O&M report submittal to the City. The O&M plan(s) for all stormwater treatment and design measures to be maintained by any HOA or CA shall be incorporated with the CC&Rs of the relevant HOA/CA.

52. Stormwater Agreement: For any on-site stormwater treatment or design measure not to be maintained by an HOA or CA, the Applicant/Developer shall execute a Stormwater Treatment Measures Maintenance Agreement (Stormwater Agreement) with the City prior to the issuance of the certificate of occupancy. The Stormwater Agreement shall include, but not be limited to: the O&M plan for all approved stormwater treatment measures; identification of the party responsible for implementing the O&M plan; assurances of access to inspect and verify the treatment system O&M for the life of the project; and assurances of the submittal of the annual O&M report to the City. The executed Stormwater Agreement shall be recorded, at applicant/developer's expense, with the County Recorder's Office of the County of Alameda.
53. Stormwater Treatment Measures Construction Certification Report: The applicant/developer shall submit this certification report (Report) for each project block and/or phase 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 is per approved plans and specifications and meets the intent of the design engineer; any 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 Public Works Director or designee, prior to the issuance of any occupancy permit, including a temporary occupancy permit.
54. Full Trash Capture Devices: Appropriately sized full trash capture devices are to be installed at all new stormwater outfall structures at Alameda Point to implement the trash treatment requirements for all the upgradient drainage areas not independently subject to full trash control in accordance with the standards of full trash control in the City's municipal stormwater permit Provision C10.

55. Landscape Plans: Landscaping plans shall be designed to minimize runoff, promote surface infiltration, incorporate Bay Friendly Landscaping approaches, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution and be consistent with the MIP, Tentative Map, and 401 Certification Conditions.
56. Backflow Prevention: Backflow prevention devices shall be installed on all new and existing domestic, commercial, irrigation, and fire water services and as required by the East Bay Municipal Utility District (EBMUD).

Transportation Facilities

57. Traffic Signal Preparation: All of the street improvements and sub-grade structures at the intersection of Orion Street and West Atlantic Avenue must be designed and constructed to accommodate a future traffic signal.
58. Traffic Circulation Plan: The Applicant/Developer shall submit a traffic striping and signage plan for all on- and off-site improvements, including all crosswalks, bus stops, turn lanes, merge lanes, acceleration lanes, lane drops, etc., as part of the construction improvement plan submittal. The plan shall provide the queuing summary for all study locations and all project driveways. The traffic circulation plan shall include plan(s) showing truck turning templates including rear/front wheel and body tracking movement and shall include delivery trucks, fire engines, moving vans and waste management trucks. The Public Works Department will review and approve the internal and external circulation of the parking lot, including lane widths, sight distance, and access points to ensure conformance with the AMC, the Town Center Plan, MIP, Tentative Map, and all applicable standards. The plans shall be prepared by a registered civil engineer or traffic engineer licensed in the State of California. The engineer shall sign and stamp the plans as approved. The plans shall be reviewed and approved by the Public Works Director prior to approval of the improvement plans or Final Map, whichever comes first. The plan shall include all necessary striping to ensure safe ingress and egress from the project site to the adjacent public streets.
59. Off Street Parking: For any off-street parking facilities the applicant/developer shall submit the improvement plans to the Community Development Department and Public Works Department for review and approval. The plans shall be prepared by a registered civil engineer licensed in the State of California and shall be signed and stamped as approved. The Community Development Department shall review and approve the location, pricing, and policies consistent with the Alameda Point Transportation Demand Management Plan and the parking lot layout, including number of spaces, dimensions of spaces, and Americans with Disabilities Act (ADA) requirements, and the Public Works Director shall review and approve the internal and external circulation of the parking lot, including lane widths and access points, prior to approval of the improvements plans or final map, whichever comes first.
60. Traffic Control Plan: At least three weeks prior to the commencement of work within the public right-of-way that affects access for pedestrian, bicyclist, and vehicular traffic, the applicant/developer shall provide a Traffic Control Plan (TCP) to the Public Works Department for review and approval. The TCP shall be prepared by a

registered civil engineer or traffic engineer licensed in the State of California, and be in accordance with the most current California MUTCD standards. The engineer shall sign and stamp the plans as approved. In general, any public right-of-way shall remain unobstructed during project construction or an ADA compliant alternative route established as approved by the Public Works Director. At locations where adequate alternate access cannot be provided, appropriate signs and barricades shall be installed at locations determined by the Public Works Director and Police Chief. Should transit routes be affected, applicant/developer is required to obtain prior approval from AC Transit of any proposed traffic detours or temporary closure of bus stops. Construction work may not commence until the TCP is approved by the Public Works Director.

61. Lighting: Pedestrian and vehicular lighting at all intersections and project driveways shall meet Alameda Municipal Power standards for crosswalks, bicycle facilities, sidewalks, and intersections and be consistent with the Declaration and Alameda Point Lighting Mitigation Measures.

Solid Waste

62. Waste Management Plan: The applicant/developer shall submit a Waste Management Plan (WMP) to the Public Works Environmental Services Division for approval. The plan shall describe how the trash and debris will be handled. The WMP shall be submitted by the developer to Environmental Services via Green Halo (greenhalosystems.com) prior to start of the demolition, remodeling, or construction work. This must be done using Green Halo's web interface. The Public Works Environmental Services Division will review the WMP, and will provide comments that shall be incorporated into the plans for the project. The project is subject to the WMP requirement of section 21-24 of the AMC, and must recycle at least 50% of total debris hauled from the project.
63. Waste Circulation: A 40-foot turning radius must be provided for any street that would otherwise require the collection truck to back up a distance greater than 150 feet. Although not required, construction of a concrete pad just outside each solid waste enclosure is recommended in order to accommodate the truck weight while servicing the dumpster. Driveways or aisles shall provide unobstructed access for collection vehicles and personnel and provide at least the minimum clearance required by the collection methods and vehicles used by the City's designated collector or hauler. In all cases where a parcel is served by an alley, all exterior storage areas shall be directly accessible to the alley.
64. Green Halo: Within thirty (30) days after the completion of the demolition work, the developer shall submit a Summary Report to the Public Works Environmental Services Division, via Green Halo (greenhalosystems.com) or other form approved by the Public Works Director. For approval, this reporting will specify actual tonnages disposed and/or recycled for each material, and the actual destination/processor. Disposal and/or recycling weight tags from that facility or facilities will be directly uploaded to Green Halo to verify this activity.

65. External Enclosures: Design of all external enclosures for solid waste, recycling, and organics consistent with this condition shall be approved by the Public Works Director prior to approval of the improvements plans, final map(s), or the building permit, whichever comes first. Exterior solid waste and recyclable material storage shall be adjacent or combined and may only be located on the outside of a structure, in a designated interior courtyard with appropriate access, or in rear or side yards. External storage area(s) shall not be located in any required front yard, street side yard, required parking, landscaped, or open space, or any areas required by the AMC to be maintained as unencumbered. These facilities are to 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 discharged to the storm drain system. External enclosures are to be roofed and/or enclosed. Any enclosures containing food waste shall have floor drains connected to the sanitary sewer system. A sign clearly identifying each exterior solid waste and recyclable material storage area and the accepted material(s) is required. Each sign shall not exceed two square feet in area and shall be posted on the exterior of the storage area adjacent to all access points. If the enclosures are attached to buildings they shall have fire sprinklers. Internal collection and storage area(s) and the individual bins and containers provided, shall be adequate in capacity, number, and distribution to serve the anticipated demand for trash, recycling, and organics as determined by the Public Works Director.

66. Non-Residential Structures -- Non-residential structures/uses within all zoning districts shall provide external solid waste, recyclable and organics storage areas. The following minimum exterior storage area requirements apply to each individual structure:

Building Size (square feet)	Solid waste (square feet)	Recyclables (square feet)	Organic Materials (Plant Debris, Food Waste & Food Soiled Paper) (square feet)	Total Area (square feet)
0-5,000	12	12	12	36
5,001-10,000	24	24	24	72
10,001- 25,000	48	48	48	144
25,001- 50,000	96	96	96	288
50,001- 75,000	144	144	144	432
75,001- 100,000	192	192	192	576
100,001+	Every additional 25,000 square feet shall require an additional 48 square feet for solid waste, 48 square feet for recyclables, and 48 square feet for organics.			

67. Collection: Internal collection and storage area(s) and the individual bins and containers provided, shall be adequate in capacity, number, and distribution to serve the anticipated demand for solid waste, recycling, and organics as determined by the Public Works Department. The trash collection areas shall be accessible to residents and employees. Each storage area shall be no more than 250 feet from any dwelling unit, or in the garage unless otherwise approved by the City and trash collector. Trash enclosures and/or recycling area shall be covered; no other area shall drain onto these areas. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. The applicant shall contact the City and East Bay Municipal Utility District (EBMUD) for specific connection and discharge requirements prior to building permit issuance. Discharges to the sanitary sewer are subject to the review, approval, and conditions of the City and EBMUD.

68. Storage Area Design: The design and construction of the storage area(s) shall:
- a. Be compatible with the surrounding structures and land uses; and
 - b. Be properly secured to prevent access by unauthorized persons. If gates with locks are planned to limit access to the enclosure or to the property, cards or keys must be provided to the City's franchised waste hauler and recycling collector; at present Alameda County Industries; and
 - c. Contain a concrete pad within the fenced or walled area(s) and a concrete apron which facilitates handling of the individual bins and containers; and
 - d. Provide a 6-inch wide curb or parking bumpers along the interior perimeter of the enclosure walls to protect them from damage by the dumpster. A 6-inch wide parking bumper, at least 3 feet long, should also be placed between the refuse dumpster and the recycling containers; and
 - e. Maintain a minimum space of 12 inches between the dumpster(s) and the walls of the enclosure and the recycling container(s) to allow for maneuvering the dumpster(s); and
 - f. Protect the area(s) and containers from adverse environmental conditions, which might render the collected materials non-collectible, noxious, unsafe, or in the case of recyclable materials, unmarketable.

Dimensions of the storage area(s) shall accommodate containers consistent with the current methods of collection. The storage area(s) shall be appropriately located and screened from view on at least three sides by a solid wall six feet in height, and on the fourth side by a solid gate not less than five feet in height. The gate shall be maintained in good working order and shall remain closed except when in use. Gates must open straight out and gates and hinges must be flush with the enclosure wall to allow adequate maneuverability of the dumpster in and out of the enclosure. The design of the wall and gate shall be architecturally compatible with the surrounding structures.

69. Fitted Lids: All solid waste containers, including dumpsters and individual cans or carts, must have fitted lids which shall remain closed at all times when the container is not being used

Construction Conditions

70. Hazardous Materials. The applicant/developer shall provide documentation from a qualified professional to the City of Alameda stating that adequate soils and ground water investigations and, where warranted, remediation, have been conducted to ensure that future site use complies with the regulatory requirements for hazard related risks as established by applicable Federal, State and local requirements. The project sponsor shall ensure that all proposed areas for demolition and abatement shall be assessed by qualified licensed contractors for the potential presence of lead-based paint or coatings, asbestos containing materials, and PCB-containing equipment prior to issuance of a demolition permit. During Construction the developer/applicant shall ensure that all construction crews are properly trained and made aware of any site contamination issues consistent with the Alameda Point Site Management Plan (SMP) and MMRP.
71. Truck Plan: Prior to issuance of grading permit, developer/applicant shall submit a Truck Route Plan for hauling to be approved by the City Engineer. The Plan must be incorporated into any construction documents for every contract.
72. Notice to Neighbors: At least two weeks prior to initiating any construction activities at the site, the applicant shall provide notice to businesses and residents within 500 feet of the project site including (1) project description, (2) description of construction activities, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name and phone number of the Noise Management Individual for the project, (5) commitment to notify neighbors at least four days in advance of authorized extended work hours and the reason for extended hours, and (6) that construction work is about to commence. A copy of such notice and methodology for distributing the notice shall be provided to the City for review and approval at least five (5) business days in advance.
73. Construction Hours: Construction activity shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Friday, and between 8:00 a.m. and 5:00 pm on Saturday. No construction-related activity shall occur on Sunday or on any Federal Holiday. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment re-design, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) wherever feasible and necessary. No construction activity that may cause excessive off-site vibration from heavy machinery such as pile drivers, drilling rigs (except as necessary for elevator, shoring, and soil testing), etc. shall be allowed. Impact tools (e.g., jack hammers, pavement breakers and noise drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to 10dB. External jackets on the tools themselves shall be used where feasible. Quieter procedures shall be used such as drilling rather than impact equipment whenever feasible.

74. Dust Control: Prior to issuance of building or grading permits, the developer/applicant shall ensure that a program of dust control is implemented consistent with City, MMRP and BAAQMD requirements.
75. Cultural Resources: In the event that previously unidentified cultural resources are discovered during site preparation or construction, work shall cease in the immediate area until such time as a qualified archaeologist and City of Alameda personnel can assess the significance of the find. If human remains are encountered, work shall halt within 50 feet of the find and the County Coroner shall be notified immediately.
76. Utilities: If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department, Alameda Municipal Power, and the Community Development Department, and carry out any necessary corrective action to their satisfaction.

Fire Safety

77. Fire Access: The developer/applicant shall provide adequate turn around space or through access for any street greater than 150 feet in length to the satisfaction of the Fire Chief and the City Engineer. Emergency Vehicle Access roads shall have an adequate turning radius for fire apparatus (inside turning radius of 28 feet, outside turning radius 44 feet 8 inches, minimum height 13 feet 6 inches, minimum width 20 feet) and 26 feet wide in the immediate vicinity or portion thereof buildings 30 feet or taller. All streets and courts within the development that are required to be fire access roads, shall be marked as fire access roads to the satisfaction of the Fire Chief. All roads that are required to be fire access roads shall be designed to handle fire apparatus weight of up to 35,000 pounds per axle. Parking shall be prohibited within the streets and alleys that are dedicated as fire lanes. CC&R's shall include an enforcement mechanism.
78. Fire Water: The improvement plans for the project site shall include a Fire Water System consistent with the MIP and TM. The system shall be designed to the satisfaction of EBMUD and the Alameda Fire Department. The Applicant shall be responsible for the placement of on-site hydrants. The location and number of hydrants shall be established in improvements plans. Placement shall be shown on the improvement plans and shall be to the satisfaction EBMUD, the City Fire Chief and the City Engineer.
79. Fire Sprinklers: The improvement plans and building permit plans shall include fire sprinkler systems within each residential unit including the garage and attic spaces.
80. Fire Safety: 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. Ensure sufficient fire flow for the development compliant with California Fire Code Appendix B and AMC 15-1.2 where a maximum reduction of the fire flow can be reduced by 50% for fire sprinklered buildings.

- b. Fire hydrant flows shall be a minimum of 1,500 G.P.M. from any one hydrant;
- c. Provide adequate turn around space or acceptable emergency vehicle through access for any street greater than 150 feet in length;
- d. Ensure that all roads that are required to be fire access roads have an adequate turning radii for fire apparatus (inside turning radius of 28" and outside turning radius of 44'8"); and
- e. For all roads designated as fire access roads shall have a minimum fire lane width of 26' unobstructed for buildings taller than 30'. Should parking within the fire lane be required, the fire lane width shall be increased as required to meet fire access requirements.

Alameda Municipal Power (AMP)

- 81. The applicant shall comply to AMP's Rules and Regulations and AMP's "Material and Installation Criteria for Underground Electrical Systems" (both available at www.alamedamp.com) and provide completed "Service Planning Sheets" for AMP's review prior to submitting plans for building permits.
- 82. The applicant shall provide information on the location of transformers and total load in kilowatts or kilowatt/volts (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.
- 83. Concurrent with submittal of Improvement Plans, the Applicant shall coordinate with 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.
- 84. New street trees shall maintain clearances from electrical utilities as follow: a) street/pathway lights and utility poles – **25-feet** (with the exception of 15 feet between streetlights and palm trees); b) joint trench and all underground electrical lines – **five feet**; c) access doors of electrical pad-mounted equipment (e.g. switches, transformers and capacitors) – **ten feet**; d) all sides of electrical pad-mounted equipment – **three feet**. Verify minimum clearance distances of trees/shrubs from all sides and back of electrical pad-mounted equipment with Alameda Municipal Power (AMP). Any variance from these standards must be approved by AMP, and may include mitigation measures, such as root barriers.
- 85. The Applicant shall provide and install street lighting consistent with AMP's standard specifications and AMP's "Material and Installation Criteria for Underground Electrical Systems". Cobra head light fixtures shall not be used for street lights and all street lights shall be designed to preserve "dark skies" and direct light downward toward the public right of way. No signs shall be installed or mounted on street light poles owned and/or maintained by AMP. All new signs shall be installed on dedicated sign posts.

86. Applicant/Developer shall have all streetlights included in the Improvement Plans, installed, fully functional and operating prior to issuance of a Certificate of Occupancy for any building unless a phasing plan is approved by the Director of Public Works. Applicant/Developer shall pay to AMP the sum of Six Dollars (\$6.00 as adjusted no more than annually for inflation) per streetlight per month, or portion of a month, for the streetlight energy costs until the applicable improvements are accepted for maintenance by City.
87. The Applicant shall be required to furnish two streetlight poles and LED fixtures of each type installed, at no cost, to AMP as a stock for future pole/fixture replacement on public street. If AMP agrees to maintain private streetlights, the Applicant/Developer shall also be required to furnish two additional streetlight assemblies (e.g. pole, fixture, arm, shroud, etc) of each type.
88. All public streets shall be lit with LED lighting. Streetlight layout shall be staggered for a more uniform light distribution. Applicant/Developer can provide alternate design if a better efficient light distribution is met. Applicant/Developer shall use AMP LED standard fixtures. LED streetlight fixtures shall offer tri-level lighting with the mid-level setting meeting IES RP-8-14.
89. 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. Existing Alameda Point electric substructures will NOT be re-used.
90. The Applicant shall provide an easement for electric utility vehicle access to AMP's Cartwright Station. The easement shall encompass the entire perimeter of the substation, including buildings and exterior yards with a 25-foot minimum clearance from any structure (above or below grade), wall and fence. Applicant shall avoid planting any trees that will grow in fullness to the point they may encroach into the perimeter easement.
91. The Applicant/Developer 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 Project Engineer in writing.
92. Applicant/Developer will be required to provide an oil containment facility for all AMP owned pad-mount distribution switches and/or transformers installed within 100-feet of any body of water or in other critical locations. Applicant/Contractor shall contact AMP to verify all dimensions, elevations, and orientation before commencing work.
93. The Applicant shall furnish and install code-size service cables in code-size conduit

from each customer electric meter switchgear 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.

94. The improvement plans and all subdivision maps shall show all necessary easements and access to all electrical utility facilities that are in the private properties, at no charge to AMP.
95. 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.
96. 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 under grounding 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.
97. The Applicant/developer 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.
98. The Applicant/developer shall submit, with the site improvement plans, detailed drawings showing the required site electric utility facilities.

HOLD HARMLESS. The applicant shall defend (with counsel reasonably 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 Community Development 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.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 11th day of July, 2016, by the following vote to wit:

AYES: (4) Knox White, Köster, Curtis, and Zuppan

NOES: (0)

ABSENT: (3) Burton, Mitchell, and Sullivan

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-16-19

APPROVING DESIGN REVIEW AND CONDITIONAL USE PERMIT (PLN 16-0037) FOR
BLOCK 10 WITHIN THE SITE A DEVELOPMENT PLAN IN THE WATERFRONT TOWN
CENTER PLAN AREA AT ALAMEDA POINT

WHEREAS, an application was made on January 21, 2016 by Alameda Point Partners (APP), for design review and use permit approval for four commercial buildings and approximately 3 acres of associated public plazas and spaces on what is referred to as "Block 10" within the approved Site A Development Plan in the Waterfront Town Center Precise Plan (Town Center Plan) area of the Alameda Point property; and

WHEREAS, the proposed Block 10 plan consists of approximately 46,609 square feet of commercial space and three acres of associated publicly accessible open space; and

WHEREAS, Block 10 is designated as Mixed Use in the General Plan; and

WHEREAS, the Block 10 is located within the Alameda Point Waterfront Town Center Sub-district (WTC Sub-district); which is in the Alameda Point District [Alameda Municipal Code (AMC) 30-4.24] of the Zoning Ordinance; and

WHEREAS, the Town Center Plan is a Specific Plan pursuant to Government Code Section 65450 et seq. for a transit-oriented development of the waterfront lands that surround the Seaplane Lagoon and the property at the entrance of Alameda Point between Main Street and Seaplane Lagoon;

WHEREAS, Block 10 is located within the Site A Development plan approved by the City Council on June 16, 2015;

WHEREAS, the Town Center Plan and the Site A Development Plan requires that the Planning Board approve a Design Review application prior to redevelopment and reuse of Block 10;

WHEREAS, the Planning Board held a public hearing on January 25, 2016, April 11, 2016, and on June 27, 2016 to review the plans for Block 10, and examined pertinent maps, drawings, and documents;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds that the following findings can be made in support of the Design Review approval:

DESIGN REVIEW FINDINGS:

- 1. The proposed design is consistent with the General Plan, Zoning Ordinance, Town Center Plan, approved Site A Development Plan, and the City of Alameda Design Review Manual.** The proposed design of the four buildings and open space on Block 10 is consistent with the General Plan, Waterfront Town Center Specific Plan, and Site A Development Plan goals and requirements to create a mixed-use "town center" as part of a transit-and pedestrian-oriented higher density mixed-income living environment at the heart of Alameda Point adjacent to the Seaplane Lagoon.

The four buildings on Block 10 at the heart of Site A are designed to support a variety of related individual retailers and commercial uses. The building facing West Atlantic Avenue has been imagined as the “The Distillery Building” and visualized to house retailers that may specialize in beverage manufacture and sale, such as winemakers, coffee roasters, and/or spirits. Its design is purposely flexible yet very distinctive so that it can accommodate a variety of users whether beverage oriented or not. Building 98, closest to Block 11, is the “West Seaplane Shops” and is designed to appeal to a wide range of retailers, perhaps a small grocery store (less than 5,000 square feet), bicycle shop, or other similar neighborhood retailers. Building 67 “Bauhaus of Foods and Garden” at the rear of the Block is designed to house other food and beverage businesses and/or garden and home decorating or improvement businesses. Building 112 adjacent to Block 9 is the “Market Hall” building, which is designed for antique stores, home décor, artists and other similar uses.

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 proposed design of Block 10 is compatible with the residential uses proposed on the adjacent blocks in the Site A Development Plan. Block 10 will provide a transition between the multi-family housing proposed to the west on Block 11 and on Block 9 to the east. The plan creates a clear and strong open space connection between the waterfront park to the west, and the neighborhood park to the northeast creating a continuous and contiguous “necklace of parks” throughout the project. The one new retail building with its open glass façade and winged roof design facing West Atlantic Avenue and Waterfront Park across the street is designed to create a strong visual connection between the Waterfront Park, its commercial pavilion with its winged roof design, and the interconnecting open spaces that are integral to the Site A Development Plan open space objectives. The new building is positioned to create a continuous street-facing retail frontage between Block 11, Block 10, and Block 9.
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 existing buildings and landscape features embrace and highlight the history of Alameda Point. Three of the four buildings are existing former Navy buildings and are planned to be rehabilitated and adaptively reused for retail uses. Within the publicly accessible open space area, the existing rails from the prior use of the land by rail cars, and other materials that remain from the prior use of the land by the United States Navy, will be retained and reused in the design of the district. Reuse of existing buildings and preservation of existing cultural landscape features and materials will work to create a truly unique and interesting retail environment and public spaces. The one new retail building with its open glass façade and winged roof design facing West Atlantic Avenue and Waterfront Park across the street is designed to create a strong visual connection between the Waterfront Park, its commercial pavilion with its winged roof design, and the interconnecting open spaces that are integral to the Site A Development Plan open space objectives. The new building is positioned to create a continuous street-facing

retail frontage between Block 11, Block 10, and Block 9.

BE IT FURTHER RESOLVED, that the Planning Board finds that the following findings can be made in support of the Conditional Use Permit approval:

USE PERMIT FINDINGS:

1. **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 use of the buildings within Block 10, the proposed extended hours of operation until 12:00 AM and the outdoor seating and activities is compatible with the mixed use, "town center" urban environment that is envisioned in the General Plan, Waterfront Town Center Plan, and Site A Development Plan for the subject site.

2. **The proposed use will be served by adequate transportation and service facilities, including pedestrian, bicycle and transit facilities.**

Block 10 is located at the heart of a planned transit oriented, pedestrian friendly mixed use town center, within a 10 minute walk from a new regional ferry terminal and a 15 minute walk from an existing regional ferry terminal. The Site A development includes a robust and aggressive TDM Compliance Strategy with a wide variety of transportation services and facilities, including the provision of transit services and other transportation services and programs, \$10 million towards construction of the Seaplane Lagoon Ferry Terminal, and \$600,000 annually at buildout towards transit service and other TDM programs. Site A is providing transit service at a frequency in the peak hours (i.e., 15-minute vs. 30-minute) and other subsidies (i.e., \$50 Clipper card contributions for employees) that exceed the requirements of the Alameda Point TDM Plan.

3. **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 proposed uses, outdoor seating, and extended hours will benefit Alameda Point, and contribute to the public's enjoyment of the nearby waterfront parks and activities and complement the adjacent residential uses to create a mixed use, walkable community.

4. **The proposed use relates favorably to the General Plan.**

The proposal supports and implements the General Plan Alameda Point Element which calls for :

- *"Seamless integration of Alameda Point with the rest of the City".* The plans are designed as transit oriented, mixed-use, mixed income that is in keeping with Alameda's traditional character and scale.
- *"Fostering a vibrant new neighborhood".* Block 10 supports creation of new public and private facilities that encompass a variety of uses, facilities and spaces that will create a vibrant new waterfront neighborhood.

- *"Maximizing waterfront accessibility"*. Block 10 improves accessibility to the waterfront and provide spaces and facilities for public enjoyment of the unique Seaplane Lagoon.
- *"Ensuring economic development"*. Block 10 open space, and retail services which are needed to support economic development of Alameda Point and create jobs in West Alameda to replace the jobs lost by the departure of the US Navy in 1996.
- *"Creating a mixed-use environment"*. Block 10 provides a variety of uses that promote a transit and pedestrian-friendly mixed-use environment.
- *"Establishing neighborhood centers"*. Block 10 and its commercial services are critical to the creation of a neighborhood center at Site A that allows for residential, commercial, civic, community support services, cultural and recreational uses that support human interaction and public events.

BE IT FURTHER RESOLVED that the Planning Board finds that the Alameda Point Project, including the Town Center Plan containing Site A, was adequately considered by FEIR, and that:

1. By Resolution No. 14891 the City Council of the City of Alameda certified the Final Alameda Point Environmental Impact Report (FEIR) (State Clearinghouse No. 201312043) under the California Environmental Quality Act ("CEQA"), California Public Resources Code Section 21000 *et seq.* and adopted written findings and a Mitigation Monitoring and Reporting Program ("MMRP") on February 4, 2014, for the Alameda Point Project, including the Town Center Plan area which contains Site A; and
2. The City Council having certified the FEIR for the Alameda Point Project and the Town Center Plan containing Block 10, based on substantial evidence, that no further review under CEQA is required; and
3. Block 10 architectural design is consistent with the General Plan, Zoning Ordinance, Town Center Plan, and Site A Development Plan; and
4. The FEIR was certified by the City Council for the Alameda Point Project, including amendments to the General Plan and Zoning Ordinance, as well as the Town Center Plan; and
5. There are no environmental impacts peculiar to Block 10 that were not analyzed in the FEIR, or any such impact can be substantially mitigated by imposition of uniformly applied development policies or standards previously adopted by the City; and
6. There are no significant effects of the Block 10 project that were not analyzed as significant effects in the FEIR; and
7. There are no potentially significant off-site impacts of the proposed Block 10 project and there are no cumulative impacts to which the proposed Block 10 project makes a considerable contribution which were not discussed in the FEIR; and

8. There are no previously identified significant impacts of the proposed Block 10 project which, as a result of substantial new information which was not known at the time the EIR was certified, have been determined to have a more severe adverse impact than discussed in the FEIR.

BE IT FURTHER RESOLVED, that pursuant to the streamlining provisions of Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183, no further environmental review of the design review application is required;

BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby approves Design Review PLN 16-0037, subject to the following conditions:

1. Building and Site Improvement Permit Plans: The plans submitted for Building and Site Improvement Permits shall be in substantial compliance with the plans prepared by BCV Architects dated May 10, 2016, on file in the office of the City of Alameda Community Development Department.
2. Commercial Uses: Commercial uses within Block 10 shall be consistent with the permitted uses permitted within the Waterfront Town Center Plan and the following conditionally approved additional uses: Food and Beverage Manufacturing, Catering Services, Grocery stores, Wine stores, Wine Tasting, and Taverns, and artists' studios. Hours of operation shall be limited to the hours between 6:00 AM in the morning to 12:00 AM in the evening (midnight). The use of the outdoor areas may be used for outdoor seating and dining, temporary commercial events, and related activities. Outdoor amplified music and similar noise generating uses must be limited to 10 PM. Vehicular access onto Block 10 shall be limited to emergency vehicle access and delivery truck access between the hours of 6:00 AM and 6:00PM.
3. Public Open Space Access Easement: The applicant shall be responsible for the maintenance and safety of the public access areas and shall record an irrevocable public access easement on the areas shown as publically accessible in Exhibit 1 consistent with the DDA.
4. Public Viewing Deck: The applicant shall make available a public viewing area from the southwest corner of the second floor of the new building facing the Seaplane Lagoon. Public access may be limited to coincide with the hours of operation of the businesses within the building. The final design plans shall also ensure that the south west ground floor is maintained as a relatively transparent space through which pedestrians on West Atlantic will be able to see through to the inner courtyards on Block 10.
5. Final Design Review. Prior to issuance of Building Permits, the applicant shall submit final Design Review plans for review and approval by the Community Development Department, which shall include:
 - a. Architectural Design Details: Final window, door, lighting, exterior materials and colors, and demising plans shall be submitted for final design approval by the Community Development Director. Project design details requested by the applicant may be established, modified, and approved by the Director of

Community Development or the Director's designee provided that the findings can be made that the proposed changes to the buildings are consistent in character and quality to the design review plans approved by the Planning Board and attached as Attachment A to this resolution. The Community Development Director may approve changes in window and door placement, building details, numbers of individual tenants, and other minor changes necessary to accommodate the ultimate user of the building provided that the Director is able to find that the revisions are in substantial compliance with the intent and design quality approved by the Planning Board.

- b. Demising Plans: Demising plans for the allocation of space for individual tenants within the buildings shall be subject to the review and approval of the Community Development Director and shall ensure that all elevations facing the public rights of way provide for an attractive and inviting interface for a pedestrian oriented environment.
- c. Sustainable Design: Prior to issuance of a building permit, the applicant shall submit a checklist showing that the project meets either: a minimum LEED™ Certified rating and be so certified by the US Green Building Council or a minimum GreenPoint Rated score of fifty (50) and be so verified by Build It Green. The final design plans shall include plans for green roofs for a portion of the buildings consistent with Exhibit A and rain water collection and reuse.
- d. Public Parking and Signage: Final parking plans, including landscape, striping and parking access signage plans beginning at the intersection of Orion and West Atlantic directing visitors to the public parking lot located adjacent to Block 10 and behind Block 11. The final Public Parking Lot design, landscaping, striping and access plan shall be approved by the Community Development Director in consultation with the City Engineer. The public parking lot shall be complete prior to, or concurrent with, the first Certificate of Occupancy for Block 10. The Building Permit plans shall include design details providing for a minimum of three (3) electric car charging stations and for cost-effective expansion of electric car charging stations to additional stalls as demand warrants and shall meet the latest applicable codes as they relate to electric car charging. The design of the Public Parking lot shall be consistent with the Alameda Point TDM Plan.
- e. Drive Lane: The private drive lane between Block 10 and Block 11 shall be designed as a "naked street" without curbs and shared space for slow moving vehicles and pedestrians, including bollards for pedestrian safety. The final design shall include final paving, pedestrian amenities, signage, and other design details necessary to create a pedestrian-friendly, one way parking access lane from West Atlantic Avenue to the public parking lot behind Block 11. The design plan shall specify the dimensions, cross-section, and configuration of the public right of way and intersection with West Atlantic Avenue. The lane shall be a private lane, maintained by the applicant. The final Parking Lot design, landscaping, striping and access plan shall be approved by the Community Development Director in consultation with the City Engineer.

- f. Public Space Design Details. Final paving materials, landscaping materials, furniture, lighting, and amenities within the 3 acres of publically accessible open space shall be subject to the review and approval of the Community Development Director in consultation with the Recreation and Parks Director. The final design plans shall include plans for a public restroom and a dog fountain.
 - g. Final Utility Box design and location.
 - h. Drinking fountain design and location.
6. Sign Program. Prior to Certificate of Occupancy for the first building, the applicant shall submit a Block 10 Sign Program for Planning Board review and approval. The Sign Program shall specify allowable sign sizes, materials, and finishes.
7. CEQA: Prior to issuance of a Building or Site Improvement Permit, the applicant shall submit a Mitigation Measure Compliance Checklist confirming compliance with all required environmental mitigation measures 4-C-1, 4.D-2, 4.D-3, 4.D-4, 4.E-1f, 4.E-1g, 4.E-4b, 4.E-4c, 4.E-4f, 4.F-1a, 4.F-1b, 4.F-1c, 4.F-1d, 4.F-2, 4.F-7b, 4.G-1a, 4.G-1b, 4.G-1c, 4.G-1d, 4.G-4, 4.G-5, 4.H-1, 4.H-2, 4.H-4, 4.H-5, 4.I-1, 4.I-2, 4.I-8, 4.J-1a, 4.J-1b, 4.J-1c, 4.J-1d, 4.J-2, 4.J-7, 4.K-4, 4.M-5 contained in the MMRP adopted by the Alameda City Council on February 4, 2014, for the redevelopment and reuse of Alameda Point, including Block 10 within Site A.
8. Infrastructure Improvement Plans and Subdivision Maps: Prior to issuance of building permits for new construction, the applicant shall submit infrastructure improvement plans for on and off-site improvements for review and approval by the Public Works Department and the Community Development Department, and the applicant shall submit a Tentative Subdivision Map or Tentative Parcel Map for Block 10 consistent with the Site A Development Plan for review and approval by the Planning Board and City Council. Such maps and infrastructure plans shall be consistent with the Development Plan and the DDA, and subject to the requirements of the AMC, and Alameda Point Master Infrastructure Plan (MIP). Such maps and infrastructure improvement plans shall include a phased infrastructure construction plan for all off-site infrastructure, including the dimensions, cross-sections, and -configuration of all public rights of way, ADA ramps at all intersections and associated ADA improvements, public open space, and development parcels and include the proposed site grading, drainage improvements and utility and construction phasing.
9. Sea Level Rise: Prior to Building Permit approval, a description of the improvements shall be provided to ensure that any new habitable buildings will be constructed at a minimum elevation of 24 inches above the 100-year tidal flood plan elevation.
10. Bicycle Parking: Final bicycle parking plan shall be consistent with AMC-30.7.15 Bicycle Parking. The facility, location, and type shall be approved by the Community Development Department prior to approval of the improvements plans or building permit, whichever comes first. The Community Development Department shall inspect the location, type, and number of facilities to ensure they are in accordance with the approved plans prior to acceptance of the work or issuance of any occupancy permit, including temporary

occupancy permit, whichever comes first.

11. Modifications: Project design details requested by the applicant may be established, modified, and approved by the Community Development Director. Engineering standards and specifications requested by the applicant may be established, modified and approved by the Public Works Director, or his 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.
12. Other Agency Approvals: Prior to issuance of building permit(s) for work within jurisdictional lands, the applicant shall provide evidence that all required approvals, permits, or waivers from Regional Water Quality Control Board (Water Board), including a possible 401 Certification for the construction of a stormwater outfall, and/or the Army Corp. of Engineers, if any, have been obtained. The final improvement plans shall incorporate all other agency requirements.

Biological

13. Biological Regulations: Applicant shall notify all future property owners or occupants of the Declaration of Restrictions for the Former Naval Air Station Alameda (Declaration) consistent with the Biological Opinion issued by the U.S. Department of Fish and Wildlife Service (Service) and thereafter the Declaration shall be incorporated by reference in all deeds and leases of any portion of the Block 10.
14. Feral Cat Feeding Stations. Feral cat feeding stations and colonies, and the feeding of any native and non-native wildlife species that are potential predators of least terns is prohibited in perpetuity and thereafter this prohibition shall be incorporated in all deeds and leases of any portion of the Block 10.
15. Fireworks Displays. Fireworks displays will not be authorized from April 1 to August 15 and thereafter this prohibition shall be incorporated in all deeds and leases of any portion of the Block 10.
16. Lighting: Pedestrian and vehicular lighting at all intersections and project driveways shall meet Alameda Municipal Power standards for crosswalks, sidewalks, and intersections and be consistent with the Declaration and Alameda Point Lighting Mitigation Measures.
17. Service Review of Stormwater Plans. All stormwater management and monitoring plans for Block 10 shall be developed in coordination with the Service and implemented in perpetuity to protect open water foraging areas for the endangered California Least Tern. The plans shall be reviewed and approved by the Service prior to development of the project.

Improvement Plans

18. Landscape Plans: The improvement plans shall include landscape and irrigation plans for both on-site and off-site improvements consistent with the Town Center Plan, MIP and DDA. The plans shall be prepared, signed, and stamped by a licensed landscape

architect and civil engineer and shall be in accordance with the AMC and other regional jurisdictional requirements. The landscape architect shall also assume responsibility for review of the work and shall provide a Letter of Acceptance of construction conformance to the City, prior to acceptance of the work, that the installation of landscaping and irrigation was constructed in accordance with the approved plans.

19. Fire Water: The improvement plans for the project site shall include a Fire Water System consistent with the MIP. The system shall be designed to the satisfaction of EBMUD and the Alameda Fire Department. The Applicant shall be responsible for the placement of on-site hydrants. The location and number of hydrants shall be established in improvements plans. Placement shall be shown on the improvement plans and shall be to the satisfaction EBMUD, the City Fire Chief and the City Engineer.
20. Fire Sprinklers: The improvement plans and building permit plans shall include fire sprinkler systems within each residential unit including the garage and attic spaces and within any commercial spaces.
21. Fire Safety: 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. Ensure sufficient fire flow for the development compliant with California Fire Code Appendix B and AMC 15-1.2 where a maximum reduction of the fire flow can be reduced by 50% for fire sprinklered buildings.
 - b. Fire hydrant flows shall be a minimum of 1,500 G.P.M. from any one hydrant;
 - c. Provide adequate turn around space or acceptable emergency vehicle through access for any street greater than 150 feet in length;
 - d. Ensure that all roads that are required to be fire access roads have an adequate turning radii for fire apparatus (inside turning radius of 28" and outside turning radius of 44'8"); and
 - e. For all roads designated as fire aerial access roads shall have a minimum fire lane width of 26' unobstructed for buildings taller than 30' in the immediate vicinity of the building. Proximity to the building shall be no less than 15' and a maximum of 30' and shall be positioned parallel to the entire side of the building. All other fire lanes are to be an unobstructed minimum of 20' wide. Should parking within the fire lane be required, the fire lane width shall be increased as required to meet fire access requirements.
22. Utilities: The improvement plans shall include facilities and improvements to ensure that utility services are maintained for existing users throughout the construction process and the access to such service for maintenance purposes is preserved throughout the construction process for new utilities.
23. Geotechnical Report: A geotechnical report, including recommendations, shall be prepared by a registered geotechnical engineer licensed in the State of California. The improvement plans shall incorporate all geotechnical recommendations in the report and be consistent with the MIP and DDA. The geotechnical engineer shall sign and stamp the improvement plans as conforming to its recommendations. The geotechnical engineer shall also assume responsibility for inspection of the work and shall certify to the

City, prior to acceptance of the work that the work performed is adequate and complies with their recommendations.

Public Improvements

24. Maintenance: Maintenance of improvements not within the public ROW shall be the responsibility of the new development.
25. Street Resurfacing: Applicant/developer shall resurface the existing street pavement whenever a street is cut for utility or other improvement installations or the condition of the existing pavement requires improvements. The resurfacing shall extend a sufficient distance beyond any cut to ensure a smooth transition and shall consist of an average of one and a half (1½) inch asphalt concrete overlay, with a minimum one inch asphalt concrete overlay.
26. Curb and Gutter: Applicant/developer shall replace any damaged curb, gutter, and sidewalk along street frontages to the satisfaction of the Public Works Director, in accordance with the Public Works Department's Standard Plans and Specifications prior to acceptance of the project.
27. Access Phasing Plan. Prior to Building or Site Improvement Permit, a fire, pedestrian, bicycle, and automobile access plan for the phasing of all four sides of Block 10 shall be approved by the Public Works Director.

Water Quality

28. 401 Certifications Conditions. The development of Block 10 must be designed and constructed to comply with all of the conditions of the Conditional 401 Water Quality Certification for Alameda Point Stormwater Outfall Upgrades Project in the City of Alameda (Corps File No. 2014-00087S) (401 Certification Conditions) issued by the Water Board.
29. Final Stormwater Management Plan: The improvement plans shall incorporate a Final Stormwater Management Plan for Block 10, including all appropriate pollution prevention source control measures, permanent low impact development (LID) measures, storm water treatment controls and/or design techniques to manage the quantity and quality of storm water runoff from the project site to prevent and minimize impacts to water quality and must be consistent with the 401 Certification Conditions, the Site A Stormwater Management Plan (Site A SWMP), the preliminary stormwater management plan for Block 8 attached to this application, the MIP and the Provision C3 requirements of the City's municipal stormwater permit. Efforts shall be taken to minimize impervious surface areas, especially directly connected impervious surface areas. Roof drains shall discharge and drain to an unpaved area wherever practicable. Design techniques may include green roofs, rainwater harvesting, vegetated swales, vegetated buffer zones, bio retention units, retention/detention basins and ponds, tree well systems, and the incorporation of pervious surface areas and LID measures. The improvement plans shall provide details sufficient to ensure that the storm water 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, the MIP, the Site A SWMP, the preliminary stormwater plan for Block 8, and the 401 Certification Conditions. Applicants may also refer to the Bay Area Storm water Management Agencies Association (BASMAA) *Start at the Source Manual* for technical guidance. All storm water design and treatment measures for private development pads shall be consistent with the C3 requirements and 401 Certification Conditions and be located on the development pad or an adjacent private development pad and shall not be located on property planned for public parks or public rights of way. Areas between the building and the public right of way with public access easements may be treated within the public storm water treatment system if sized to handle the flow. With the finalized stormwater quality management plan and finalized, 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 Public Works Engineering that indicates the LID and treatment measure designs of the finalized improvement plans and stormwater quality management plan meet the established sizing design criteria for stormwater treatment measures. These will be at the 100% complete level.

30. Certification Report: Prior to issuance of the initial, temporary or first occupancy permit, whichever comes first, the applicant/developer 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 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 Public Works Engineering
31. Water Board Approval. Pursuant to Condition #15 of the 401 Certification Conditions, the applicant shall submit the proposed Site A SWMP to the Water Board's Executive Officer for review and approval prior to the issuance of a building permit or site improvement permit by the City for any construction of the Site A development, including Block 10. If the Water Board staff does not respond to the applicants Site A SWMP within 45 days of the received date, the plans will be deemed approved by the Executive Officer and the City may issue a building or site improvement permit if no changes have been made to the submitted Site A SWMP. The on-site drainage management areas indicated in the finalized stormwater management plans shall be reviewed for conformance with the corresponding off-site improvement plans.
32. Other Water Board Documents: The applicant/developer shall provide to the City Engineer or his designee, prior to the issuance of the first combination building/grading permit, a copy of both the WDID# issued to the project site by Water Board and the required Storm Water Pollution Prevention Plan (SWPPP). These documents shall provide verification to the City that the project site is in compliance with SWRCB Order

No. 2009-0009-DWQ. Information on this State Order is available at: <http://www.waterboards.ca.gov>.

33. Best Management Practices: The applicant/developer shall be responsible for ensuring that all contractors and sub-contractors install, implement and effectively maintain appropriate sediment control, erosion control and other water quality protection measures to prevent any pollutants from entering the municipal storm water drainage system or the Seaplane Lagoon, either directly or indirectly, during all construction activities. All implemented measures shall be consistent with the City's urban runoff Best Management Practices (BMPs) standards. The applicant/developer shall pay for any required cleanup, testing, and/or City administrative costs resulting from consequence of construction materials entering the storm water drainage system.
34. Erosion Control Measures: The installation of effective erosion control measures (for example, Hydro seeding) for all disturbed pervious surface areas shall be completed in compliance with the requirements included in the State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ.
35. Storm Water Trash Capture: Prior to the issuance of the first grading/building/combination permit for each project phase, the Improvement Plans shall indicate the storm water trash capture measure(s) being installed on the project site (or within the backbone public system) to ensure that the stormwater drainage from the project site is subject to full trash capture consistent with the City's municipal stormwater permit definition of a full trash capture device. Improvement plan sheets shall provide sufficient plan views and details of the full trash capture device installation(s) necessary for engineering review and approval. A full trash capture system or device is any single device or series of devices that trap all particles retained by a 5mm mesh screen and has a design treatment capacity of not less than the peak flow Q resulting from a one-year, one-hour storm in the sub-drainage area. Plan sheets shall include detail and cross-sectional drawings of any stormwater full trash capture device.
36. Storm Drains: All new storm drain inlets shall be clearly marked with the words 'No Dumping! Drains to Bay' by means approved by the Public Works Department. Permanently affixed thermoplastic, metallic or plastic laminate style markers are acceptable forms. The Improvement Plans shall clearly indicate this.
37. Operations and Maintenance Plan: The Applicant/Developer shall submit a stormwater treatment measures Operations and Maintenance (O&M) plan for review and approval to the Public Works Department prior to the approval of and consistent with the improvement plans for each phase. The O&M plan shall include, but not be limited to: treatment and design measure(s) descriptions and summary inventory; a legible, recordable, reduced-scale (8.5"x11") copy(-ies) of the Site Plan indicating the treatment and design measure(s) location(s) and site drainage patterns; treatment measure(s) maintenance requirements and maintenance schedule; the approved plant list and planning plan; detailed description of the integrated pest management principals and techniques and/or Bay Friendly Landscaping Program techniques to be utilized during landscape maintenance to ensure pesticide/herbicide use-minimization in landscaped areas; name and contact information of current maintenance personnel; and template of

the annual O&M report submittal to the City. The O&M plan(s) for all stormwater treatment and design measures to be maintained by any HOA or CA shall be incorporated with the CC&Rs of the relevant HOA/CA.

38. Stormwater Agreement: For any stormwater treatment or design measure not to be maintained by an HOA or CA, the Applicant/Developer shall execute a Stormwater Treatment Measures Maintenance Agreement (Stormwater Agreement) with the City prior to the issuance of the certificate of occupancy. The Stormwater Agreement shall include, but not be limited to: the O&M plan for all approved stormwater treatment measures; identification of the party responsible for implementing the O&M plan; assurances of access to inspect and verify the treatment system O&M for the life of the project; and assurances of the submittal of the annual O&M report to the City. The executed Stormwater Agreement shall be recorded, at applicant/developer's expense, with the County Recorder's Office of the County of Alameda.
39. Landscape Plans: Landscaping plans shall be designed to minimize runoff, promote surface infiltration, incorporate Bay Friendly Landscaping approaches, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution and be consistent with the MIP, the Site A SWMP, the preliminary stormwater management plan for Block 10, and 401 Certification Conditions
40. Backflow Prevention: Backflow prevention devices shall be installed on all new and existing domestic, commercial, irrigation, and fire water services and as required by the East Bay Municipal Utility District (EBMUD).
41. Certification Report: Prior to issuance of the initial, temporary or first occupancy permit, whichever comes first, the applicant/developer 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 is per approved plans and specification 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 Public Works Engineering.

Solid Waste

42. Waste Management Plan: The applicant/developer shall submit a Waste Management Plan (WMP) to the Public Works Environmental Services Division for approval. The plan shall describe how the trash and debris will be handled. The WMP shall be submitted by the developer to Environmental Services via Green Halo (greenhalosystems.com) prior to start of the demolition, remodeling, or construction work. This must be done using

Green Halo's web interface. The Public Works Environmental Services Division will review the WMP, and will provide comments that shall be incorporated into the plans for the project. The project is subject to the WMP requirement of section 21-24 of the AMC, and must recycle at least 50% of total debris hauled from the project.

43. External Enclosures: Design of all external enclosures for solid waste, recycling, and organics shall be approved by the Public Works Director concurrent with the approval of the improvements plans. These facilities are to 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 discharged to the storm drain system. External enclosures are to be roofed and/or enclosed. Any enclosures containing food waste shall have floor drains connected to the sanitary sewer system. If the enclosures are attached to buildings they shall have fire sprinklers. Internal collection and storage area(s) and the individual bins and containers provided, shall be adequate in capacity, number, and distribution to serve the anticipated demand for trash, recycling, and organics as determined by the Public Works Director.

44. Storage Requirements: Applicant must comply with the following minimum storage requirements for solid waste, recyclable and compostable materials:

Non-Residential Structures -- Non-residential structures/uses within all zoning districts shall provide external solid waste, recyclable and compostable material storage areas. The following minimum exterior storage area requirements apply to each individual structure:

Building Size (square feet)	Solid waste (square feet)	Recyclables (square feet)	Organic Materials (Plant Debris, Food Waste & Food Soiled Paper) (square feet)	Total Area (square feet)
0-5,000	12	12	12	36
5,001-10,000	24	24	24	72
10,001- 25,000	48	48	48	144
25,001- 50,000	96	96	96	288
50,001- 75,000	144	144	144	432
75,001- 100,000	192	192	192	576
100,001+	Every additional 25,000 square feet shall require an additional 48 square feet for solid waste, 48 square feet for recyclables, and 48 square feet for organics.			

45. Exterior Solid Waste and Recyclable Material Storage: Exterior solid waste and recyclable material storage shall be adjacent or combined and may only be located on the outside of a structure, in a designated interior courtyard with appropriate access, or in rear or side yards. External storage area(s) shall not be located in any required front yard, street side yard, required parking, landscaped, or open space, or any areas required

by the AMC to be maintained as unencumbered.

46. Storage Area Guidelines: The design and construction of the storage area(s) shall:
- a. Be compatible with the surrounding structures and land uses; and
 - b. Be properly secured to prevent access by unauthorized persons. If gates with locks are planned to limit access to the enclosure or to the property, cards or keys must be provided to the City's franchised waste hauler and recycling collector; at present Alameda County Industries; and
 - c. Contain a concrete pad within the fenced or walled area(s) and a concrete apron which facilitates handling of the individual bins and containers; and
 - d. Provide a 6-inch wide curb or parking bumpers along the interior perimeter of the enclosure walls to protect them from damage by the dumpster. A 6-inch wide parking bumper, at least 3 feet long, should also be placed between the refuse dumpster and the recycling containers; and
 - e. Maintain a minimum space of 12 inches between the dumpster(s) and the walls of the enclosure and the recycling container(s) to allow for maneuvering the dumpster(s); and
 - f. Protect the area(s) and containers from adverse environmental conditions, which might render the collected materials non-collectible, noxious, unsafe, or in the case of recyclable materials, unmarketable.

Dimensions of the storage area(s) shall accommodate containers consistent with the current methods of collection. The storage area(s) shall be appropriately located and screened from view on at least three sides by a solid wall six feet in height, and on the fourth side by a solid gate not less than five feet in height. The gate shall be maintained in good working order and shall remain closed except when in use. Gates must open straight out and gates and hinges must be flush with the enclosure wall to allow adequate maneuverability of the dumpster in and out of the enclosure. The design of the wall and gate shall be architecturally compatible with the surrounding structures. A sign clearly identifying each exterior solid waste and recyclable material storage area and the accepted material(s) is required. Each sign shall not exceed two square feet in area and shall be posted on the exterior of the storage area adjacent to all access points.

47. Collection: Internal collection and storage area(s) and the individual bins and containers provided, shall be adequate in capacity, number, and distribution to serve the anticipated demand for trash, recycling, and organics as determined by the Public Works Department. The trash collection areas shall be accessible to residents and employees. Each storage area shall be no more than 250 feet from any dwelling unit, or in the garage. Trash enclosures and/or recycling area shall be covered; no other area shall drain onto these areas. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. The applicant shall contact the City and East Bay Municipal Utility District (EBMUD) for specific connection and discharge requirements prior to building permit issuance. Discharges to the sanitary sewer are subject to the review, approval, and conditions of the City and EBMUD.

48. Fitted Lids: All solid waste containers, including dumpsters and individual cans or carts, must have fitted lids which shall remain closed at all times when the container is not being used

Construction Conditions

49. Traffic Control Plan: At least three weeks prior to the commencement of work within the public right-of-way that affects access for pedestrian, bicyclist, and vehicular traffic, the applicant/developer shall provide a Traffic Control Plan (TCP) to the Public Works Department for review and approval. The TCP shall be prepared by a registered civil engineer or traffic engineer licensed in the State of California, and be in accordance with the California MUTCD standards. The engineer shall sign and stamp the plans as approved. In general, any public right-of-way shall remain unobstructed during project construction or an ADA compliant alternative route established as approved by the Public Works Director. At locations where adequate alternate access cannot be provided, appropriate signs and barricades shall be installed at locations determined by the Public Works Director and Police Chief. Should transit routes be affected, applicant/developer is required to obtain prior approval from AC Transit of any proposed traffic detours or temporary closure of bus stops. Construction work may not commence until the TCP is approved by the Public Works Director.
50. Hazardous Materials. The applicant/developer shall provide documentation from a qualified professional to the City of Alameda stating that adequate soils and ground water investigations and, where warranted, remediation, have been conducted to ensure that future site use complies with the regulatory requirements for hazard related risks as established by applicable Federal, State and local requirements. The project sponsor shall ensure that all proposed areas for demolition and abatement shall be assessed by qualified licensed contractors for the potential presence of lead-based paint or coatings, asbestos containing materials, and PCB-containing equipment prior to issuance of a demolition permit. During Construction the developer/applicant shall ensure that all construction crews are properly trained and made aware of any site contamination issues consistent with the Alameda Point Site Management Plan (SMP) and MMRP.
51. Truck Plan: Prior to issuance of grading permit, developer/applicant shall submit a Truck Route Plan for hauling to be approved by the City Engineer. The Plan must be incorporated into any construction documents for every contract.
52. Notice to Neighbors: At least two weeks prior to initiating any construction activities at the site, the applicant shall provide notice to businesses and residents within 500 feet of the project site including (1) project description, (2) description of construction activities, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name and phone number of the Noise Management Individual for the project, (5) commitment to notify neighbors at least four days in advance of authorized extended work hours and the reason for extended hours, and (6) that construction work is about to commence. A copy of such notice and methodology for distributing the notice shall be provided to the City for review and approval at least five (5) business days in advance.
53. Construction Hours: Construction activity shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Friday, and between 8:00 a.m. and 5:00 pm on Saturday. No construction-related activity shall occur on Sunday or on any Federal

Holiday. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment re-design, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) wherever feasible and necessary. No construction activity that may cause excessive off-site vibration from heavy machinery such as drilling rigs (except as necessary for elevator, shoring, and soil testing), etc. shall be allowed. Impact tools (e.g., jack hammers, pavement breakers and noise drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to 10dB. External jackets on the tools themselves shall be used where feasible. Quieter procedures shall be used such as drilling rather than impact equipment whenever feasible.

54. Dust Control: Prior to issuance of building or grading permits, the developer/applicant shall ensure that a program of dust control is implemented consistent with City, MMRP and BAAQMD requirements.
55. Cultural Resources: In the event that previously unidentified cultural resources are discovered during site preparation or construction, work shall cease in the immediate area until such time as a qualified archaeologist and City of Alameda personnel can assess the significance of the find. If human remains are encountered, work shall halt within 50 feet of the find and the County Coroner shall be notified immediately.
56. Utilities: If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department, Alameda Municipal Power, and the Community Development Department, and carry out any necessary corrective action to their satisfaction.

Fire Safety

57. Fire Access: All streets and courts within the development that are required to be fire access roads, shall be marked as fire access roads to the satisfaction of the Fire Chief. All roads that are required to be fire access roads shall be designed to handle fire apparatus weight of up to 35,000 pounds per axle. Parking shall be prohibited within the streets and alleys that are dedicated as fire lanes. CC&R's shall include an enforcement mechanism.

Alameda Municipal Power (AMP)

58. The applicant shall comply to AMP's Rules and Regulations and AMP's "Material and Installation Criteria for Underground Electrical Systems" (both available at www.alamedamp.com) and provide completed "Service Planning Sheets" for AMP's review prior to submitting plans for building permits.
59. The applicant shall provide information on the location of transformers and total load in kilowatts or kilowatt/volts (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.

60. Concurrent with submittal of Improvement Plans, the Applicant shall coordinate with 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. New street trees shall maintain clearances from electrical utilities as follow:
a) public street lights – 25 feet; b) joint trench and all underground electrical lines – five feet; c) access doors of electrical pad-mounted equipment – ten feet; and d) all sides of electrical pad-mounted equipment – three feet. Any variance from these standards must be approved by Alameda Municipal Power and may include mitigations measures, such as root barriers.
61. The Applicant shall provide and install street lighting consistent with AMP's standard specifications and AMP's "Material and Installation Criteria for Underground Electrical Systems". Cobra head light fixtures shall not be used for street lights and all street lights shall be designed to preserve "dark skies" and direct light downward toward the public right of way. No signs shall be installed or mounted on street light poles owned and/or maintained by AMP. All new signs shall be installed on dedicated sign posts.
62. Applicant/Developer shall have all streetlights included in the Improvement Plans, installed, fully functional and operating prior to issuance of a Certificate of Occupancy for any building unless a phasing plan is approved by the Director of Public Works. Applicant/Developer shall pay to AMP the sum of Six Dollars (\$6.00 as adjusted no more than annually for inflation) per streetlight per month, or portion of a month, for the streetlight energy costs until the applicable improvements are accepted for maintenance by City.
63. The Applicant shall be required to furnish two streetlight poles and LED fixtures of each type installed, at no cost, to AMP as a stock for future pole/fixture replacement on public street. If AMP agrees to maintain private streetlights, the Applicant/Developer shall also be required to furnish two additional streetlight assemblies (e.g. pole, fixture, arm, shroud, etc) of each type.
64. All public streets shall be lit with LED lighting. Streetlight layout shall be staggered for a more uniform light distribution. Applicant/Developer can provide alternate design if a better efficient light distribution is met. Applicant/Developer shall use AMP LED standard fixtures. LED streetlight fixtures shall offer tri-level lighting with the mid-level setting meeting IES RP-8-14.
65. 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. Existing Alameda Point electric substructures will NOT be re-used.

66. The Applicant/Developer 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 Project Engineer in writing.
67. Applicant/Developer will be required to provide an oil containment facility for all AMP owned pad-mount distribution switches and/or transformers installed within 100-feet of any body of water or in other critical locations. Applicant/Contractor shall contact AMP to verify all dimensions, elevations, and orientation before commencing work.
68. The Applicant shall furnish and install code-size service cables in code-size conduit from each customer electric meter switchgear 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.
69. The improvement plans and all subdivision maps shall show all necessary easements and access to all electrical utility facilities that are in the private properties, at no charge to AMP.
70. 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.
71. 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 under grounding 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.
72. The Applicant/developer 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.
73. The Applicant/developer shall submit, with the site improvement plans, detailed drawings showing the required site electric utility facilities.

HOLD HARMLESS. The applicant shall defend (with counsel reasonably 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 Community Development 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.

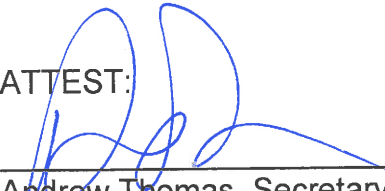
NOTICE. The conditions of project approval set forth herein include certain fees and other exactions. Pursuant to Government Code section 66020(d) (1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and exactions. 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.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 27th day of June, 2016, by the following vote to wit:

AYES:	(5)	Henneberry, Köster, Mitchell, Sullivan, and Zuppan
NOES:	(1)	Knox White
ABSENT:	(0)	
ABSTENTION:	(1)	Burton

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

* * * * *

CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-16-20

APPROVING DESIGN REVIEW (PLN16-0186) FOR BLOCK 7 WITHIN THE SITE A
DEVELOPMENT PLAN IN THE WATERFRONT TOWN CENTER PLAN AREA AT
ALAMEDA POINT

WHEREAS, an application was made on April 5, 2016 by Alameda Point Partners (APP), for a design review approval of 60 townhome units on what is referred to as "Block 7" within the approved Site A Development Plan in the Waterfront Town Center Precise Plan (Town Center Plan) area of the Alameda Point property; and

WHEREAS, the proposed Block 7 plan consists of 60 townhome residential units and 104 parking spaces within both 1- and 2-car private garages, and approximately 23,000 square feet of landscape corridor; and

WHEREAS, Block 7 is designated as Mixed Use in the General Plan; and

WHEREAS, the Block 7 is located within the Alameda Point Waterfront Town Center Sub-district (WTC Sub-district); which is in the Alameda Point District [Alameda Municipal Code (AMC) 30-4.24] of the Zoning Ordinance and

WHEREAS, the Town Center Plan is a Specific Plan pursuant to Government Code Section 65450 et seq. for a transit-oriented development of the waterfront lands that surround the Seaplane Lagoon and the property at the entrance of Alameda Point between Main Street and Seaplane Lagoon;

WHEREAS, Block 7 is located within the Site A Development plan approved by the City Council on June 16, 2015;

WHEREAS, the Town Center Plan and the Site A Development Plan requires that the Planning Board approve a Design Review application prior to redevelopment and reuse of Block 8;

WHEREAS, the Planning Board held a public hearing on June 27, 2016 for this Design Review application, and examined pertinent maps, drawings, and documents;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds that the following findings can be made in support of the Design Review approval:

DESIGN REVIEW FINDINGS:

1. **The proposed design is consistent with the General Plan, Zoning Ordinance, Town Center Plan, approved Site A Development Plan, and the City of Alameda Design Review Manual.** The proposed design of the townhomes on Block 7 along a major transit corridor within Alameda Point's "town center" creates a transit-and pedestrian-oriented higher density mixed-income living environment consistent with the General Plan, Zoning Ordinance, Town Center Plan and Site A Development Plan.
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 proposed design of Block 7 is compatible with the residential uses proposed on the adjacent blocks in the Site A Development Plan. Block 7 will provide a transition between the multi-family housing proposed to the west on Block 8 and the townhomes proposed for Block 6 to the east. The southern townhomes on Block 7 front on West Atlantic Boulevard, the main transit corridor, and the landscaped areas and entrances to these townhome units at the ground floor help to create an active pedestrian environment along West Atlantic. The northern townhomes fronting on G Street maintain their entrances at the ground floor and help to create a pedestrian scaled environment as an appropriate transition to the active neighborhood park across the street. Additionally, the north-south landscape corridor that traverses the middle of the site creates a strong open space and pedestrian connection between West Atlantic to the south and the neighborhood park to the north.

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 design of Block 7 draws inspiration from design elements of the existing buildings near and within the Naval Air Station Alameda Historic District. The Block 7 architectural design shares architectural elements, materials and colors that reflect and respect, without replicating, the architectural elements of some of the most important contributing buildings in the Historic District. Examples of these elements include strong vertical masses that frame and punctuate horizontal runs of windows with window accents, sawtooth roofs that occur across the tops of the hangars, and repeated horizontal bands along the hangar doors.

BE IT FURTHER RESOLVED that the Planning Board finds that the Alameda Point Project, including the Town Center Plan containing Site A, was adequately considered by FEIR, and that:

1. By Resolution No. 14891 the City Council of the City of Alameda certified the Final Alameda Point Environmental Impact Report (FEIR) (State Clearinghouse No. 201312043) under the California Environmental Quality Act ("CEQA"), California Public Resources Code Section 21000 *et seq.* and adopted written findings and a Mitigation Monitoring and Reporting Program ("MMRP") on February 4, 2014, for the Alameda Point Project, including the Town Center Plan area which contains Site A; and
2. The City Council having certified the FEIR for the Alameda Point Project and the Town Center Plan containing Block 7, based on substantial evidence, that no further review under CEQA is required; and
3. Block 7 architectural design are consistent with the General Plan, Zoning Ordinance, Town Center Plan, and Site A Development Plan; and

4. The FEIR was certified by the City Council for the Alameda Point Project, including amendments to the General Plan and Zoning Ordinance, as well as the Town Center Plan; and
5. There are no environmental impacts peculiar to Block 7 that were not analyzed in the FEIR, or any such impact can be substantially mitigated by imposition of uniformly applied development policies or standards previously adopted by the City; and
6. There are no significant effects of the Block 7 project that were not analyzed as significant effects in the FEIR; and
7. There are no potentially significant off-site impacts of the proposed Block 7 project and there are no cumulative impacts to which the proposed Block 7 project makes a considerable contribution which were not discussed in the FEIR; and
8. There are no previously identified significant impacts of the proposed Block 7 project which, as a result of substantial new information which was not known at the time the EIR was certified, have been determined to have a more severe adverse impact than discussed in the FEIR.

BE IT FURTHER RESOLVED, that pursuant to the streamlining provisions of Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183, no further environmental review of the design review application is required;

BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby approves Design Review PLN 16-0186, subject to the following conditions:

1. Building and Site Improvement Permit Plans: The plans submitted for Building and Site Improvement Permits shall be in substantial compliance with the plans prepared by Kwan Henmi Architects dated June 15, 2016 and the Colors and Materials board approved by the Planning Board on June 27, 2016 on file in the office of the City of Alameda Community Development Department.
2. CEQA: Prior to issuance of a Building or Site Improvement Permit, the applicant shall submit a Mitigation Measure Compliance Checklist confirming compliance with all required environmental mitigation measures 4-C-1, 4.D-2, 4.D-3, 4.D-4, 4.E-1f, 4.E-1g, 4.E-4b, 4.E-4c, 4.E-4f, 4.F-1a, 4.F-1b, 4.F-1c, 4.F-1d, 4.F-2, 4.F-7b, 4.G-1a, 4.G-1b, 4.G-1c, 4.G-1d, 4.G-4, 4.G-5, 4.H-1, 4.H-2, 4.H-4, 4.H-5, 4.I-1, 4.I-2, 4.I-8, 4.J-1a, 4.J-1b, 4.J-1c, 4.J-1d, 4.J-2, 4.J-7, 4.K-4, 4.M-5 contained in the MMRP adopted by the Alameda City Council on February 4, 2014, for the redevelopment and reuse of Alameda Point, including Block 7 within Site A.
3. Infrastructure Improvement Plans and Subdivision Maps: Prior to issuance of building permits for new construction, the applicant shall submit infrastructure improvement plans for on and off-site improvements for review and approval by the Public Works Department and the Community Development Department, and the applicant shall submit a Tentative

Subdivision Map or Tentative Parcel Map for Block 7 consistent with the Site A Development Plan for review and approval by the Planning Board and City Council. Such maps and infrastructure plans shall be consistent with the Development Plan and the DDA, and subject to the requirements of the AMC, and Alameda Point Master Infrastructure Plan (MIP). Such maps and infrastructure improvement plans shall include the proposed site grading, drainage improvements and utility and construction phasing. Off-site plans will be prepared separately as part of the Site A, Phase 1 Backbone Improvement Plans.

4. Final Design Details. Prior to issuance of a building permit, the applicant shall submit the following final design detail for Planning Board review and approval:
 - a. Final on-site tree, street lights, street signage, street paving and street furniture design details. All public street trees shall be protected by a curb.
 - b. Final building signage and on-site building lighting.
5. Final Design Details – Staff Review. Prior to issuance of a building permit, the applicant shall submit the following final design detail for Planning Department review and approval:
 - a. Landscape materials to accommodate pet owners.
 - b. Window details showing a 2 ½ inch inset from the face of the building.
 - c. Design details to secure the roof decks.
 - d. Walk-in showers for the 10% of the units designed for households aging in place or households with disabilities.
 - e. Details for package delivery.
 - f. Final colors and materials for internal and side elevations.
 - g. Final utility box design and location.
6. Adaptable Ground Floor Alternative: Prior to issuance of a Building Permit, the applicant and staff will prepare the following two alternatives for Planning Board review: 1) A revised design for all units on Block 6 facing W. Atlantic Avenue to show “adaptable ground floor space” with 14’ clear ceiling heights and zero step entry;” and 2) A draft Amendment to the Town Center Plan to remove the requirement for adaptable ground floor space on W Atlantic for Block 6. At the future meeting, the Planning Board may either: 1) approve the revised designs for Block 6, or 2) adopt the recommendation that the City Council amend the Town Center Plan.
7. Affordable Housing: Prior to the issuance of the Building Permit, the project applicant shall submit an affordable housing compliance report documenting progress on implementation of the executed Affordable Housing Implementation Plan included within the DDA with the City of Alameda for Site A.

8. Automobile Parking: The Building Permit plans shall include garages pre-wired for cost effective adaptation for plug-in electric car charging.
9. Bicycle Parking: Final bicycle parking plan shall be consistent with AMC-30.7.15 Bicycle Parking. The facility, location, and type shall be approved by the Community Development Department prior to approval of the improvements plans or building permit, whichever comes first. The Community Development Department shall inspect the location, type, and number of facilities to ensure they are in accordance with the approved plans prior to acceptance of the work or issuance of any occupancy permit, including temporary occupancy permit, whichever comes first.
10. Sea Level Rise: Prior to Building Permit approval, a description of the improvements shall be provided to ensure that any new habitable buildings will be constructed at a minimum elevation of 24 inches above the 100-year tidal flood plan elevation.
11. Sustainable Design: Prior to issuance of a building permit, the applicant shall submit a checklist showing that the project meets either: a minimum LEED™ Certified rating and be so certified by the US Green Building Council or a minimum GreenPoint Rated score of fifty (50) and be so verified by Build It Green.
12. Modifications: Minor project design details requested by the applicant may be established, modified, and approved by the Community Development Director. Engineering standards and specifications requested by the applicant may be established, modified and approved by the Public Works Director, or his 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.
13. Other Agency Approvals: The final improvement plans shall incorporate all other agency requirements.

Biological

14. Biological Regulations: Applicant shall notify all future property owners or occupants of the Declaration of Restrictions for the Former Naval Air Station Alameda (Declaration) consistent with the Biological Opinion issued by the U.S. Department of Fish and Wildlife Service (Service) and thereafter the Declaration shall be incorporated by reference in all deeds and leases of any portion of the Block 7.
15. Feral Cat Feeding Stations. Feral cat feeding stations and colonies, and the feeding of any native and non-native wildlife species that are potential predators of least terns is prohibited in perpetuity and thereafter this prohibition shall be incorporated in all deeds and leases of any portion of the Block 7.
16. Fireworks Displays. Fireworks displays will not be authorized from April 1 to August 15 and thereafter this prohibition shall be incorporated in all deeds and leases of any portion of the Block 7.
17. Lighting: Pedestrian and vehicular lighting at all intersections and project driveways shall

meet Alameda Municipal Power standards for crosswalks, sidewalks, and intersections and be consistent with the Declaration and Alameda Point Lighting Mitigation Measures.

18. Service Review of Stormwater Plans. All stormwater management and monitoring plans for Block 7 shall be developed in coordination with the Service and implemented in perpetuity to protect open water foraging areas for the endangered California Least Tern. The plans shall be reviewed and approved by the Service prior to development of the project.

Improvement Plans

19. Landscape Plans: The improvement plans shall include landscape and irrigation plans for both on-site and off-site improvements consistent with the Town Center Plan and MIP, including flood and sea-level rise protection improvements, as required by the MIP and DDA. The plans shall be prepared, signed, and stamped by a licensed landscape architect and civil engineer for flood and sea-level rise protection improvements and shall be in accordance with the AMC and other regional jurisdictional requirements. The landscape architect shall also assume responsibility for review of the work and shall provide a Letter of Acceptance of construction conformance to the City, prior to acceptance of the work, that the installation of landscaping and irrigation was constructed in accordance with the approved plans. An irrevocable public access easement for the north-south landscape corridor must be provided.
20. Fire Sprinklers: The improvement plans and building permit plans shall include fire sprinkler systems within each residential unit including the garage and attic spaces and within any commercial spaces.
21. Fire Safety: 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. Ensure sufficient fire flow for the development compliant with California Fire Code Appendix B and AMC 15-1.2 where a maximum reduction of the fire flow can be reduced by 50% for fire sprinklered buildings.
 - b. Fire hydrant flows shall be a minimum of 1,500 G.P.M. from any one hydrant;
 - c. Provide adequate turn around space or acceptable emergency vehicle through access for any street greater than 150 feet in length;
 - d. Ensure that all roads that are required to be fire access roads have an adequate turning radii for fire apparatus (inside turning radius of 28" and outside turning radius of 44'8"); and
 - e. For all roads designated as fire aerial access roads shall have a minimum fire lane width of 26' unobstructed for buildings taller than 30' in the immediate vicinity of the building. Proximity to the building shall be no less than 15' and a maximum of 30' and shall be positioned parallel to the entire side of the building. All other fire lanes are to be an unobstructed minimum of 20' wide. Should parking within the fire lane be required, the fire lane width shall be increased as required to meet fire access requirements.
22. Utilities: The improvement plans shall include facilities and improvements to ensure that

utility services are maintained for existing users throughout the construction process and the access to such service for maintenance purposes is preserved throughout the construction process for new utilities.

23. Geotechnical Report: A geotechnical report, including recommendations, shall be prepared by a registered geotechnical engineer licensed in the State of California. The improvement plans shall incorporate all geotechnical recommendations in the report and be consistent with the MIP and DDA. The geotechnical engineer shall sign and stamp the improvement plans as conforming to its recommendations. The geotechnical engineer shall also assume responsibility for inspection of the work and shall certify to the City, prior to acceptance of the work that the work performed is adequate and complies with their recommendations.

Public Improvements

24. Maintenance: Maintenance of improvements not within the public ROW shall be the responsibility of the new development.
25. Street Resurfacing: Applicant/developer shall resurface the existing street pavement whenever a street is cut for utility or other improvement installations or the condition of the existing pavement requires improvements. The resurfacing shall extend a sufficient distance beyond any cut to ensure a smooth transition and shall consist of an average of one and a half (1½) inch asphalt concrete overlay, with a minimum one inch asphalt concrete overlay.
26. Curb and Gutter: Applicant/developer shall replace any damaged curb, gutter, and sidewalk along street frontages to the satisfaction of the Public Works Director, in accordance with the Public Works Department's Standard Plans and Specifications prior to acceptance of the project.
27. Access Phasing Plan: Prior to Building or Site Improvement Permit, a fire, pedestrian, bicycle, and automobile access plan for the phasing of all four sides of Block 7 shall be approved by the Public Works Director.

Water Quality

28. 401 Certifications Conditions. The development of Block 7 must be designed and constructed to comply with all of the conditions of the Conditional 401 Water Quality Certification for Alameda Point Stormwater Outfall Upgrades Project in the City of Alameda (Corps File No. 2014-00087S) (401 Certification Conditions) issued by the Water Board.
29. Final Stormwater Management Plan: The improvement plans shall incorporate a Final Stormwater Management Plan for Block 7, including all appropriate pollution prevention source control measures, permanent low impact development (LID) measures, storm water treatment controls and/or design techniques to manage the quantity and quality of storm water runoff from the project site to prevent and minimize impacts to water quality and must be consistent with the 401 Certification Conditions, the Site A Stormwater

Management Plan (Site A SWMP), the preliminary stormwater management plan for Block 8 attached to this application, the MIP and the Provision C3 requirements of the City's municipal stormwater permit. Efforts shall be taken to minimize impervious surface areas, especially directly connected impervious surface areas. Roof drains shall discharge and drain to an unpaved area wherever practicable. Design techniques may include green roofs, rainwater harvesting, vegetated swales, vegetated buffer zones, bio retention units, retention/detention basins and ponds, tree well systems, and the incorporation of pervious surface areas and LID measures. The improvement plans shall provide details sufficient to ensure that the storm water 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, the MIP, the Site A SWMP, the preliminary stormwater plan for Block 8, and the 401 Certification Conditions. Applicants may also refer to the Bay Area Storm water Management Agencies Association (BASMAA) *Start at the Source Manual* for technical guidance. All storm water design and treatment measures for private development pads shall be consistent with the C3 requirements and 401 Certification Conditions and be located on the development pad or an adjacent private development pad and shall not be located on property planned for public parks or public rights of way. Areas between the building and the public right of way with public access easements may be treated within the public storm water treatment system if sized to handle the flow. With the finalized stormwater quality management plan, submit 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 Public Works Engineering that indicates the LID and treatment measure designs of the finalized improvement plans and stormwater quality management plan meet the established sizing design criteria for stormwater treatment measures. These will be the 100% complete level.

30. Water Board Approval. Pursuant to Condition #15 of the 401 Certification Conditions, the applicant shall submit the proposed Site A SWMP to the Water Board's Executive Officer for review and approval prior to the issuance of a building permit or site improvement permit by the City for any construction of the Site A development, including Block 7. If the Water Board staff does not respond to the applicants Site A SWMP within 45 days of the received date, the plans will be deemed approved by the Executive Officer and the City may issue a building or site improvement permit if no changes have been made to the submitted Site A SWMP. The on-site drainage management areas indicated in the finalized stormwater management plans shall be reviewed for conformance with the corresponding off-site improvement plans.
31. Other Water Board Documents: The applicant/developer shall provide to the City Engineer or his designee, prior to the issuance of the first combination building/grading permit, a copy of both the WDID# issued to the project site by Water Board and the required Storm Water Pollution Prevention Plan (SWPPP). These documents shall provide verification to the City that the project site is in compliance with SWRCB Order No. 2009-0009-DWQ. Information on this State Order is available at: <http://www.waterboards.ca.gov>.
32. Best Management Practices: The applicant/developer shall be responsible for ensuring that all contractors and sub-contractors install, implement and effectively maintain

appropriate sediment control, erosion control and other water quality protection measures to prevent any pollutants from entering the municipal storm water drainage system or the Seaplane Lagoon, either directly or indirectly, during all construction activities. All implemented measures shall be consistent with the City's urban runoff Best Management Practices (BMPs) standards. The applicant/developer shall pay for any required cleanup, testing, and/or City administrative costs resulting from consequence of construction materials entering the storm water drainage system.

33. Erosion Control Measures: The installation of effective erosion control measures (for example, Hydro seeding) for all disturbed pervious surface areas shall be completed in compliance with the requirements included in the State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ.
34. Storm Water Trash Capture: Prior to the issuance of the first grading/building/combination permit for each project phase, the Improvement Plans shall indicate the storm water trash capture measure(s) being installed on the project site (or within the backbone public system) to ensure that the stormwater drainage from the project site is subject to full trash capture consistent with the City's municipal stormwater permit definition of a full trash capture device. Improvement plan sheets shall provide sufficient plan views and details of the full trash capture device installation(s) necessary for engineering review and approval. A full trash capture system or device is any single device or series of devices that trap all particles retained by a 5mm mesh screen and has a design treatment capacity of not less than the peak flow Q resulting from a one-year, one-hour storm in the sub-drainage area. Plan sheets shall include detail and cross-sectional drawings of any stormwater full trash capture device.
35. Storm Drains: All new storm drain inlets shall be clearly marked with the words 'No Dumping! Drains to Bay' by means approved by the Public Works Department. Permanently affixed thermoplastic, metallic or plastic laminate style markers are acceptable forms. The Improvement Plans shall clearly indicate this.
36. Operations and Maintenance Plan: The Applicant/Developer shall submit a stormwater treatment measures Operations and Maintenance (O&M) plan for review and approval to the Public Works Department prior to the approval of and consistent with the improvement plans for each phase. The O&M plan shall include, but not be limited to: treatment and design measure(s) descriptions and summary inventory; a legible, recordable, reduced-scale (8.5"x11") copy(-ies) of the Site Plan indicating the treatment and design measure(s) location(s) and site drainage patterns; treatment measure(s) maintenance requirements and maintenance schedule; the approved plant list and planning plan; detailed description of the integrated pest management principals and techniques and/or Bay Friendly Landscaping Program techniques to be utilized during landscape maintenance to ensure pesticide/herbicide use-minimization in landscaped areas; name and contact information of current maintenance personnel; and template of the annual O&M report submittal to the City. The O&M plan(s) for all stormwater treatment and design measures to be maintained by any HOA or CA shall be incorporated with the CC&Rs of the relevant HOA/CA.
37. Stormwater Agreement: For any stormwater treatment or design measure not to be

maintained by an HOA or CA, the Applicant/Developer shall execute a Stormwater Treatment Measures Maintenance Agreement (Stormwater Agreement) with the City prior to the issuance of the certificate of occupancy. The Stormwater Agreement shall include, but not be limited to: the O&M plan for all approved stormwater treatment measures; identification of the party responsible for implementing the O&M plan; assurances of access to inspect and verify the treatment system O&M for the life of the project; and assurances of the submittal of the annual O&M report to the City. The executed Stormwater Agreement shall be recorded, at applicant/developer's expense, with the County Recorder's Office of the County of Alameda.

38. Landscape Plans: Landscaping plans shall be designed to minimize runoff, promote surface infiltration, incorporate Bay Friendly Landscaping approaches, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution and be consistent with the MIP, the Site A SWMP, the preliminary stormwater management plan for Block 7, and 401 Certification Conditions
39. Backflow Prevention: Backflow prevention devices shall be installed on all new and existing domestic, commercial, irrigation, and fire water services and as required by the East Bay Municipal Utility District (EBMUD).
40. Certification Report: Prior to issuance of the initial, temporary or first occupancy permit, whichever comes first, the applicant/developer 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 is per approved plans and specification 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 Public Works Engineering.

Solid Waste

41. Waste Management Plan: The applicant/developer shall submit a Waste Management Plan (WMP) to the Public Works Environmental Services Division for approval. The plan shall describe how the trash and debris will be handled. The WMP shall be submitted by the developer to Environmental Services via Green Halo (greenhalosystems.com) prior to start of the demolition, remodeling, or construction work. This must be done using Green Halo's web interface. The Public Works Environmental Services Division will review the WMP, and will provide comments that shall be incorporated into the plans for the project. The project is subject to the WMP requirement of section 21-24 of the AMC, and must recycle at least 50% of total debris hauled from the project.
42. Waste Circulation: A 40-foot turning radius must be provided for any street that would

otherwise require the collection truck to back up a distance greater than 150 feet. Although not required, construction of a concrete pad just outside each solid waste enclosure is recommended in order to accommodate the truck weight while servicing the dumpster. Driveways or aisles shall provide unobstructed access for collection vehicles and personnel and provide at least the minimum clearance required by the collection methods and vehicles used by the City's designated collector or hauler. In all cases where a parcel is served by an alley, all exterior storage areas shall be directly accessible to the alley.

43. Exterior Solid Waste and Recyclable Material Storage: Exterior solid waste and recyclable material storage shall be adjacent or combined and may only be located on the outside of a structure, in a designated interior courtyard with appropriate access, or in rear or side yards. External storage area(s) shall not be located in any required front yard, street side yard, required parking, landscaped, or open space, or any areas required by the AMC to be maintained as unencumbered.

44. Storage Area Guidelines: The design and construction of the storage area(s) shall:

- a. Be compatible with the surrounding structures and land uses; and
- b. Be properly secured to prevent access by unauthorized persons. If gates with locks are planned to limit access to the enclosure or to the property, cards or keys must be provided to the City's franchised waste hauler and recycling collector; at present Alameda County Industries; and
- c. Contain a concrete pad within the fenced or walled area(s) and a concrete apron which facilitates handling of the individual bins and containers; and
- d. Provide a 6-inch wide curb or parking bumpers along the interior perimeter of the enclosure walls to protect them from damage by the dumpster. A 6-inch wide parking bumper, at least 3 feet long, should also be placed between the refuse dumpster and the recycling containers; and
- e. Maintain a minimum space of 12 inches between the dumpster(s) and the walls of the enclosure and the recycling container(s) to allow for maneuvering the dumpster(s); and
- f. Protect the area(s) and containers from adverse environmental conditions, which might render the collected materials non-collectible, noxious, unsafe, or in the case of recyclable materials, unmarketable.

Dimensions of the storage area(s) shall accommodate containers consistent with the current methods of collection. The storage area(s) shall be appropriately located and screened from view on at least three sides by a solid wall six feet in height, and on the fourth side by a solid gate not less than five feet in height. The gate shall be maintained in good working order and shall remain closed except when in use. Gates must open straight out and gates and hinges must be flush with the enclosure wall to allow adequate maneuverability of the dumpster in and out of the enclosure. The design of the wall and gate shall be architecturally compatible with the surrounding structures. A sign clearly identifying each exterior solid waste and recyclable material storage area and the accepted material(s) is required. Each sign shall not exceed two square feet in area and shall be posted on the exterior of the storage area adjacent to all access points.

45. Collection: Internal collection and storage area(s) and the individual bins and containers

provided, shall be adequate in capacity, number, and distribution to serve the anticipated demand for trash, recycling, and organics as determined by the Public Works Department. The trash collection areas shall be accessible to residents and employees. Each storage area shall be no more than 250 feet from any dwelling unit, or in the garage. Trash enclosures and/or recycling area shall be covered; no other area shall drain onto these areas. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. The applicant shall contact the City and East Bay Municipal Utility District (EBMUD) for specific connection and discharge requirements prior to building permit issuance. Discharges to the sanitary sewer are subject to the review, approval, and conditions of the City and EBMUD.

46. Valet Waste Service: If valet trash pickup is established by the applicant, trash pickup locations shall allow for unobstructed access for collection vehicles. In addition, each storage area shall be located as close to the public street as possible.
47. Fitted Lids: All solid waste containers, including dumpsters and individual cans or carts, must have fitted lids which shall remain closed at all times when the container is not being used

Construction Conditions

48. Traffic Control Plan: At least three weeks prior to the commencement of work within the public right-of-way that affects access for pedestrian, bicyclist, and vehicular traffic, the applicant/developer shall provide a Traffic Control Plan (TCP) to the Public Works Department for review and approval. The TCP shall be prepared by a registered civil engineer or traffic engineer licensed in the State of California, and be in accordance with the California MUTCD standards. The engineer shall sign and stamp the plans as approved. In general, any public right-of-way shall remain unobstructed during project construction or an ADA compliant alternative route established as approved by the Public Works Director. At locations where adequate alternate access cannot be provided, appropriate signs and barricades shall be installed at locations determined by the Public Works Director and Police Chief. Should transit routes be affected, applicant/developer is required to obtain prior approval from AC Transit of any proposed traffic detours or temporary closure of bus stops. Construction work may not commence until the TCP is approved by the Public Works Director.
49. Hazardous Materials. The applicant/developer shall provide documentation from a qualified professional to the City of Alameda stating that adequate soils and ground water investigations and, where warranted, remediation, have been conducted to ensure that future site use complies with the regulatory requirements for hazard related risks as established by applicable Federal, State and local requirements. The project sponsor shall ensure that all proposed areas for demolition and abatement shall be assessed by qualified licensed contractors for the potential presence of lead-based paint or coatings, asbestos containing materials, and PCB-containing equipment prior to issuance of a demolition permit. During Construction the developer/applicant shall ensure that all construction crews are properly trained and made aware of any site contamination issues consistent with the Alameda Point Site Management Plan (SMP) and MMRP.
50. Truck Plan: Prior to issuance of grading permit, developer/applicant shall submit a Truck

Route Plan for hauling to be approved by the City Engineer. The Plan must be incorporated into any construction documents for every contract.

51. Notice to Neighbors: At least two weeks prior to initiating any construction activities at the site, the applicant shall provide notice to businesses and residents within 500 feet of the project site including (1) project description, (2) description of construction activities, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name and phone number of the Noise Management Individual for the project, (5) commitment to notify neighbors at least four days in advance of authorized extended work hours and the reason for extended hours, and (6) that construction work is about to commence. A copy of such notice and methodology for distributing the notice shall be provided to the City for review and approval at least five (5) business days in advance.
52. Construction Hours: Construction activity shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Friday, and between 8:00 a.m. and 5:00 pm on Saturday. No construction-related activity shall occur on Sunday or on any Federal Holiday. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment re-design, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) wherever feasible and necessary. No construction activity that may cause excessive off-site vibration from heavy machinery such as drilling rigs (except as necessary for elevator, shoring, and soil testing), etc. shall be allowed. Impact tools (e.g., jack hammers, pavement breakers and noise drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to 10dB. External jackets on the tools themselves shall be used where feasible. Quieter procedures shall be used such as drilling rather than impact equipment whenever feasible.
53. Dust Control: Prior to issuance of building or grading permits, the developer/applicant shall ensure that a program of dust control is implemented consistent with City, MMRP and BAAQMD requirements.
54. Cultural Resources: In the event that previously unidentified cultural resources are discovered during site preparation or construction, work shall cease in the immediate area until such time as a qualified archaeologist and City of Alameda personnel can assess the significance of the find. If human remains are encountered, work shall halt within 50 feet of the find and the County Coroner shall be notified immediately.
55. Utilities: If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department, Alameda Municipal Power, and the Community Development Department, and carry out any necessary corrective action to their satisfaction.

Fire Safety

56. Fire Access: All streets and courts within the development that are required to be fire access roads, shall be marked as fire access roads to the satisfaction of the Fire Chief. All roads that are required to be fire access roads shall be designed to handle fire apparatus weight of up to 35,000 pounds per axle. Parking shall be prohibited within the streets and alleys that are dedicated as fire lanes. CC&R's shall include an enforcement mechanism.

Alameda Municipal Power (AMP)

57. The applicant shall comply to AMP's Rules and Regulations and AMP's "Material and Installation Criteria for Underground Electrical Systems" (both available at www.alamedamp.com) and provide completed "Service Planning Sheets" for AMP's review prior to submitting plans for building permits.
58. The applicant shall provide information on the location of transformers and total load in kilowatts or kilowatt/volts (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.
59. Concurrent with submittal of Improvement Plans, the Applicant shall coordinate with 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. New street trees shall maintain clearances from electrical utilities as follow: a) public street lights – 25 feet; b) joint trench and all underground electrical lines – five feet; c) access doors of electrical pad-mounted equipment – ten feet; and d) all sides of electrical pad-mounted equipment – three feet. Any variance from these standards must be approved by Alameda Municipal Power and may include mitigations measures, such as root barriers.
60. The Applicant shall provide and install street lighting consistent with AMP's standard specifications and AMP's "Material and Installation Criteria for Underground Electrical Systems" for work in the public right of way. Cobra head light fixtures shall not be used for street lights and all street lights shall be designed to preserve "dark skies" and direct light downward toward the public right of way. No signs shall be installed or mounted on street light poles owned and/or maintained by AMP. All new signs shall be installed on dedicated sign posts.
61. Applicant/Developer shall have all public streetlights included in the Improvement Plans, installed, fully functional and operating prior to issuance of a Certificate of Occupancy for any building unless a phasing plan is approved by the Director of Public Works. Applicant/Developer shall pay to AMP the sum of Six Dollars (\$6.00 as adjusted no more than annually for inflation) per streetlight per month, or portion of a month, for the streetlight energy costs until the applicable improvements are accepted for maintenance by City.

62. If public, the Applicant shall be required to furnish two streetlight poles and LED fixtures of each type installed, at no cost, to AMP as a stock for future pole/fixture replacement on public street. If AMP agrees to maintain private streetlights, the Applicant/Developer shall also be required to furnish two additional streetlight assemblies (e.g. pole, fixture, arm, shroud, etc) of each type.
63. All public streets shall be lit with LED lighting. Streetlight layout shall be staggered for a more uniform light distribution. Applicant/Developer can provide alternate design if a better efficient light distribution is met. Applicant/Developer shall use AMP LED standard fixtures. LED streetlight fixtures shall offer tri-level lighting with the mid-level setting meeting IES RP-8-14.
64. 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. Existing Alameda Point electric substructures will NOT be re-used.
65. The Applicant/Developer 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 Project Engineer in writing.
66. Applicant/Developer will be required to provide an oil containment facility for all AMP owned pad-mount distribution switches and/or transformers installed within 100-feet of any body of water or in other critical locations. Applicant/Contractor shall contact AMP to verify all dimensions, elevations, and orientation before commencing work.
67. The Applicant shall furnish and install code-size service cables in code-size conduit from each customer electric meter switchgear 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.
68. The improvement plans and all subdivision maps shall show all necessary easements and access to all electrical utility facilities that are in the private properties, at no charge to AMP.
69. 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.
70. 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 under grounding 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.

71. The Applicant/developer 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.

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

HOLD HARMLESS. The applicant shall defend (with counsel reasonably 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 Community Development 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.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 27th day of June, 2016, by the following vote to wit:

AYES: (4) Henneberry, Köster, Mitchell, and Zuppan

NOES: (2) Knox White, and Sullivan

ABSENT: (0)

ABSTENTION: (1) Burton

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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CITY OF ALAMEDA PLANNING BOARD
RESOLUTION PB-16-21

APPROVING DESIGN REVIEW (PLN 16-0187) FOR BLOCK 6 WITHIN THE SITE A
DEVELOPMENT PLAN IN THE WATERFRONT TOWN CENTER PLAN AREA AT
ALAMEDA POINT

WHEREAS, an application was made on April 5, 2016 by Alameda Point Partners (APP), for a design review approval of 60 townhome units on what is referred to as "Block 6" within the approved Site A Development Plan in the Waterfront Town Center Precise Plan (Town Center Plan) area of the Alameda Point property; and

WHEREAS, the proposed Block 6 plan consists of 64 townhome residential units and 128 parking spaces within 2-car private garages, and approximately 0.62 acres of site open space; and

WHEREAS, Block 6 is designated as Mixed Use in the General Plan; and

WHEREAS, the Block 6 is located within the Alameda Point Waterfront Town Center Sub-district (WTC Sub-district); which is in the Alameda Point District [Alameda Municipal Code (AMC) 30-4.24] of the Zoning Ordinance and

WHEREAS, the Town Center Plan is a Specific Plan pursuant to Government Code Section 65450 et seq. for a transit-oriented development of the waterfront lands that surround the Seaplane Lagoon and the property at the entrance of Alameda Point between Main Street and Seaplane Lagoon;

WHEREAS, Block 6 is located within the Site A Development plan approved by the City Council on June 16, 2015;

WHEREAS, the Town Center Plan and the Site A Development Plan requires that the Planning Board approve a Design Review application prior to redevelopment and reuse of Block 8;

WHEREAS, the Planning Board held a public hearing on June 27, 2016 for this Design Review application, and examined pertinent maps, drawings, and documents;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds that the following findings can be made in support of the Design Review approval:

DESIGN REVIEW FINDINGS:

- 1. The proposed design is consistent with the General Plan, Zoning Ordinance, Town Center Plan, approved Site A Development Plan, and the City of Alameda Design Review Manual.** The proposed design of the townhomes on Block 6 along a major transit corridor within Alameda Point's "town center" creates a transit-and pedestrian-oriented higher density mixed-income living environment consistent with the General Plan, Zoning Ordinance, Town Center Plan and Site A Development Plan.
- 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 proposed design of Block 6 is compatible with the residential uses proposed on the adjacent blocks in the Site A Development Plan. Block 6 will provide a transition between the townhome units proposed to the west on Block 7 and the Bayport community consisting of single-family homes to the east. The southern townhomes on Block 6 front on West Atlantic Boulevard, the main transit corridor, and the landscaped areas and entrances to these townhome units at the ground floor help to create an active pedestrian environment along West Atlantic. The northern townhomes fronting on G Street maintain their entrances at the ground floor and help to create a pedestrian scaled environment as an appropriate transition to the active neighborhood park across the street. Additionally, the north-south and east-west landscape corridors that traverse the site create strong open space and pedestrian connection between West Atlantic to the south and the neighborhood park to the north and Main Street to the west and Block 7 to the east, respectively.

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 design of Block 6 draws inspiration from design elements of the existing buildings near and within the Naval Air Station Alameda Historic District. The Block 6 architectural design shares architectural elements and materials that reflect and respect, without replicating, the architectural elements of some of the most important contributing buildings in the Historic District, such as the seaplane hangars and Pan Am Terminal building (Building 77). Examples of these elements include window rhythm and grouping, hierarchy of elements with an emphasis on massing, repetition of components, and tower elements and glazing.

BE IT FURTHER RESOLVED that the Planning Board finds that the Alameda Point Project, including the Town Center Plan containing Site A, was adequately considered by FEIR, and that:

1. By Resolution No. 14891 the City Council of the City of Alameda certified the Final Alameda Point Environmental Impact Report (FEIR) (State Clearinghouse No. 201312043) under the California Environmental Quality Act ("CEQA"), California Public Resources Code Section 21000 *et seq.* and adopted written findings and a Mitigation Monitoring and Reporting Program ("MMRP") on February 4, 2014, for the Alameda Point Project, including the Town Center Plan area which contains Site A; and
2. The City Council having certified the FEIR for the Alameda Point Project and the Town Center Plan containing Block 6, based on substantial evidence, that no further review under CEQA is required; and
3. Block 6 architectural design are consistent with the General Plan, Zoning Ordinance, Town Center Plan, and Site A Development Plan; and

4. The FEIR was certified by the City Council for the Alameda Point Project, including amendments to the General Plan and Zoning Ordinance, as well as the Town Center Plan; and
5. There are no environmental impacts peculiar to Block 6 that were not analyzed in the FEIR, or any such impact can be substantially mitigated by imposition of uniformly applied development policies or standards previously adopted by the City; and
6. There are no significant effects of the Block 6 project that were not analyzed as significant effects in the FEIR; and
7. There are no potentially significant off-site impacts of the proposed Block 6 project and there are no cumulative impacts to which the proposed Block 6 project makes a considerable contribution which were not discussed in the FEIR; and
8. There are no previously identified significant impacts of the proposed Block 6 project which, as a result of substantial new information which was not known at the time the EIR was certified, have been determined to have a more severe adverse impact than discussed in the FEIR.

BE IT FURTHER RESOLVED, that pursuant to the streamlining provisions of Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183, no further environmental review of the design review application is required;

BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby approves Design Review PLN 16-0186, subject to the following conditions:

1. Building and Site Improvement Permit Plans: The plans submitted for Building and Site Improvement Permits shall be in substantial compliance with the plans prepared by KTG Architects dated June 15, 2016 and the color and materials board presented on June 27, 2017 on file in the office of the City of Alameda Community Development Department.
2. CEQA: Prior to issuance of a Building or Site Improvement Permit, the applicant shall submit a Mitigation Measure Compliance Checklist confirming compliance with all required environmental mitigation measures 4-C-1, 4.D-2, 4.D-3, 4.D-4, 4.E-1f, 4.E-1g, 4.E-4b, 4.E-4c, 4.E-4f, 4.F-1a, 4.F-1b, 4.F-1c, 4.F-1d, 4.F-2, 4.F-6b, 4.G-1a, 4.G-1b, 4.G-1c, 4.G-1d, 4.G-4, 4.G-5, 4.H-1, 4.H-2, 4.H-4, 4.H-5, 4.I-1, 4.I-2, 4.I-8, 4.J-1a, 4.J-1b, 4.J-1c, 4.J-1d, 4.J-2, 4.J-6, 4.K-4, 4.M-5 contained in the MMRP adopted by the Alameda City Council on February 4, 2014, for the redevelopment and reuse of Alameda Point, including Block 6 within Site A.
3. Infrastructure Improvement Plans and Subdivision Maps: Prior to issuance of building permits for new construction, the applicant shall submit infrastructure improvement plans for on and off-site improvements for review and approval by the Public Works Department and the Community Development Department, and the applicant shall submit a Tentative Subdivision Map or Tentative Parcel Map for Block 6 consistent with the Site A

Development Plan for review and approval by the Planning Board and City Council. Such maps and infrastructure plans shall be consistent with the Development Plan and the DDA, and subject to the requirements of the AMC, and Alameda Point Master Infrastructure Plan (MIP). Such maps and infrastructure improvement plans shall include development parcels and include the proposed site grading, drainage improvements and utility and construction phasing. Off-site plans will be prepared separately as part of the Site A, Phase 1 Backbone Improvement Plans.

4. Final Design Details – Planning Board. Prior to issuance of a building permit, the applicant shall submit the following final design detail for Planning Board review and approval:
 - a. Final on-site tree, street lights, street signage, paving materials, and street furniture design details. All public street trees shall be protected by a curb.
 - b. Final building signage and on-site building lighting.
5. Final Design Details – Staff Review. Prior to issuance of a building permit, the applicant shall submit the following final design detail for Planning Department review and approval:
 - a. Landscape materials to accommodate pet owners.
 - b. Window details showing a 2 ½ inch inset from the face of the building.
 - c. Design details to secure the roof decks.
 - d. Walk-in showers for the 10% of the units designed for households aging in place or households with disabilities.
 - e. Details for package delivery.
 - f. Final colors and materials for internal and side elevations.
 - g. Final utility box design and location.
6. Adaptable Ground Floor Alternative: Prior to issuance of a Building Permit, the applicant and staff will prepare the following two alternatives for Planning Board review: 1) A revised design for all units on Block 6 facing W. Atlantic Avenue to show “adaptable ground floor space” with 14’ clear ceiling heights and zero step entry;” and 2) A draft Amendment to the Town Center Plan to remove the requirement for adaptable ground floor space on W Atlantic for Block 6. At the future meeting, the Planning Board may either: 1) approve the revised designs for Block 6, or 2) adopt the recommendation that the City Council amend the Town Center Plan.
7. Affordable Housing: Prior to the issuance of the Building Permit, the project applicant shall submit an affordable housing compliance report documenting progress on implementation of the executed Affordable Housing Implementation Plan included within the DDA with the City of Alameda for Site A.

8. Automobile Parking: The Building Permit plans shall include garages pre-wired for cost effective adaptation for plug-in electric car charging.
9. Bicycle Parking: Final bicycle parking plan shall be consistent with AMC-30.7.15 Bicycle Parking. The facility, location, and type shall be approved by the Community Development Department prior to approval of the improvements plans or building permit, whichever comes first. The Community Development Department shall inspect the location, type, and number of facilities to ensure they are in accordance with the approved plans prior to acceptance of the work or issuance of any occupancy permit, including temporary occupancy permit, whichever comes first.
10. Sea Level Rise: Prior to Building Permit approval, a description of the improvements shall be provided to ensure that any new habitable buildings will be constructed at a minimum elevation of 24 inches above the 100-year tidal flood plan elevation.
11. Sustainable Design: Prior to issuance of a building permit, the applicant shall submit a checklist showing that the project meets either: a minimum LEED™ Certified rating and be so certified by the US Green Building Council or a minimum GreenPoint Rated score of fifty (50) and be so verified by Build It Green.
12. Modifications: Minor project design details requested by the applicant may be established, modified, and approved by the Community Development Director. Engineering standards and specifications requested by the applicant may be established, modified and approved by the Public Works Director, or his 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.
13. Other Agency Approvals: The final improvement plans shall incorporate all other agency requirements.

Biological

14. Biological Regulations: Applicant shall notify all future property owners or occupants of the Declaration of Restrictions for the Former Naval Air Station Alameda (Declaration) consistent with the Biological Opinion issued by the U.S. Department of Fish and Wildlife Service (Service) and thereafter the Declaration shall be incorporated by reference in all deeds and leases of any portion of the Block 6.
15. Feral Cat Feeding Stations. Feral cat feeding stations and colonies, and the feeding of any native and non-native wildlife species that are potential predators of least terns is prohibited in perpetuity and thereafter this prohibition shall be incorporated in all deeds and leases of any portion of the Block 6.
16. Fireworks Displays. Fireworks displays will not be authorized from April 1 to August 15 and thereafter this prohibition shall be incorporated in all deeds and leases of any portion of the Block 6.
17. Lighting: Pedestrian and vehicular lighting at all intersections and project driveways shall

meet Alameda Municipal Power standards for crosswalks, sidewalks, and intersections and be consistent with the Declaration and Alameda Point Lighting Mitigation Measures.

18. Service Review of Stormwater Plans. All stormwater management and monitoring plans for Block 6 shall be developed in coordination with the Service and implemented in perpetuity to protect open water foraging areas for the endangered California Least Tern. The plans shall be reviewed and approved by the Service prior to development of the project.

Improvement Plans

19. Landscape Plans: The improvement plans shall include landscape and irrigation plans for both on-site and off-site improvements consistent with the Town Center Plan and MIP, including flood and sea-level rise protection improvements, as required by the MIP and DDA. The plans shall be prepared, signed, and stamped by a licensed landscape architect and civil engineer for flood and sea-level rise protection improvements and shall be in accordance with the AMC and other regional jurisdictional requirements. The landscape architect shall also assume responsibility for review of the work and shall provide a Letter of Acceptance of construction conformance to the City, prior to acceptance of the work, that the installation of landscaping and irrigation was constructed in accordance with the approved plans. An irrevocable public access easement for the north-south landscape corridor must be provided. The Main Street improvements will be constructed consistent with Sheet 8.4 and the Phase 1 Tentative Map.
20. Fire Sprinklers: The improvement plans and building permit plans shall include fire sprinkler systems within each residential unit including the garage and attic spaces and within any commercial spaces.
21. Fire Safety: 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. Ensure sufficient fire flow for the development compliant with California Fire Code Appendix B and AMC 15-1.2 where a maximum reduction of the fire flow can be reduced by 50% for fire sprinklered buildings.
 - b. Fire hydrant flows shall be a minimum of 1,500 G.P.M. from any one hydrant;
 - c. Provide adequate turn around space or acceptable emergency vehicle through access for any street greater than 150 feet in length;
 - d. Ensure that all roads that are required to be fire access roads have an adequate turning radii for fire apparatus (inside turning radius of 28' and outside turning radius of 44'8"); and
 - e. For all roads designated as fire aerial access roads shall have a minimum fire lane width of 26' unobstructed for buildings taller than 30' in the immediate vicinity of the building. Proximity to the building shall be no less than 15' and a maximum of 30' and shall be positioned parallel to the entire side of the building. All other fire lanes are to be an unobstructed minimum of 20' wide. Should parking within the fire lane be required, the fire lane width shall be increased as required to meet fire access requirements.

22. Utilities: The improvement plans shall include facilities and improvements to ensure that utility services are maintained for existing users throughout the construction process and the access to such service for maintenance purposes is preserved throughout the construction process for new utilities.
23. Geotechnical Report: A geotechnical report, including recommendations, shall be prepared by a registered geotechnical engineer licensed in the State of California. The improvement plans shall incorporate all geotechnical recommendations in the report and be consistent with the MIP and DDA. The geotechnical engineer shall sign and stamp the improvement plans as conforming to its recommendations. The geotechnical engineer shall also assume responsibility for inspection of the work and shall certify to the City, prior to acceptance of the work that the work performed is adequate and complies with their recommendations.

Public Improvements

24. Maintenance: Maintenance of improvements not within the public ROW shall be the responsibility of the new development.
25. Street Resurfacing: Applicant/developer shall resurface the existing street pavement whenever a street is cut for utility or other improvement installations or the condition of the existing pavement requires improvements. The resurfacing shall extend a sufficient distance beyond any cut to ensure a smooth transition and shall consist of an average of one and a half (1½) inch asphalt concrete overlay, with a minimum one inch asphalt concrete overlay.
26. Curb and Gutter: Applicant/developer shall replace any damaged curb, gutter, and sidewalk along street frontages to the satisfaction of the Public Works Director, in accordance with the Public Works Department's Standard Plans and Specifications prior to acceptance of the project.
27. Access Phasing Plan: Prior to Building or Site Improvement Permit, a fire, pedestrian, bicycle, and automobile access plan for the phasing of all four sides of Block 6 shall be approved by the Public Works Director.

Water Quality

28. 401 Certifications Conditions. The development of Block 6 must be designed and constructed to comply with all of the conditions of the Conditional 401 Water Quality Certification for Alameda Point Stormwater Outfall Upgrades Project in the City of Alameda (Corps File No. 2014-00086S) (401 Certification Conditions) issued by the Water Board.
29. Final Stormwater Management Plan: The improvement plans shall incorporate a Final Stormwater Management Plan for Block 6, including all appropriate pollution prevention source control measures, permanent low impact development (LID) measures, storm water treatment controls and/or design techniques to manage the quantity and quality of storm water runoff from the project site to prevent and minimize impacts to water quality

and must be consistent with the 401 Certification Conditions, the Site A Stormwater Management Plan (Site A SWMP), the preliminary stormwater management plan for Block 6 attached to this application, the MIP and the Provision C3 requirements of the City's municipal stormwater permit. Efforts shall be taken to minimize impervious surface areas, especially directly connected impervious surface areas. Roof drains shall discharge and drain to an unpaved area wherever practicable. Design techniques may include green roofs, rainwater harvesting, vegetated swales, vegetated buffer zones, bio retention units, retention/detention basins and ponds, tree well systems, and the incorporation of pervious surface areas and LID measures. The improvement plans shall provide details sufficient to ensure that the storm water 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, the MIP, the Site A SWMP, the preliminary stormwater plan for Block 8, and the 401 Certification Conditions. Applicants may also refer to the Bay Area Storm water Management Agencies Association (BASMAA) *Start at the Source Manual* for technical guidance. All storm water design and treatment measures for private development pads shall be consistent with the C3 requirements and 401 Certification Conditions and be located on the development pad or an adjacent private development pad and shall not be located on property planned for public parks or public rights of way. Areas between the building and the public right of way with public access easements may be treated within the public storm water treatment system if sized to handle the flow. With the finalized stormwater quality management plan, submit 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 Public Works Engineering that indicates the LID and treatment measure designs of the finalized improvement plans and stormwater quality management plan meet the established sizing design criteria for stormwater treatment measures. These will be the 100% complete level.

30. Water Board Approval. Pursuant to Condition #15 of the 401 Certification Conditions, the applicant shall submit the proposed Site A SWMP to the Water Board's Executive Officer for review and approval prior to the issuance of a building permit or site improvement permit by the City for any construction of the Site A development, including Block 6. If the Water Board staff does not respond to the applicants Site A SWMP within 45 days of the received date, the plans will be deemed approved by the Executive Officer and the City may issue a building or site improvement permit if no changes have been made to the submitted Site A SWMP. The on-site drainage management areas indicated in the finalized stormwater management plans shall be reviewed for conformance with the corresponding off-site improvement plans.
31. Other Water Board Documents: The applicant/developer shall provide to the City Engineer or his designee, prior to the issuance of the first combination building/grading permit, a copy of both the WDID# issued to the project site by Water Board and the required Storm Water Pollution Prevention Plan (SWPPP). These documents shall provide verification to the City that the project site is in compliance with SWRCB Order No. 2009-0009-DWQ. Information on this State Order is available at: <http://www.waterboards.ca.gov>.
32. Best Management Practices: The applicant/developer shall be responsible for ensuring

that all contractors and sub-contractors install, implement and effectively maintain appropriate sediment control, erosion control and other water quality protection measures to prevent any pollutants from entering the municipal storm water drainage system or the Seaplane Lagoon, either directly or indirectly, during all construction activities. All implemented measures shall be consistent with the City's urban runoff Best Management Practices (BMPs) standards. The applicant/developer shall pay for any required cleanup, testing, and/or City administrative costs resulting from consequence of construction materials entering the storm water drainage system.

33. Erosion Control Measures: The installation of effective erosion control measures (for example, Hydro seeding) for all disturbed pervious surface areas shall be completed in compliance with the requirements included in the State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ.
34. Storm Water Trash Capture: Prior to the issuance of the first grading/building/combination permit for each project phase, the Improvement Plans shall indicate the storm water trash capture measure(s) being installed on the project site (or within the backbone public system) to ensure that the stormwater drainage from the project site is subject to full trash capture consistent with the City's municipal stormwater permit definition of a full trash capture device. Improvement plan sheets shall provide sufficient plan views and details of the full trash capture device installation(s) necessary for engineering review and approval. A full trash capture system or device is any single device or series of devices that trap all particles retained by a 5mm mesh screen and has a design treatment capacity of not less than the peak flow Q resulting from a one-year, one-hour storm in the sub-drainage area. Plan sheets shall include detail and cross-sectional drawings of any stormwater full trash capture device.
35. Storm Drains: All new storm drain inlets shall be clearly marked with the words 'No Dumping! Drains to Bay' by means approved by the Public Works Department. Permanently affixed thermoplastic, metallic or plastic laminate style markers are acceptable forms. The Improvement Plans shall clearly indicate this.
36. Operations and Maintenance Plan: The Applicant/Developer shall submit a stormwater treatment measures Operations and Maintenance (O&M) plan for review and approval to the Public Works Department prior to the approval of and consistent with the improvement plans for each phase. The O&M plan shall include, but not be limited to: treatment and design measure(s) descriptions and summary inventory; a legible, recordable, reduced-scale (8.5"x11") copy(-ies) of the Site Plan indicating the treatment and design measure(s) location(s) and site drainage patterns; treatment measure(s) maintenance requirements and maintenance schedule; the approved plant list and planning plan; detailed description of the integrated pest management principals and techniques and/or Bay Friendly Landscaping Program techniques to be utilized during landscape maintenance to ensure pesticide/herbicide use-minimization in landscaped areas; name and contact information of current maintenance personnel; and template of the annual O&M report submittal to the City. The O&M plan(s) for all stormwater treatment and design measures to be maintained by any HOA or CA shall be incorporated with the CC&Rs of the relevant HOA/CA.

37. Stormwater Agreement: For any stormwater treatment or design measure not to be maintained by an HOA or CA, the Applicant/Developer shall execute a Stormwater Treatment Measures Maintenance Agreement (Stormwater Agreement) with the City prior to the issuance of the certificate of occupancy. The Stormwater Agreement shall include, but not be limited to: the O&M plan for all approved stormwater treatment measures; identification of the party responsible for implementing the O&M plan; assurances of access to inspect and verify the treatment system O&M for the life of the project; and assurances of the submittal of the annual O&M report to the City. The executed Stormwater Agreement shall be recorded, at applicant/developer's expense, with the County Recorder's Office of the County of Alameda.
38. Landscape Plans: Landscaping plans shall be designed to minimize runoff, promote surface infiltration, incorporate Bay Friendly Landscaping approaches, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution and be consistent with the MIP, the Site A SWMP, the preliminary stormwater management plan for Block 6, and 401 Certification Conditions
39. Backflow Prevention: Backflow prevention devices shall be installed on all new and existing domestic, commercial, irrigation, and fire water services and as required by the East Bay Municipal Utility District (EBMUD).
40. Certification Report: Prior to issuance of the initial, temporary or first occupancy permit, whichever comes first, the applicant/developer 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 is per approved plans and specification 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 Public Works Engineering.

Solid Waste

41. Waste Management Plan: The applicant/developer shall submit a Waste Management Plan (WMP) to the Public Works Environmental Services Division for approval. The plan shall describe how the trash and debris will be handled. The WMP shall be submitted by the developer to Environmental Services via Green Halo (greenhalosystems.com) prior to start of the demolition, remodeling, or construction work. This must be done using Green Halo's web interface. The Public Works Environmental Services Division will review the WMP, and will provide comments that shall be incorporated into the plans for the project. The project is subject to the WMP requirement of section 21-24 of the AMC, and must recycle at least 50% of total debris hauled from the project.

42. Waste Circulation: A 40-foot turning radius must be provided for any street that would otherwise require the collection truck to back up a distance greater than 150 feet. Although not required, construction of a concrete pad just outside each solid waste enclosure is recommended in order to accommodate the truck weight while servicing the dumpster. Driveways or aisles shall provide unobstructed access for collection vehicles and personnel and provide at least the minimum clearance required by the collection methods and vehicles used by the City's designated collector or hauler. In all cases where a parcel is served by an alley, all exterior storage areas shall be directly accessible to the alley.
43. Exterior Solid Waste and Recyclable Material Storage: Exterior solid waste and recyclable material storage shall be adjacent or combined and may only be located on the outside of a structure, in a designated interior courtyard with appropriate access, or in rear or side yards. External storage area(s) shall not be located in any required front yard, street side yard, required parking, landscaped, or open space, or any areas required by the AMC to be maintained as unencumbered.
44. Storage Area Guidelines: The design and construction of the storage area(s) shall:
- a. Be compatible with the surrounding structures and land uses; and
 - b. Be properly secured to prevent access by unauthorized persons. If gates with locks are planned to limit access to the enclosure or to the property, cards or keys must be provided to the City's franchised waste hauler and recycling collector; at present Alameda County Industries; and
 - c. Contain a concrete pad within the fenced or walled area(s) and a concrete apron which facilitates handling of the individual bins and containers; and
 - d. Provide a 6-inch wide curb or parking bumpers along the interior perimeter of the enclosure walls to protect them from damage by the dumpster. A 6-inch wide parking bumper, at least 3 feet long, should also be placed between the refuse dumpster and the recycling containers; and
 - e. Maintain a minimum space of 12 inches between the dumpster(s) and the walls of the enclosure and the recycling container(s) to allow for maneuvering the dumpster(s); and
 - f. Protect the area(s) and containers from adverse environmental conditions, which might render the collected materials non-collectible, noxious, unsafe, or in the case of recyclable materials, unmarketable.

Dimensions of the storage area(s) shall accommodate containers consistent with the current methods of collection. The storage area(s) shall be appropriately located and screened from view on at least three sides by a solid wall six feet in height, and on the fourth side by a solid gate not less than five feet in height. The gate shall be maintained in good working order and shall remain closed except when in use. Gates must open straight out and gates and hinges must be flush with the enclosure wall to allow adequate maneuverability of the dumpster in and out of the enclosure. The design of the wall and gate shall be architecturally compatible with the surrounding structures. A sign clearly identifying each exterior solid waste and recyclable material storage area and the accepted material(s) is required. Each sign shall not exceed two square feet in area and shall be posted on the exterior of the storage area adjacent to all access points.

45. Collection: Internal collection and storage area(s) and the individual bins and containers provided, shall be adequate in capacity, number, and distribution to serve the anticipated demand for trash, recycling, and organics as determined by the Public Works Department. The trash collection areas shall be accessible to residents and employees. Each storage area shall be no more than 250 feet from any dwelling unit, or in the garage. Trash enclosures and/or recycling area shall be covered; no other area shall drain onto these areas. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. The applicant shall contact the City and East Bay Municipal Utility District (EBMUD) for specific connection and discharge requirements prior to building permit issuance. Discharges to the sanitary sewer are subject to the review, approval, and conditions of the City and EBMUD.
46. Fitted Lids: All solid waste containers, including dumpsters and individual cans or carts, must have fitted lids which shall remain closed at all times when the container is not being used.
47. Valet Waste Service: If valet trash pickup is established by the applicant, trash pickup locations shall allow for unobstructed access for collection vehicles. In addition, each storage area shall be located as close to the public street as possible.

Construction Conditions

48. Traffic Control Plan: At least three weeks prior to the commencement of work within the public right-of-way that affects access for pedestrian, bicyclist, and vehicular traffic, the applicant/developer shall provide a Traffic Control Plan (TCP) to the Public Works Department for review and approval. The TCP shall be prepared by a registered civil engineer or traffic engineer licensed in the State of California, and be in accordance with the California MUTCD standards. The engineer shall sign and stamp the plans as approved. In general, any public right-of-way shall remain unobstructed during project construction or an ADA compliant alternative route established as approved by the Public Works Director. At locations where adequate alternate access cannot be provided, appropriate signs and barricades shall be installed at locations determined by the Public Works Director and Police Chief. Should transit routes be affected, applicant/developer is required to obtain prior approval from AC Transit of any proposed traffic detours or temporary closure of bus stops. Construction work may not commence until the TCP is approved by the Public Works Director.
49. Hazardous Materials. The applicant/developer shall provide documentation from a qualified professional to the City of Alameda stating that adequate soils and ground water investigations and, where warranted, remediation, have been conducted to ensure that future site use complies with the regulatory requirements for hazard related risks as established by applicable Federal, State and local requirements. The project sponsor shall ensure that all proposed areas for demolition and abatement shall be assessed by qualified licensed contractors for the potential presence of lead-based paint or coatings, asbestos containing materials, and PCB-containing equipment prior to issuance of a demolition permit. During Construction the developer/applicant shall ensure that all construction crews are properly trained and made aware of any site contamination issues consistent with the Alameda Point Site Management Plan (SMP) and MMRP.

50. Truck Plan: Prior to issuance of grading permit, developer/applicant shall submit a Truck Route Plan for hauling to be approved by the City Engineer. The Plan must be incorporated into any construction documents for every contract.
51. Notice to Neighbors: At least two weeks prior to initiating any construction activities at the site, the applicant shall provide notice to businesses and residents within 500 feet of the project site including (1) project description, (2) description of construction activities, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name and phone number of the Noise Management Individual for the project, (5) commitment to notify neighbors at least four days in advance of authorized extended work hours and the reason for extended hours, and (6) that construction work is about to commence. A copy of such notice and methodology for distributing the notice shall be provided to the City for review and approval at least five (5) business days in advance.
52. Construction Hours: Construction activity shall be limited to between the hours of 6:00 a.m. and 6:00 p.m. on Monday through Friday, and between 8:00 a.m. and 5:00 pm on Saturday. No construction-related activity shall occur on Sunday or on any Federal Holiday. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment re-design, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) wherever feasible and necessary. No construction activity that may cause excessive off-site vibration from heavy machinery such as drilling rigs (except as necessary for elevator, shoring, and soil testing), etc. shall be allowed. Impact tools (e.g., jack hammers, pavement breakers and noise drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to 10dB. External jackets on the tools themselves shall be used where feasible. Quieter procedures shall be used such as drilling rather than impact equipment whenever feasible.
53. Dust Control: Prior to issuance of building or grading permits, the developer/applicant shall ensure that a program of dust control is implemented consistent with City, MMRP and BAAQMD requirements.
54. Cultural Resources: In the event that previously unidentified cultural resources are discovered during site preparation or construction, work shall cease in the immediate area until such time as a qualified archaeologist and City of Alameda personnel can assess the significance of the find. If human remains are encountered, work shall halt within 50 feet of the find and the County Coroner shall be notified immediately.
55. Utilities: If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department, Alameda Municipal Power, and the Community Development Department, and carry out any necessary corrective action to their satisfaction.

Fire Safety

56. Fire Access: All streets and courts within the development that are required to be fire access roads, shall be marked as fire access roads to the satisfaction of the Fire Chief. All roads that are required to be fire access roads shall be designed to handle fire apparatus weight of up to 35,000 pounds per axle. Parking shall be prohibited within the streets and alleys that are dedicated as fire lanes. CC&R's shall include an enforcement mechanism.

Alameda Municipal Power (AMP)

57. The applicant shall comply to AMP's Rules and Regulations and AMP's "Material and Installation Criteria for Underground Electrical Systems" (both available at www.alamedamp.com) and provide completed "Service Planning Sheets" for AMP's review prior to submitting plans for building permits.
58. The applicant shall provide information on the location of transformers and total load in kilowatts or kilowatt/volts (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.
59. Concurrent with submittal of Improvement Plans, the Applicant shall coordinate with 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. New street trees shall maintain clearances from electrical utilities as follow:
a) public street lights – 25 feet; b) joint trench and all underground electrical lines – five feet; c) access doors of electrical pad-mounted equipment– **ten feet**; d) all sides of electrical pad-mounted equipment – **three feet**. Any variance from these standards must be approved by Alameda Municipal Power and may include mitigations measures, such as root barriers.
60. The Applicant shall provide and install street lighting consistent with AMP's standard specifications and AMP's "Material and Installation Criteria for Underground Electrical Systems" for work in the public right of way. Cobra head light fixtures shall not be used for street lights and all street lights shall be designed to preserve "dark skies" and direct light downward toward the public right of way. No signs shall be installed or mounted on street light poles owned and/or maintained by AMP. All new signs shall be installed on dedicated sign posts.
61. Applicant/Developer shall have all public streetlights included in the Improvement Plans, installed, fully functional and operating prior to issuance of a Certificate of Occupancy for any building unless a phasing plan is approved by the Director of Public Works. Applicant/Developer shall pay to AMP the sum of Six Dollars (\$6.00 as adjusted no more than annually for inflation) per streetlight per month, or portion of a month, for the streetlight energy costs until the applicable improvements are accepted for maintenance by City.
62. If public, the Applicant shall be required to furnish two streetlight poles and LED fixtures of each type installed, at no cost, to AMP as a stock for future pole/fixture replacement

on public street. If AMP agrees to maintain private streetlights, the Applicant/Developer shall also be required to furnish two additional streetlight assemblies (e.g. pole, fixture, arm, shroud, etc) of each type.

63. All public streets shall be lit with LED lighting. Streetlight layout shall be staggered for a more uniform light distribution. Applicant/Developer can provide alternate design if a better efficient light distribution is met. Applicant/Developer shall use AMP LED standard fixtures. LED streetlight fixtures shall offer tri-level lighting with the mid-level setting meeting IES RP-8-14.
64. 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. Existing Alameda Point electric substructures will NOT be re-used.
65. The Applicant/Developer 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 Project Engineer in writing.
66. Applicant/Developer will be required to provide an oil containment facility for all AMP owned pad-mount distribution switches and/or transformers installed within 100-feet of any body of water or in other critical locations. Applicant/Contractor shall contact AMP to verify all dimensions, elevations, and orientation before commencing work.
67. The Applicant shall furnish and install code-size service cables in code-size conduit from each customer electric meter switchgear 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.
68. The improvement plans and all subdivision maps shall show all necessary easements and access to all electrical utility facilities that are in the private properties, at no charge to AMP.
69. 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.
70. 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 under grounding 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.

71. The Applicant/developer 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.

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

HOLD HARMLESS. The applicant shall defend (with counsel reasonably 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 Community Development 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.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 27th day of June, 2016, by the following vote to wit:

AYES: (5) Henneberry, Köster, Mitchell, Sullivan, and Zuppan

NOES: (1) Knox White

ABSENT: (0)

ABSTENTION: (1) Burton

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

* * * * *

**CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-16-22**

A RESOLUTION OF THE PLANNING BOARD APPROVING DESIGN REVIEW AND USE PERMIT PLN15-0198 FOR THE CONSTRUCTION OF A TWO-BUILDING MIXED USE DEVELOPMENT WITH GROUND FLOOR OFFICES AND OUTDOOR SEATING AT 1926 PARK STREET.

WHEREAS, an application was made on April 30, 2015, by Timbre Architecture on behalf of Park Esquina, LLC, for Design Review approval to construct a five-building mixed use development made of shipping containers and Use Permit approval for ground floor office use and an outdoor seating patio; and

WHEREAS, the subject property is designated as Community Commercial in the General Plan; and

WHEREAS, the subject property is located in the NP-G, North Park Street Gateway Zoning District; and

WHEREAS, the NP-G, North Park Street Gateway Zoning District requires a use permit for ground floor office use and outdoor seating; and

WHEREAS, the Planning Board held a duly noticed public hearing on October 26, 2015, on the project and examined pertinent maps, drawings, and documents, and approved a Design Review to construct a five-building mixed use development made of shipping containers and Use Permit for ground floor office use and an outdoor seating patio; and

WHEREAS, the City Council held a duly noticed public hearing on December 1, 2015, on the project, and examined pertinent maps, drawings, and documents, and overturned the Planning Board's approval of Design Review and a Use Permit, directing the applicant to redesign the project without the use of shipping containers, remanded subsequent approvals to the Planning Board, and affirmed the Planning Board's Use Permit findings; and

WHEREAS, the applicant submitted plans for Design Review for a redesigned project to construct a two-building mixed use development and Use Permit for ground floor office use and an outdoor seating patio; and

WHEREAS the Planning Board held a duly noticed public hearing on July 25, 2016, on the project and examined pertinent maps, drawings, and documents; and

WHEREAS, the Planning Board recommends that the City Council amend the zoning ordinance to allow for a 35 foot side street setback; and

WHEREAS, this resolution shall not become effective until and unless the City Council approves the recommended zoning text amendment.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds that:

DESIGN REVIEW FINDINGS:

1. **The project will have no significant adverse effects on the persons or properties in the vicinity.** The project is a small scale infill development that will not have any on-site off-street parking. The development will encourage the use of alternative modes of transportation by providing bicycle parking and including the requirement to provide public transportation passes as part of lease agreements. The open space and alley spaces will be gated from the public during night time hours to ensure public safety and welfare.
2. **The project will be compatible and harmonious with the design and use of the surrounding area.** The project utilizes a modern architectural style to create a development that interacts well with the existing built environment.
3. **The project is consistent with the City of Alameda's Design Review Guidelines.** The project utilizes a Workplace building type with a modern architectural style. The project complies with the Design Review Manual's guidelines for Workplace building types by having a different façade treatment for the ground-floor and upper-floor, and that the primary street - Park Street - design elements wrap around to the side street - Blanding Avenue. Both buildings incorporate Design Review Manual guidelines for modern architecture.
4. **The project upholds the stated intent of the North Park Street Gateway sub-district.** The project creates an attractive storefront and interaction with the streetscape along Park Street. It is determined through Use Permit Finding 4 that Blanding Avenue is better suited for non-retail land uses. A large courtyard created through a side street building setback greater than fifteen feet (15') creates a more suitable pedestrian friendly and attractive interaction than office buildings located within the maximum allowed side street setback.

USE PERMIT FINDINGS

1. **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 surrounding neighborhood is a mix of existing retail, light industrial, auto dealership lots, and residential uses. The proposed ground floor offices will provide a transition from the retail corridor of Park Street to the professional offices and light industrial uses along Blanding Ave.
2. **The proposed use will be served by adequate transportation and service facilities, including pedestrian, bicycle and transit facilities.** The project's limited size and encouragement of alternative transportation measures will not cause an impact on existing traffic conditions. Off-street parking is provided at an off-site private

parking lot located at 2410 Clement Avenue. Additionally, the project will provide ten on-site bicycle parking spaces and tenant lease agreements will include a requirement to provide MTC Transit passes.

3. **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 proposed ground floor offices will not be located along the Park Street frontage, and will be located along Blanding Avenue. Viable commercial frontage along Park Street will be utilized as retail establishments. The outdoor seating area is shielded from the public right-of-way by buildings, and there are no sensitive land uses within the vicinity that would be impacted by such a use.
4. **The proposed use relates favorably to the General Plan.** General Plan guiding policy 2.5.e discourages offices from occupying ground floor space suitable for retail within the Community Commercial business districts. The use permit ensures that the proposed ground office use does not occupy ground floor space suitable for retail. The ground floor office of this project will be located along the secondary frontage of Blanding Avenue and not the main Park Street frontage. Retail space is still provided along Park Street, and the office uses are reserved for Blanding Avenue which better accommodates such ground floor uses.

BE IT FURTHER RESOLVED that the Planning Board finds this project exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303, New Construction of Small Structures, based on the following findings:

1. The project is located in an urbanized area and is comprised of two buildings with a total size less than 10,000 square on a property zoned for such a use.
2. The project will not utilize a significant amount of hazardous substances
3. All necessary public services and facilities are available and the surrounding area is not environmentally sensitive

BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby approves Design Review and Use Permit application PLN15-0198, subject to the following conditions:

Community Development Department Conditions:

1. This approval shall not become effective until and unless the Alameda City Council approves the recommended Zoning Text Amendment necessary to allow the 35 foot side street setback. In the event that the Text Amendment is not approved, the applicant shall redesign the project for Planning Board review and approval consistent with the existing setback requirements.

2. These conditions shall be printed on the first page of all building plans and improvement plans.
3. Building Permit Plans: The plans submitted for the Building Permit shall be in substantial compliance with the plans prepared by Timbre Architecture dated July 11, 2016, consisting of 10 sheets numbered G0.0 through A10.0 on file in the office of the City of Alameda Community Development Department, except as modified by the conditions in this resolution.
4. Vesting: This Design Review and Use Permit approval shall expire and become void unless actual construction under valid permits has commenced and passed one construction inspection within two years after approval. A one-time extension for an additional two years may be granted upon written request to the Community Development Director. Upon vesting of this approval, any previous Use Permits related to used car sales on the subject property shall become expired.
5. Signage: Any temporary or permanent signage is subject to a sign permit approval.
6. Transit Passes: The applicant/developer shall provide MTC transit passes to each tenant as part of the lease agreement.
7. Off-Site Parking: Prior to issuance of Building Permits, the applicant shall enter into an agreement to lease a minimum of nine (9) off-street parking spaces from the property at 2410 Clement Avenue.
 - a. The off-site parking facility shall include signs informing users that the facilities are available to tenants of the subject property at 1926 Park Street.
 - b. Prior to issuance of building permits for the project, the applicant shall provide a joint access and parking agreement with a term of at least seven (7) years, with an option for an additional (7) years that shall be exercised by the owner of 1926 Park Street at the time of conclusion of the initial seven (7) year agreement, between the affected parties (owners of 1926 Park Street and 2410 Clement Avenue), including the City of Alameda, in a form approved by the City Attorney. The agreement shall be entered into and recorded to constitute a covenant running with all affected parcels of land, specifying the terms of use of the shared parking facilities.
8. Security:
 - a. Perimeter Gates: All perimeter gates shall closed and be locked after regular business hours, or no later than 10:00pm.
 - b. Security Cameras/Lighting: The project will be required to install motion-sensor controlled lighting, and security cameras to the satisfaction of the Alameda Police Department, prior to issuance of Certificate of Occupancy.
9. Office Windows: The plans submitted for the Building Permit shall include window section details that show the shadow boxes around the exterior of windows for the office tenant

spaces, as depicted in the renderings of Exhibit 2, to the satisfaction of the Community Development Director.

Landscaping

10. Landscape plans submitted with final buildings permits shall comply with the listed conditions of approval of Appendix B of the City's Landscape Document Package, on file in the office of the City of Alameda Community Development Department.
11. The applicant shall prepare a revised landscape plan for review and approval by the Planning Board. The revised landscape plan shall consider options for street trees on Blanding Street.

Public Works Conditions

12. The applicant/developer shall submit for approval by Public Works, construction improvement plans for all on- and off-site improvements, including detailed designs for all wet and dry utilities, landscaping and irrigation, water, grading, drainage, erosion control and paving. The plans shall be prepared, signed and stamped as approved by a registered civil engineer licensed in the State of California, and be in accordance with the AMC, the City of Alameda Standard Plans and Specifications. The engineer shall certify to the City, prior to acceptance of the work or issuance of any occupancy permit, including a temporary occupancy permit, whichever comes first, that the installation of the on-site work was constructed in accordance with the approved plans.
13. The improvement plans shall include a landscape plan and if necessary, irrigation plans. Landscaping shall comply with the Bay-friendly landscape guidelines.
14. The applicant/developer shall replace all sidewalk asphalt paving within the right-of way and replace the existing driveway on Blanding Avenue with concrete curb and gutter in conformance with City Standard Detail 6297, case 24.
15. The applicant/developer shall submit a soils investigation and geotechnical report, prepared by a registered geotechnical engineer licensed in the State of California and acceptable to the Public Works Director. The report shall describe the conditions of existing soils and groundwater and provide foundation and construction criteria recommendations. The improvement and building plans shall incorporate all recommendations specified in the report.
16. Applicant/developer shall resurface the existing street pavement whenever a street is cut, for utility or other improvement installations so the street is restored to pre-project conditions. Resurfacing of utility trenches shall conform to City Standard 2930, case 22. Applicant/developer shall also provide digouts and reconstruction of any potholed and/or alligatored areas adjacent to the project. The limits of such reconstruction shall be established by the Public Works Director prior to approval of the improvement plans. Reconstruction of the existing pavement shall conform to adjacent paving.

17. Construction activities shall not occur during windy periods.
18. All project related grading, trenching, backfilling, and compaction shall be conducted in accordance with City of Alameda Standards and Specifications.
19. Approved backflow prevention devices shall be installed on all new and existing domestic, commercial, irrigation and fire water services and as required by the East Bay Municipal Utility District (EBMUD). These devices must be tested by an AWWA certified tester from a list of testers provided by EBMUD.
20. 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 or Sunday.

Stormwater, Wastewater and Water

21. Finalized Landscaping Plans shall be designed to minimize runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution. Consideration shall be given to pest-resistant landscaping and design features and the use of integrated pest management (IPM) and Bay Friendly Landscaping principles and techniques.
22. The Civil Improvement Plans shall be consistent with the results of the completed Stormwater Requirements Checklist and the relevant source control and site design measures identified for project planning. Plan sheets shall indicate the means to direct roof runoff onto vegetated areas and the means to direct runoff from sidewalks, walkways, and/or patios onto vegetated areas.
23. The applicant/developer shall be responsible for ensuring that all contractors and sub-contractors install, implement and regularly maintain construction activity best management practices in conformance with the City's erosion, sediment and discharge-control standards in order to prevent any pollutants entering directly or indirectly the storm water system or waters of the State. The Improvement Plans shall list the City's erosion and sediment control standards and provide detail drawings and installation specifications that meet industry standards for erosion and sediment control effectiveness, such as those established by the California Stormwater Quality Association's Stormwater Best Management Practice Handbook – Construction. The applicant/developer shall pay for any required cleanup, testing, and City administrative costs resulting from consequence of construction materials entering the stormwater drainage system and/or waters of the State.
24. Fire sprinkler system test water discharges shall be plumbed so as to be directed to the sanitary sewer system or to appropriately-sized onsite vegetated area(s).
25. The Improvement Plans shall indicate that all new storm drain inlets and all site perimeter storm drain inlets shall be clearly marked with the words "No Dumping! Drains to Bay," or equivalent, as approved by the City Public Works Department. Permanently affixed thermoplastic, metallic or plastic laminate style markers are examples of acceptable forms.

26. Improvement Plan design of all external enclosures for solid waste, recycling and organics containers shall be approved by the Public Works Department. 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 facility with a water supply shall also drain to the sanitary sewer.

Traffic and Transportation

27. If required by Public Works, the applicant/developer shall submit a traffic striping and signage plan for all on- and off-site improvements. The plans shall be prepared by a registered civil engineer or traffic engineer licensed in the State of California.
28. Final bicycle parking plan shall be consistent with AMC-30.7.15 Bicycle Parking. The facility, location, and type shall be approved by the Community Development Department prior to approval of the improvements plans or building permit, whichever comes first. Bike racks are to be placed outside of the center of the courtyard but still near a building entrance. The Community Development Department shall inspect the location, type, and number of facilities to ensure they are in accordance with the approved plans prior to acceptance of the work or issuance of any occupancy permit, including temporary occupancy permit, whichever comes first. "Wave"-style bicycle racks are prohibited.
29. At least three weeks prior to the commencement of work within the public right-of-way that affects access for pedestrian, bicyclist, and vehicular traffic, the applicant/developer shall provide a Traffic Control Plan (TCP) to the Public Works Department for review and approval. The TCP shall be prepared by a registered civil engineer or traffic engineer licensed in the State of California, and be in accordance with the California MUTCD standards. In general, any vehicular, transit, bicyclist, and pedestrian access through and/or adjacent to the project site shall remain unobstructed during project construction or an ADA compliant alternative route established.
30. Applicant/developer shall replace any damaged curb, gutter, and sidewalk along street frontages to the satisfaction of the Public Works Director, in accordance with the Public Works Department's Standard Plans and Specifications prior to acceptance of the project or issuance of any occupancy permit, including a temporary occupancy permit, whichever comes first.

Environmental

31. The applicant/developer shall submit a Waste Management Plan (WMP) to the Public Works Environmental Services Division for approval. The plan shall describe how the trash and debris will be handled. The WMP shall be submitted by the developer to Environmental Services via Green Halo (greenhalosystems.com) prior to start of the demolition, remodeling, or construction work. This must be done using Green Halo's web interface. The Public Works Environmental Services Division will review the WMP, and will

provide comments that shall be incorporated into the plans for the project. The project is subject to the WMP requirement of section 21-24 of the AMC, and must recycle at least 50% of total debris hauled from the project.

Within thirty (30) days after the completion of the demolition work, the developer shall submit a Summary Report to the Public Works Environmental Services Division, via Green Halo (greenhalosystems.com) or other form approved by the Public Works Director. For approval, this reporting will specify actual tonnages disposed and/or recycled for each material, and the actual destination/processor. Disposal and/or recycling weight tags from that facility or facilities will be directly uploaded to Green Halo to verify this activity.

32. Design of all external enclosures for solid waste, recycling, and organics shall be approved by the Public Works Director concurrent with the approval of the improvements plans. These facilities are to 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 discharged to the storm drain system. External enclosures are to be roofed and/or enclosed. Any enclosures containing food waste shall have floor drains connected to the sanitary sewer system. If the enclosures are attached to buildings they shall have fire sprinklers. Internal collection and storage area(s) and the individual bins and containers provided, shall be adequate in capacity, number, and distribution to serve the anticipated demand for trash, recycling, and organics as determined by the Public Works Director.

33. Applicant must comply with the following minimum storage requirements for solid waste, recyclable and compostable materials:

Non-Residential Structures -- Non-residential structures/uses within all zoning districts shall provide external solid waste, recyclable and compostable material storage areas. The following minimum exterior storage area requirements apply to each individual structure:

Building Size (square feet)	Solid waste (square feet)	Recyclables (square feet)	Organic Materials (Plant Debris, Food Waste & Food Soiled Paper) (square feet)	Total Area (square feet)
0-5,000	12	12	12	36

23. Exterior solid waste and recyclable material storage shall be adjacent or combined and may only be located on the outside of a structure, in a designated interior courtyard with appropriate access, or in rear or side yards. External storage area(s) shall not be located in any required front yard, street side yard, required parking, landscaped, or open space, or any areas required by the AMC to be maintained as unencumbered.

24. The storage area(s) shall be accessible to employees.

25. The storage area(s) and the individual bins and containers provided within shall be adequate in capacity, number and distribution to serve the anticipated demand as

determined by the Public Works Director.

26. The design and construction of the storage area(s) shall:

- a. Be compatible with the surrounding structures and land uses; and
- b. Be properly secured to prevent access by unauthorized persons. If gates with locks are planned to limit access to the enclosure or to the property, cards or keys must be provided to the City's franchised waste hauler and recycling collector; at present Alameda County Industries; and
- c. Contain a concrete pad within the fenced or walled area(s) and a concrete apron which facilitates handling of the individual bins and containers; and
- d. Provide a 6-inch wide curb or parking bumpers along the interior perimeter of the enclosure walls to protect them from damage by the dumpster. A 6-inch wide parking bumper, at least 3 feet long, should also be placed between the refuse dumpster and the recycling containers; and
- e. Maintain a minimum space of 12 inches between the dumpster(s) and the walls of the enclosure and the recycling container(s) to allow for maneuvering the dumpster(s); and
- f. Protect the area(s) and containers from adverse environmental conditions, which might render the collected materials non-collectible, noxious, unsafe, or in the case of recyclable materials, unmarketable.

27. Dimensions of the storage area(s) shall accommodate containers consistent with the current methods of collection. The storage area(s) shall be appropriately located and screened from view on at least three sides by a solid wall six feet in height, and on the fourth side by a solid gate not less than five feet in height. The gate shall be maintained in good working order and shall remain closed except when in use. Gates must open straight out and gates and hinges must be flush with the enclosure wall to allow adequate maneuverability of the dumpster in and out of the enclosure. The design of the wall and gate shall be architecturally compatible with the surrounding structures.

28. A sign clearly identifying each exterior solid waste and recyclable material storage area and the accepted material(s) is required. Each sign shall not exceed two square feet in area and shall be posted on the exterior of the storage area adjacent to all access points.

29. All solid waste containers, including dumpsters and individual cans or carts, must have fitted lids which shall remain closed at all times when the container is not being used or emptied.

30. The owner/occupant shall be required to remove the trash, recycling, and compost bins to the edge of curb on Blanding Avenue on the designated trash pick-up day.

FIRE SAFETY

31. Prior to issuance of building permits, the developer/applicant shall submit improvement plans for the project site Fire Water System consistent with the MIP. The system shall be designed to the satisfaction of EBMUD and the Alameda Fire Department. The Applicant

shall be responsible for the placement of on-site hydrants. The location and number of hydrants shall be established in improvements plans. Placement shall be shown on the improvement plans and shall be to the satisfaction EBMUD, the City Fire Chief and the City Engineer.

- 32. The developer/applicant shall be responsible for potable water infrastructure consistent with the MIP to serve the project, whose design shall be shown on the Improvement Plans to the satisfaction of EBMUD, the Public Works Director, and the Fire Chief.
- 33. All buildings shall be fire sprinklered and have installed a fire sprinkler monitoring system to the satisfaction of the City Fire Chief.

ALAMEDA MUNICIPAL POWER (AMP)

- 34. Concurrent with submittal of Improvement Plans, the Applicant shall coordinate with the 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 electrical transformers and other utility electrical equipment.
- 35. The Applicant shall provide all necessary on-site underground substructures, including conduits, pull boxes, transformer 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. The Applicant shall be reimbursed for improvements pursuant to the standard AMP agreement.
- 36. The improvement plans shall show all necessary easements and access to all electrical utility facilities that are on the private property, at no charge to AMP.
- 37. The Applicant/developer shall be responsible for all expenses involved in the on-site duct/joint trench system including engineering design, plan check, and electrical construction inspection.
- 38. The Applicant/developer shall submit, with the on-site improvement plans, detailed drawings showing the required on-site electric utility facilities.

HOLD HARMLESS. The applicant shall defend (with counsel reasonably 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 Community 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 protect these fees and other exactions, pursuant to Government Code section 66-2-(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.

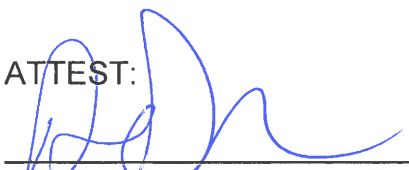
I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 25th day of July, 2016, by the following vote to wit:

AYES: (5) Knox White, Burton, Köster, Curtis, and Sullivan

NOES: (0)

ABSENT: (2) Mitchell, and Zuppan

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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**CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-16-23**

DENYING APPLICATION TO EXTEND BOATWORKS TENTATIVE MAP #8060 (ORIGINALLY APPROVED IN 2011) FOR AN ADDITIONAL TWO YEARS

WHEREAS, the Alameda City Council approved Tentative Map #8060 on July 19, 2011 (Tentative Map) #8060; and

WHEREAS, under state law, Tentative Map #8060 would have expired on July 19, 2015; and

WHEREAS, in July 2015, the Alameda City Council granted a one-year extension on Tentative Map #8060, based upon the applicant's statement that it was his intent to implement Tentative Map #8060; and

WHEREAS, the Subdivision Map Act and the City's Subdivision Ordinance Implementing the Subdivision Map Act are the primary regulatory controls governing the division of property in California; and

WHEREAS, these statutes and ordinances require that a subdivider of property design the subdivision in conformity with applicable general plan provisions and construct public improvements in connection with the subdivision; and

WHEREAS, under the Alameda Subdivision Ordinance, and more specifically, Alameda Municipal Code ("AMC") Section 30-81.1 the City may grant a one-year extension for a Tentative Map, but "extensions shall not exceed one (1) year in aggregate"; and

WHEREAS, between July 2011, when the City approved Tentative Map #8060, and May 2016, the applicant has made very little progress in satisfying any of the Map's conditions; and

WHEREAS, the 2011 Tentative Map's condition regarding securing all necessary permits and approvals from BCDC to fill submerged lands to create lots for homes and construct open space is no longer possible to satisfy; and

WHEREAS, since 2011, the applicant has submitted two different development plans for the property that were not in conformance with Tentative Map #8060; specifically, they proposed to move all of the property lines and thus would have required Tentative Map amendments or a new Tentative Map; and

WHEREAS, in 2015, the applicant also submitted a proposed amendment to the Tentative Map #8060 reflecting changes and recognizing the need to amend the map to deal with conditions that could not be satisfied; and

WHEREAS, the applicant submitted a new Development Plan application for the property in December 2015 and a new open space plan on May 20, 2016 for the waterfront park as depicted in the new Development Plan in December 15, 2015 (2015 Development Plan); and

WHEREAS, similarly to previous submittals, the 2015 Development Plan and Design Review Application propose substantially different property lines than are shown on Tentative Map #8060 and contain other inconsistencies with that Map such that the proposed plans cannot be found in substantial conformance with Tentative Map #8060; and

WHEREAS, Phil Banta, Architect for Boatworks, LLC, on behalf of the property owner, Mr. Francis Collins, submitted an application requesting another two-year extension for Tentative Map #8060 on May 10, 2016; and

WHEREAS, State law provides that once such an application is made the tentative map expiration on July 19, 2016 is automatically extended for 60 days, accordingly Tentative Map #8060 has been automatically extended until September 19, 2016; and

WHEREAS, the applicant has not made a good faith effort to complete the conditions on Tentative Map #8060 prior to its expiration date. Of the approximately 33 conditions that must be fulfilled prior to approval of a Final Map, the applicant has partially completed three conditions, and those three submittals were for a different project that was not in conformance with Tentative Map #8060; and

WHEREAS, in five years (July 2011 to June 2016), the applicant has not taken steps to comply with key conditions of the Tentative Map; for instance, the applicant has not:

- Prepared and submitted a Final Map for City Council consideration. (Condition #3)
- Prepared and submitted Improvement Plans to support Tentative Map 8060 for City consideration. (Condition #30)
- Executed a subdivision improvement agreement and provided adequate security for the completion of the improvements. (Condition #35)
- Acquired San Francisco Bay Conservation and Development Commission (BCDC) approval of the open space plan proposed in Tentative Map 8060. (Condition #8)
- Acquired Army Corps of Engineers approval for the improvements along the waterfront proposed on Tentative Map 8060. (Condition #8)
- Acquired East Bay Municipal Utility District approval of the yet to be designed storm water and waste water systems to support the subdivision (Condition #36)
- Created the necessary easements for the public open space and infrastructure. (Condition #37)
- Prepared and submitted a Storm Water Treatment Operations and Maintenance Plan. (#66)
- Executed a Storm Water Maintenance Agreement. (#67)
- Established a maintenance finance mechanism for the park. (Condition #9)
- Established a maintenance finance mechanism for the streets and public areas. (#60)
- Executed an Affordable Housing Agreement. (Condition #10); and

WHEREAS, in order to final the map, all the conditions of approval attached to the map must be satisfied and there are conditions that cannot be met due to inherent conflicts between the map and BCDC policies on bay fill, rendering a potential extension of the map futile; and

WHEREAS, the City of Alameda's Inclusionary Housing Requirements for Residential Projects are delineated in AMC 30-16, the intent of which is to implement the goals and objectives of the Housing Element of the City of Alameda's General Plan and to mitigate the impacts caused by new residential development, and also to meet the need for housing affordable to persons of low-, very low- and moderate-income; and

WHEREAS, lack of access to affordable housing has a direct impact upon the health, safety and welfare of the residents of Alameda and the City will not be able to contribute to the attainment of State housing goals or to retain a healthy environment without affordable housing in all income levels; and

WHEREAS, the Tentative Map #8060 does not conform to the City's General Plan Goals of the Housing Element and does not meet the inclusionary requirements and in AMC 30-16; and

WHEREAS, Tentative Map #8060 doesn't comply with requirements for road widths.

NOW THEREFORE, BE IT RESOLVED that the Planning Board of the City of Alameda hereby determines that Tentative Map #8060 does not reflect or support the intended or feasible future development of the site. Neither the applicant's 2015 Development Plan and Design Review Application nor its prior development plan applications substantially conform to Tentative Map #8060 because they propose changing all of the lot lines depicted on Tentative Map #8060. These changes reflect the fact that the applicant cannot satisfy the condition of map approval requiring BCDC approval of the project as depicted on the map, and thus is pursuing development of a different project that is consistent with BCDC policies and has a different arrangement of lots; and

BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby determines that Tentative Map #8060 is not consistent with AMC 30-16 Inclusionary Housing Requirements. Here, there is a base project of 140 units and the applicant seeks a 30% density bonus in return for 13 very-low income units. AMC 30-16 requires an additional 16 affordable units in the low- and moderate-income categories, for a total of 29 affordable units. The 2011 Map provides only 21 affordable units. The recommended Development Plan corrects this problem and is consistent with AMC 30-16; and

BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby determines that the 2011 Map is not consistent with the applicable Fire Code, which requires a 26-foot fire access lane. The 2011 Map provides 22-foot-wide lanes. The recommended Development Plan corrects this problem and is consistent with the Fire Code; and

BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby determines that AMC Section 30-81.1 states that the City may grant a one-year extension for a Tentative Map, but that "extensions shall not exceed one (1) year in aggregate." The applicant has already been granted a one-year extension; and

THEREFORE, BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby recommends that the City Council deny the request for a two-year extension on Tentative Map #8060.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 25th day of July, 2016, by the following vote to wit:

AYES: (5) Knox White, Burton, Köster, Curtis, and Sullivan

NOES: (0)

ABSENT: (2) Mitchell, and Zuppan

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-16-24

APPROVING DEVELOPMENT PLAN AND DENSITY BONUS APPLICATION PLN15-0582 AND OPEN SPACE DESIGN REVIEW APPLICATION FOR 2229, 2235 AND 2241 CLEMENT STREET (APN 071 029000100 AND 071 028900500), ALSO KNOWN AS THE "BOATWORKS" PROPERTY;

WHEREAS, Mr. Phil Banta on behalf of Boatworks, LLC is requesting approval of a Development Plan for a 9.48 acre site for a proposed development of 182 residential units and associated public open space, parking, landscaping and other improvements at the property owned by Boatworks, LLC at 2229, 2235 and 2241 Clement Street (APN 071 029000100 and 071 028900500), also known as the "Boatworks" property;

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

WHEREAS, the subject property is located in a R-2/PD, Two Family Residential/Planned Development Zoning District and Open Space Zoning District; and

WHEREAS, the City of Alameda prepared and certified an Environmental Impact Report (EIR) evaluating the proposal as required by the California Environmental Quality Act (CEQA) in 2010 for a 242 unit proposal; and

WHEREAS, on September 21, 2010 the City of Alameda City Council certified the EIR; and

WHEREAS on July 19, 2011, the City Council approved a Tentative Map for a reduced density alternative with 182 units on the site; and

WHEREAS on December 15 2015, Mr. Banta for Mr. Collins submitted a revised plan for the site with a Development Plan and Density Bonus application for 182 residential units and on May 20, 2016 Mr. Banta submitted a Design Review application for the waterfront open space that was included in the

WHEREAS, the Density Bonus application includes a base project of 140 units with thirteen (13) housing units affordable to very low income households; and

WHEREAS, that project is eligible for a density bonus of 30% under California Government Code 65915 and City of Alameda Municipal Code Section 30-17; and

WHEREAS, Mr. Banta for Mr. Collins has requested the 30% density bonus for a total project size of 182 residential units; and

WHEREAS, Mr. Banta and Mr. Collins requested waivers from Alameda Municipal Code Section 30-52 (to allow multifamily housing), Section 30-7.6 (to allow one car garages in some attached townhomes and the multifamily buildings), and Section 30-4.2 (to allow lots less than 2,000 square feet in size); and

WHEREAS, the Planning Board held a public hearing and has examined pertinent maps, drawings, and documents on July 25, 2016; and made the following findings:

1. The proposal qualifies for a density bonus pursuant to Section 30-17. The applicant is proposing to provide 13 very low income units, which represents 9% of the base project of 140 units for very low-income households, which qualifies the project for a 30% density bonus for a total project size of 182 units.
2. The proposal qualifies for a certain waivers from City of Alameda Development Standards pursuant to Section 30-17. The applicant has requested certain waivers from certain development standards included in AMC Section 30-52 (to allow multifamily housing), AMC Section 30-4.2 (to allow parcels less than 2,000 square foot in size), and 30-7 (to allow some homes to have a one car garage) that physically preclude the construction of the development at the densities permitted.
3. The requested development standard waivers would not have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon health, safety, or physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
4. The requested development standard waivers would not be contrary to state or federal law.
5. The proposed development plan is in substantial conformance with the General Plan and Zoning for this site. The development is consistent with the R-2/PD and Open Space General Plan and Zoning designations for the property.
6. The site is physically suitable for the proposed residential development and waterfront public open space because: a) the property is within a one block walk of Park Street retail and transit services, b) the two acre waterfront park will improve public access to and along the waterfront in this area of the City, and c) at 19 units per acre, the project is less than the maximum 21 units per acre permitted by the General Plan and City of Alameda Density Bonus Ordinance.
7. 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 design of the subdivision and its improvements will create public easements and rights of way required by the public at large for access through, around, and adjacent to the property. The project will include public right-of-way that will enhance public access through the property to and along the waterfront. Easements for public open space, parking, traffic circulation, surface drainage runoff, and utilities are required as conditions of approval.
8. Based on substantial evidence in the record, no further environmental review is required for the proposed project as provided by Section 15162 of the California Environmental Quality Act Guidelines because neither the project, nor the circumstances surrounding the project, would result in any new or more severe significant impacts to the environment.

NOW THEREFORE, BE IT RESOLVED, that the Planning Board of the City of Alameda hereby approves Development Plan, Density Bonus, and Design Review applications PLN 15-0582, subject to the following conditions:

Community Development Conditions of Approval.

1. Subsequent Approvals: All subsequent Design Review, Subdivision Map and Improvement Plans filed pursuant to this approval shall be in substantial compliance with Exhibit A titled, "Alameda Boatworks Green Development Plan" (the "Development Plan"), and on file in the office of the City of Alameda Community Development Department.
2. Development Phasing: Issuance of building permits and development of the property shall proceed consistent with the phasing plan included in Exhibit A, Development Plan page ps/DP-10. Minor adjustments to the phasing plan may be approved by the Community Development Department as necessary to facilitate construction of the project.
3. Regional and State Agency Approvals. Prior to issuance of the first building permit for any phase of the project, the applicant shall acquire the necessary permits and approvals from all other regulatory agencies with jurisdiction over the project, including the Bay Conservation and Development Commission (BCDC) and the Department of Toxic Substances Control (DTSC).
4. Environmental Impact Report (EIR) Mitigations: Prior to issuance of the first building permit for the first phase of the project, the applicant shall submit a Mitigation Measure implementation plan or checklist to ensure that all required EIR mitigations required by the Boatworks Project EIR are satisfied per the project Mitigation Monitoring Reporting Program approved by the City Council in 2010.
5. Open Space: Building permit and improvement plans submitted for the waterfront open space shall include:
 - a. At least 2.16 acres of common open space as shown on Exhibit 1 Development Plan page ps/OS-4. The plans shall include a survey of the property completed after the recent reconfiguration of the shoreline confirming the acreage.
 - b. Playground equipment and facilities designed for children under 5 years of age, and equipment and facilities for children aged five to 12 years of age.
 - c. Facilities to allow access to the water for kayak launching and water taxi landings.
 - d. Facilities and space for loading and unloading water craft from an automobile in close proximity to the waterfront park near the proposed "clubhouse".
 - e. A minimum of 30 visitor and guest parking spaces.
 - f. Visitor bicycle facilities as required by AMC Section 30-7 for open space.
 - g. Cross section and design details to ensure that the central green/bio-retention lawn shown on Exhibit 1 Development Plan page ps/DP-19.1 and 19.2 is usable for active and casual recreation for the general public. Any areas that must be restricted from use by the public to comply with storm water management requirements shall be deducted from the 2.16 acres of common open space.
6. Open Space Maintenance and Access: Prior to issuance of the first building permit the applicant/developer shall establish and record on the deed of the property or in CC&Rs, a Maintenance Finance Mechanism to ensure maintenance of the open space in perpetuity by the property owners at no expense to the City and provide the City with, and dedicate to, the City a permanent public access easement all public open space shown on Exhibit 1, page ps/OS-4.
7. Affordable Housing: Prior to the approval of the first building permit the applicant/developer shall complete an executed Affordable Housing Agreement consistent with Alameda

Municipal Code 30-17 which shall document the final location, quality, size and distribution of the twenty nine (29) affordable units required. The total units provided shall include a minimum of thirteen (13) very-low income units, six (6) low-income units, and ten (10) moderate-income units. The 29 affordable units shall be dispersed throughout the property with the market rate units and shall be of comparable size and quality to the market rate units, per AMC Section 30-17.8. The very low and low income units may be located in a single building if required to permit the units to be managed by a qualified non-profit housing provider that requires the units to be consolidated into a single building to provide for on-site services and support facilities for the very low and low income households.

8. Residential Design Review. Prior to issuance of the first building permit, the applicant shall submit a Design Review application and plans for the review and approval by the Planning Board for the proposed residential units shown on Exhibit A. The Design Review plans shall be consistent with the City of Alameda Design Review Manual (Design Review Manual) for residential development and the following standards:
 - a. 182 Units: The total number of units developed on the property shall not exceed 182 residential units, provided that the applicant complies with the requirements of Condition #7 above regarding affordable housing. If the applicant does only 6 very low income units, 6 low income units and 10 moderate income units, then the total units permitted shall be limited to 140.
 - b. Building Types: The Design Review Plan may include single family, townhome, courtyard home, senior assisted living, and/or live work unit building types, as defined by citywide Design Review Manual, provided that at least 30% of the units shall be constructed in multifamily stacked flats buildings as defined the Design Review Manual.
 - c. Housing Unit Sizes: To accommodate a variety of household sizes, at least 40% of the units shall be 1,100 square feet or less in size and at least 70% of the units shall be 2,000 square feet in size or less.
 - d. Universal Design: To accommodate a households with disabled family members and/or seniors aging in place, at least 15% of the single family homes and 8% of the townhome units shall include the kitchen, the main common area, and at least one bedroom and at least one full bathroom on the ground floor. The 8% townhomes may be smaller in size than the other townhomes and may include a single car garage.
 - e. Off Street Parking. At least one and no more than two off-street parking spaces shall be provided in private garages or in common parking areas under multifamily buildings. The total number of residential/non-visitor parking spaces on the site shall be limited to 1.5 parking spaces per unit. All parking in multifamily stacked units shall be leased separately from the cost of the unit.
 - f. Building Heights: Building heights shall step down from Clement Avenue to the Oakland Estuary and the waterfront open space. Multifamily stacked flat buildings may be four stories (up to 50 feet) in height, and townhomes and single family homes may be three stories and 35 feet in height. An additional "penthouse" floor may be added to multifamily buildings or attached townhome buildings facing Clement Avenue or Oak Street provided that the penthouse floor is set back at least 8 feet from the front of the building to be hidden from public view from the adjacent right of way. The floor

area of a penthouse floor may not exceed 50% of the floor area of the floor below. Buildings facing paseos of 35 feet in width between building faces shall be limited to two stories, with a permitted penthouse, provided the penthouse is setback 10 feet from the side of the building facing the paseo. At least 25% of the townhome units and single family units shall be two stories in height. Penthouse units may also be placed on buildings facing paseos and parks of over 35 feet in height, provided the penthouse is setback at least 10 feet from the front of the building facing the paseo or park.

- g. **Building Setbacks** Building setback standards for Clement Street, Oak Street, and Elm Street and from internal paseos and parks shall be consistent with Exhibit B Boatworks Green Setback Standards and Sections. Bay windows may project up to two feet into required setbacks and projecting open air porches on the ground floor may project up to 5 feet into the required setback. Townhomes and single family homes that are adjacent to a park, paseo, or street along their side elevation must provide a four (4) foot landscaped setback from the public right of way or sidewalk.
 - h. **Private Open Space:** Each housing unit with access to the ground floor of the structure shall include a minimum of 120 square feet of private open space, consistent with AMC 30-5.4.2.d.9. Stacked flats and apartments accessed from the second floor of the structure or above shall include a minimum of 60 square feet of private open space. For stacked flats, private open space may be provided in common spaces, such as roof decks or courtyards.
 - i. **Oak Street.** The Oak Street frontage shall include an 8 foot sidewalk and street trees on the property. Residential buildings shall be setback 16 feet from the existing property line (existing curb line) at the edge of the existing automobile right of way. A 12 foot pedestrian and bicycle path shall be provided from the intersection of Blanding to the waterfront along the eastern side property line.
 - j. **East-West Walkway.** As shown on Exhibit A, a minimum 10 foot wide publically accessible walkway shall be provided between Oak Street and Elm Street bisecting the block between Clement and the Blanding extension. The alignment of the walkway may be off-set up to 50 feet.
 - k. **Elm Street View Corridor.** To preserve the Elm Street view corridor to the park and Estuary, no building shall encroach closer than 35 feet from the western side property line. A 12 foot pedestrian and bicycle path shall be provided from the intersection of Blanding to the waterfront along the western side property line.
9. **Public Art.** Prior to issuance of the first building permit, the applicant is required to comply with the terms of the City of Alameda Public Art requirement as specified in Alameda Municipal Code section 30-65.
10. **Transportation Impacts:** As required by the Boatworks EIR Mitigation Measure B-3a prior to issuance of the first occupancy permit, the project shall fund and provide transit services from the property to the regional transportation facilities including BART. At minimum, the transportation services shall include access to AC Transit services and commute hour shuttle services to BART. Such services shall be made available to each home owner and tenant upon first occupancy of the first unit. The transportation services may be provided by the project Homeowners Association, a third party provider, or an existing transit agency such

as AC Transit. To insure permanent funding for transportation services, a Homeowner's Association or other funding mechanism shall be created for properties located within the project site. The project shall be subject to its Declaration of Covenants, Conditions and Restrictions or alternative funding mechanism, to which these conditions shall be attached as an Exhibit. The provisions of this Declaration shall provide a requirement and mechanism of annual funding by the Homeowners Association. The funding shall be provided on a permanent basis as an assessment on the Lots and Units in the Project. The participation and funding for program services under these conditions is mandatory and shall be considered an obligation and requirement of the project. The obligations, requirements and provisions under this condition cannot be amended, revised, deleted or rescinded by the HOA or property owners without the prior written approval of the City's Transportation Commission or City Council. To provide the required transportation services, the project developer/applicant shall establish or join an existing transportation demand management association (TMA) or transit provider organization to provide transportation services to the project residents. To fund the necessary services, the project CC&Rs or similar instrument shall require that each unit provide annual funding to the transit provider or TMA in the following amounts: \$550/year/Single Family Detached Unit, \$450/year/Single Family Attached Unit (townhome), and \$350/year/Stacked Flat Unit. The 2016 initial annual assessment fee per unit per year established by this condition shall be subject to annual adjustment according to the annual changes in the Bay Area Consumer Price Index. The Homeowners Association shall be responsible for providing an annual report for Transportation Commission and City Council review and approval at a noticed public hearing which shall include peak hour automobile counts at the two project entries and surveys of project residents to determine whether the 10% reduction requirement is being achieved annually. In the event that the development fails to achieve the 10% reduction in any given year, the annual report shall identify additional measures that shall be taken to further reduce automobile trips during the peak periods.

PUBLIC WORKS CONDITIONS OF APPROVAL

Engineering

11. The applicant/developer shall submit construction improvement plans for all on- and off-site improvements, including detailed designs for all wet and dry utilities, landscaping and irrigation, water, grading, drainage, erosion control, paving, and solid waste storage and recycling areas. The plans shall be prepared, signed, and stamped as approved by a registered civil engineer licensed in the State of California, unless the Public Works Director authorizes them to be prepared by some other qualified professional, and be in accordance with the AMC, the City of Alameda Standard Plans and Specifications, Standard Subdivision Specifications and Design Criteria, and the Master Street Tree Plan. The plans shall be reviewed and approved by the Public Works Director prior to approval of the improvement plans or parcel/final map, whichever comes first. The engineer shall also assume responsibility for inspection of the on-site construction work, including but not limited to parking lots, pathways, storm facilities, sewer facilities, etc., and shall certify to the City, prior to acceptance of the work or issuance of any occupancy permit, including a temporary occupancy permit, whichever comes first, that the installation of the on-site work (excluding the building and foundation) was constructed in accordance with the approved plans.
12. All existing and proposed easement locations, uses and recording information shall be shown on future subdivision map applications. The Owner's Statement shall list all easements to be dedicated and the Certificate of City Clerk shall list all public easements to be abandoned

with recording information as part of the Final Map.

13. The landscape and irrigation plans for improvements on and off-site 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 Master Street Tree Plan, the AMC, conditions of approval by the Planning Board, and other regional jurisdictions requirements, as applicable.
 - a) Projects required to meet the Bay-Friendly Landscape (BFL) requirements shall:
 - i. have plans prepared by a qualified BFL design professional;
 - ii. earn, at a minimum, a total of 60 points on the StopWaste.Org "Bay-Friendly Scorecard for Commercial & Civic Landscapes" (Scorecard), as determined by a qualified BFL Rater;
 - iii. complete the nine required practices identified on the Scorecard related to mulch, compost, diversion of construction and demolition waste, selection of planting materials, and the design and installation of irrigation systems, as determined by a qualified BFL Rater;
 - iv. acquire the services of an approved BFL Rater to assist the landscape project design and construction team with gaining BFL qualification, consistent with the BFL qualification requirements of the Bay Friendly Coalition
 - v. pay the required BFL application and final submittal fees via the BFL Rater to the Bay Friendly Coalition
 - vi. submit to the City written certification from the Bay Friendly Coalition that the design and construction of the landscaping and irrigation meets the most recent version of the "Bay-Friendly Landscape Guidelines" developed by StopWaste.Org and The Bay Friendly Coalition. This certification is required prior to acceptance of the work or issuance of any occupancy permit, including a temporary occupancy permit, whichever comes first,
 - b) In addition, the final landscape plans shall ensure that all landscaping and bioswales are compatible with the stormwater treatment measures designed to minimize irrigation and runoff; promote surface infiltration, where appropriate; and minimize the use of fertilizers and pesticides that can contribute to storm water pollution. Also, integrated pest management (IPM) principles and techniques shall be incorporated into the landscaping design and specifications. Where feasible, landscaping shall be designed and operated to treat storm water runoff by incorporating elements that collect, detain, and infiltrate runoff. Plant placement within the site landscape design shall not interfere with the design function of any of the stormwater treatment measures. For example, trees planted in or near a biotreatment swale shall not adversely interfere with the design flow capacity of the swale. The plans shall be reviewed and approved by the Public Works Director prior to approval of the improvements plans or the building permit, whichever comes first. If no building permit is required, the plans shall be approved by the Public Works Director prior to establishment of the use. The landscaped architect shall also assume responsibility for inspection of the work and shall certify to the City, prior to acceptance of the work or issuance of any occupancy permit, including a temporary occupancy permit, whichever comes first, that the installation of landscaping and irrigation in the public right of way was constructed in accordance with the approved plans.
14. To guarantee completion of the required on-site and off-site improvements, the

applicant/developer shall enter into an agreement with the City and provide a security in a form and amount acceptable to the City prior to approval of the improvements plans and parcel/final map.

15. A sanitary sewage flow analysis, acceptable to the Public Works Director, 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 engineer shall sign and stamp the analysis as approved. The applicant/developer will pay for the cost of the analysis. The City will determine the required improvements, if any, to ensure sufficient sewage capacity for this project and anticipated cumulative growth in the associated sewer sub-area. The applicant/developer will include the City and EBMUD recommended improvements, if any, from the sewer study and 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 are to be obtained prior to Final Map.
16. Prior to the Final Inspections, the applicant/developer shall comply with the provisions of the EBMUD Regional Private Sewer Lateral Program (which the City is a participant of). Compliance requires that each parcel within the subdivision be issued a Compliance Certificate by EBMUD for the upper lateral. The applicant/developer shall schedule verification testing for the public and private sewer mains, manholes, and other appurtenances in the public or private streets within the subdivision, including lower laterals. The City will provide their acquired test results for sewer infrastructure that is privately-owned to EBMUD so Compliance Certificates can be issued for those parcels (parcels to be owned by Homeowners Association). Review the program requirements and cost for Compliance Certificates at <http://www.easbaypsl.com/>
17. A storm drainage hydrology analysis, acceptable to the Public Works Director, identifying the total peak drainage 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 engineer shall sign and stamp the analysis as approved. 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/developer will pay for the cost of the modeling study. The applicant/developer will include the recommended improvements into the project's improvements plans prior to approval of the improvement plan or parcel/final map, whichever comes first.
18. Prior to issuance of a building permit or approval of a subdivision map for the property, the applicant/developer shall submit a soils investigation and geotechnical report, acceptable to the Public Works Director, in accordance with the AMC and prepared by a registered geotechnical engineer licensed in the State of California, with recommendations based on the findings. The report shall address the structural and environmental analysis of existing soils and groundwater. The improvement plans shall incorporate all design and construction criteria specified in the report. The geotechnical engineer shall sign and stamp the improvement plans as approved and as conforming to their recommendations prior to approval of the improvement plans or parcel/final map, whichever comes first. The geotechnical engineer shall also assume responsibility for inspection of the work and shall certify to the City, prior to acceptance of the work that the work performed is adequate and

complies with their recommendations. Additional soils information may be required during the plan check of individual house plans. The applicant/developer will include the engineer's recommended improvements into the projects improvement plans prior to approval of the improvement plan or parcel/final map, whichever comes first.

19. All required public frontage and street improvements shall be designed, built, and dedicated to the City in accordance with City ordinances and Public Works Department standards and shall include curbs, gutters, sidewalks, street trees, landscaping and irrigation, streetlights, etc.
20. Maintenance of public improvements shall be the responsibility of the new development through an Assessment District and/or Homeowners Association.
21. All new utilities shall be placed underground prior to issuance of any occupancy permit, including a temporary occupancy permit. In addition, when approval of a tentative subdivision/parcel map is required, all existing utilities within the project shall be placed underground in accordance with the AMC, prior to acceptance of the project.
22. Applicant/developer shall resurface the existing street pavement whenever a street is cut, either by a longitudinal or transverse cut, for utility or other improvement installations so the street is restored to pre-project conditions. The resurfacing shall extend a sufficient distance beyond any cut to ensure a smooth transition, as determined by the Public Works Director, and shall consist of a one and a half (1½) inch asphalt concrete overlay. Applicant/developer shall also provide digouts and reconstruction of any potholed and/or alligatored areas adjacent to the project.
23. Any retaining walls, which are adjacent to a property line, shall be masonry, metal, or concrete. Wood retaining walls shall not be installed adjacent to property lines. Existing retaining walls are to be evaluated by a geotechnical/structural engineer for integrity. The engineer is to provide design criteria and recommendations for all retaining structures. The applicant/developer will include the engineer's recommended improvements into the projects improvement plans prior to prior to approval of the improvement plan or parcel/final map, whichever comes first.
24. Installation of street paving shall include reconstruction of the existing pavement section to provide adequate conforms. The limits of the reconstruction shall be established by the Public Works Director prior to approval of the improvement plans or parcel/final map, whichever comes first. The Public Works Director may waive undergrounding of the KV 115 lines on Clement with the concurrence of Alameda Municipal Power.
25. Exposed soil surfaces shall be periodically sprinkled to retard dust. During construction, the applicant/developer shall ensure that construction crews undertake a program of dust control including, but not limited to, watering soil surfaces as needed to prevent dust blowing, covering trucks carrying materials to and from the site, and frequent clean-up of soil carried by construction vehicle tires from the site onto streets. No City water shall be used for this purpose.
26. All project related grading, trenching, backfilling, and compaction shall be conducted in accordance with City of Alameda Standards and Specifications.
27. 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.

28. Construction equipment must have state of the art muffler systems as required by current law. Muffler systems shall be properly maintained.
29. Noisy stationary construction equipment, such as compressors, shall be placed away from developed areas off-site and/or provided with acoustical shielding.
30. Grading and construction equipment shall be shut down when not in use.
31. During non-working hours, open trenches shall be provided with appropriate signage, flashers, and barricades approved by the Public Works Director to warn oncoming motorists, bicyclists, and pedestrians of potential safety concerns.
32. Prior to trenching within existing street areas, the applicant's engineer shall ascertain the location of all underground utility systems and shall design any proposed subsurface utility extensions to avoid disrupting the services of such system.
33. New street trees shall maintain clearances from utilities as follow: a) Fire hydrant – six feet; b) top of driveway wing – five feet; c) stop signs – 15'; d) street/pathway lights and utility poles – 25'; e) storm drain, sanitary mains, gas, water, telephone, electrical lines – five feet; f) front of electrical pad-mounted equipment – ten feet. Verify minimum clearance distances of street trees/shrubs from electrical transformers with Alameda Municipal Power (AMP).
34. Approved backflow prevention devices shall be installed on all new and existing domestic, commercial, irrigation, and fire water services and as required by the East Bay Municipal Utility District (EBMUD). These devices must be tested by an AWWA certified tester from a list of testers provided by EBMUD.
35. Costs for inspection by the Public Works construction inspectors during non-working hours shall be at time and one half. Work on Saturday's requiring inspection shall not be done unless approved in advance by the Public Works Director. No work allowed on Sundays. Any work done without inspection may be rejected at the contractor's expense.

Stormwater and Water

36. Prior to issuance of building permits, the applicant/developer shall secure all necessary permit approvals from EBMUD regarding the installation of all water or sewer service connections for the project. Accumulated wastewater must be drained to the sanitary sewer.
37. The applicant/developer shall provide the Public Works Department City Engineer or designee, prior to the issuance of the first combination building/grading permit, a copy of both the WDID# issued to the project site by the State Water Resources Control Board (SWRCB) and the required Storm Water Pollution Prevention Plan (SWPPP). These documents shall provide verification to the City that the project site is in compliance with SWRCB Order No. 2009-0009-DWQ prior to the initiation of construction activity. Information on this State Order is available at: http://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml
38. In compliance with the submittals to the SWRCB, the developer shall submit a Storm Water Pollution Prevention Plan (SWPPP) as part of the improvement plan submittal. The SWPPP

shall be reviewed and accepted by the Public Works Director or designee for conformance with the City's erosion and sediment control standards.

39. In compliance with the SWPPP, the developer shall be responsible for ensuring that all contractors and sub-contractors install and regularly maintain all control measure elements required in the project SWPPP during any construction activities.
40. The applicant/developer shall be responsible for ensuring that during any construction activity all contractors and sub-contractors install and regularly maintain erosion control measures and perform Best Management Practices (BMP) as described in the Alameda Countywide Clean Water Program brochures, the San Francisco Bay Regional Water Quality Control Board's Erosion and Sediment Control Field Manual and the California Stormwater Quality Association's Stormwater Best Management Practice, to prevent any pollutants entering directly or indirectly the storm water system. The applicant/developer shall pay for any required cleanup, testing, and City administrative costs resulting from consequence of construction materials entering the storm water system.
41. The construction improvement plans shall incorporate permanent stormwater treatment controls and/or design techniques to manage the quantity and quality of stormwater runoff from a planned development to prevent and minimize impacts to water quality. Efforts shall be taken to minimize impervious surface areas, especially directly connected impervious surface areas. Roof drains shall discharge and drain to an unpaved area wherever practicable. Design techniques may include vegetated swales, vegetated buffer zones, bioretention units, retention/detention basins and ponds, tree well systems, and the incorporation of pervious surface areas and Low Impact Development (LID) measures. Stormwater treatment measures shall be constructed consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual. Applicants may also refer to the Bay Area Stormwater Management Agencies Association (BASMAA) *Start at the Source Manual* for technical guidance.
42. The landscaping plans shall be designed to minimize runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution. Consideration shall be given to pest-resistant landscaping and design features and the use of integrated pest management (IPM) principles and techniques. Where feasible, landscaping shall be designed and operated to treat stormwater runoff.
43. The applicant/developer shall submit a completed City of Alameda Stormwater Requirements Checklist Form to the Public Works Department for review and approval prior to discretionary approval or approval of the improvements plans, grading permit, or building permit whichever comes first. If no building permit is required, the form shall be submitted prior to establishment of the use. The form shall include a table showing the amount of pervious and impervious area (indicated in units of square feet) prior to and after the proposed development.
44. The applicant/developer shall submit a stormwater drainage management plan showing each storm water LID measure(s) and treatment measure(s) required to be constructed to meet Provisions C.3.c and C.3.d of the City of Alameda's Municipal NPDES storm water permit as part of the improvement plans for the project. This stormwater drainage management plan shall be consistent with the results of the completed City of Alameda Stormwater Requirements Checklist Form, as above. As part of the final improvement plan submittal, the applicant/developer shall submit a stamped, signed certification from a qualified independent civil engineer with stormwater treatment facility design experience, licensed in

the State of California, and acceptable to the Public Works Director or designee that indicates the LID and treatment measure design meets the established sizing design criteria for stormwater treatment measures prior to approval of the improvements plans, grading permit, or building permit, whichever comes first. If no building permit is required, the plans shall be approved by the Public Works Director prior to establishment of the use. Effective December 1, 2011, this requirement also applies to any restaurant, automobile service facility, retail gasoline outlet, or uncovered parking project of 5,000 square feet or greater.

45. The applicant/developer shall submit a Stormwater Treatment Measures Operations and Maintenance (O&M) Plan as part of the improvement plans for the project. The O&M plan shall include, but not be limited to: treatment measure(s) descriptions and summary inventory; a legible, recordable, reduced-scale (8.5"x11") copy of the Site Plan indicating the treatment measure(s) location(s) and site drainage patterns; treatment measure(s) maintenance requirements and maintenance schedule; detailed description of the integrated pest management principals and techniques and/or Bay Friendly Landscaping Program techniques to be utilized during landscape maintenance to ensure pesticide/herbicide use-minimization in landscaped areas; the approved plant palette list; name and contact information of current maintenance personnel. The O&M Plan shall be reviewed and approved by the Public Works Director or designee prior to approval of the improvements plans, or grading permit, or building permit whichever comes first. If no building permit is required, the plans shall be approved by the Community Development Department and Public Works Director prior to establishment of the use. Effective December 1, 2011, this requirement also applies to any restaurant, automobile service facility, retail gasoline outlet, or uncovered parking project of 5,000 square feet or greater.
46. The applicant/developer shall execute a Stormwater Treatment Measures Maintenance Agreement (Agreement) with the City. The Agreement shall include, but not be limited to: the approved O&M plan for all post-construction (permanent) stormwater LID and treatment measures; identification of the party responsible for stormwater LID and treatment measures O&M; assurances of access to inspect and verify the treatment system O&M for the life of the project; and assurances of the submittal of the annual O&M report approved by the City. The Agreement shall be executed between the project owner and the City and recorded prior to the issuance of any occupancy permit, including a temporary occupancy permit. The Agreement shall also be recorded at Project Owner's expense, with the County Recorder's Office of the County of Alameda prior to establishment of the use. Effective December 1, 2011, this requirement also applies to any restaurant, automobile service facility, retail gasoline outlet, or uncovered parking project of 5,000 square feet or greater.
47. , The applicant/developer 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 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 Public Works Director or designee, prior to the issuance of any occupancy permit, including a temporary occupancy permit.

48. Fire sprinkler system test water discharges shall be directed to the sanitary sewer system or to appropriately-sized onsite vegetated area(s).
49. All new storm drain inlets shall be clearly marked with the words "No Dumping! Drains to Bay," or equivalent, as approved by the City Public Works Department. Permanently affixed thermoplastic, metallic or plastic laminate style markers are examples of acceptable forms.

Traffic and Transportation

50. The improvement plans shall include pedestrian cross walks and traffic control to ensure safe pedestrian access to the site at the intersections of Oak and Blanding and at the intersection at Elm and Clement Avenue. The improvement plans shall also include a traffic striping and signage plan for all on- and off-site improvements, including all crosswalks, bus stops, turn lanes, merge lanes, acceleration lanes, lane drops, etc., as part of the construction improvement plan submittal. The plans shall be prepared by a registered civil engineer or traffic engineer licensed in the State of California. The engineer shall sign and stamp the plans as approved. The plans shall be reviewed and approved by the Public Works Director prior to approval of the improvements plans or parcel/final map, whichever comes first.
51. For any off-street parking facilities associated with the Development Plan, the applicant/developer shall submit the improvement plans to the Community Development Department and Public Works Department for review and approval. The plans shall be prepared by a registered civil engineer licensed in the State of California and shall be signed and stamped as approved. The Community Development Department shall review and approve the parking lot layout, including number of spaces, dimensions of spaces, and Americans with Disabilities Act (ADA) requirements, and the Public Works Director shall review and approve the internal and external circulation of the parking lot, including lane widths and access points, prior to approval of the improvements plans or parcel/final map, whichever comes first.
52. Final bicycle parking plan shall be consistent with AMC-30-7.15 Bicycle Parking.
53. At least three weeks prior to the commencement of work within the public right-of-way that affects access for pedestrian, bicyclist, and vehicular traffic, the applicant/developer shall provide a Traffic Control Plan (TCP) to the Public Works Department for review and approval. The TCP shall be prepared by a registered civil engineer or traffic engineer licensed in the State of California, and be in accordance with the California MUTCD standards. The engineer shall sign and stamp the plans as approved. In general, any vehicular, transit, bicyclist, and pedestrian access through and/or adjacent to the project site shall remain unobstructed during project construction or an ADA compliant alternative route established as approved by the Public Works Director. At locations where adequate alternate access cannot be provided, appropriate signs and barricades shall be installed at locations determined by the Public Works Director and Police Chief. Should transit routes be affected, applicant/developer is required to receive prior approval from AC Transit of any proposed traffic detours or temporary closure of bus stops. Constructed work may not commence until the TCP is approved by the Public Works Director.
54. Pedestrian and vehicular lighting at all intersections and project driveways shall meet AMP standards for crosswalks, sidewalks, and intersections.

55. Applicant/developer shall replace any damaged curb, gutter, and sidewalk along street frontages to the satisfaction of the Public Works Director, in accordance with the Public Works Department's Standard Plans and Specifications prior to acceptance of the project.

Environmental

WASTE/RECYCLING ENCLOSURES:

56. Design of all external enclosures for solid waste, recycling, and organics shall be approved by the Public Works Director 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 Public Works Director prior to establishment of the use.

These facilities are to 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 discharged to the storm drain system. External enclosures are to be roofed and/or enclosed. Any enclosures containing food waste shall have floor drains connected to the sanitary sewer system. If the enclosures are attached to buildings they shall have fire sprinklers. Internal collection and storage area(s) and the individual bins and containers provided, shall be adequate in capacity, number, and distribution to serve the anticipated demand for trash, recycling, and organics as determined by the Public Works Director.

57. A 40-foot turning radius must be provided for any street that would otherwise require the collection truck to back up a distance greater than 150 feet. Although not required, construction of a concrete pad just outside each solid waste enclosure is recommended in order to accommodate the truck weight while servicing the dumpster.
58. Applicant must comply with the following minimum storage requirements for solid waste, recyclable and compostable materials:
59. Exterior solid waste and recyclable material storage shall be adjacent or combined and may only be located on the outside of a structure, in a designated interior courtyard with appropriate access, or in rear or side yards. External storage area(s) shall not be located in any required front yard, street side yard, required parking, landscaped, or open space, or any areas required by the AMC to be maintained as unencumbered.
60. The storage area(s) shall be accessible to residents and employees. Each storage area within a residential development shall be no more than 250 feet from each dwelling unit.
61. Driveways or aisles shall provide unobstructed access for collection vehicles and personnel and provide at least the minimum clearance required by the collection methods and vehicles used by the City's designated collector or hauler. In all cases where a parcel is served by an alley, all exterior storage areas shall be directly accessible to the alley.
62. The storage area(s) and the individual bins and containers provided within shall be adequate in capacity, number and distribution to serve the anticipated demand as determined by the Public Works Director.
63. The design and construction of the storage area(s) shall:
- a. Be compatible with the surrounding structures and land uses; and

- b. Be properly secured to prevent access by unauthorized persons. If gates with locks are planned to limit access to the enclosure or to the property, cards or keys must be provided to the City's franchised waste hauler and recycling collector; at present Alameda County Industries; and
 - c. Contain a concrete pad within the fenced or walled area(s) and a concrete apron which facilitates handling of the individual bins and containers; and
 - d. Provide a 6-inch wide curb or parking bumpers along the interior perimeter of the enclosure walls to protect them from damage by the dumpster. A 6-inch wide parking bumper, at least 3 feet long, should also be placed between the refuse dumpster and the recycling containers; and
 - e. Maintain a minimum space of 12 inches between the dumpster(s) and the walls of the enclosure and the recycling container(s) to allow for maneuvering the dumpster(s); and
 - f. Protect the area(s) and containers from adverse environmental conditions, which might render the collected materials non-collectible, noxious, unsafe, or in the case of recyclable materials, unmarketable.
64. Dimensions of the storage area(s) shall accommodate containers consistent with the current methods of collection. The storage area(s) shall be appropriately located and screened from view on at least three sides by a solid wall six feet in height, and on the fourth side by a solid gate not less than five feet in height. The gate shall be maintained in good working order and shall remain closed except when in use. Gates must open straight out and gates and hinges must be flush with the enclosure wall to allow adequate maneuverability of the dumpster in and out of the enclosure. The design of the wall and gate shall be architecturally compatible with the surrounding structures.
65. A sign clearly identifying each exterior solid waste and recyclable material storage area and the accepted material(s) is required. Each sign shall not exceed two square feet in area and shall be posted on the exterior of the storage area adjacent to all access points.
66. All solid waste containers, including dumpsters and individual cans or carts, must have fitted lids which shall remain closed at all times when the container is not being used or emptied.

ALAMEDA MUNICIPAL POWER (AMP)

67. Concurrent with submittal of Improvement Plans, the Applicant shall coordinate with the 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 electrical transformers and other utility electrical equipment.
68. The Applicant shall provide and install street lighting consistent with AMP's standard specifications and AMP's "Material and Installation Criteria for Underground Electrical Systems". No signs shall be installed or mounted on street light poles owned and/or maintained by AMP. All new signs shall be installed on dedicated sign posts.
69. The Applicant shall provide all necessary on-site underground substructures, including conduits, pull boxes, transformer 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.

The Applicant shall be reimbursed for improvements pursuant to the standard AMP agreement.

70. The Applicant shall furnish and install code-sized service cables in code-sized conduit from each house to the nearest secondary pillbox. AMP will connect the service to the secondary distribution system.
71. The Final Map shall show all necessary easements and access to all electrical utility facilities that are in the private properties, at no charge to AMP.
72. Prior to issuance of Certificate of Occupancy, the Applicant shall furnish and install service equipment for each house. The service equipment shall meet Electric Utility Service Equipment Requirement Committee standards.
73. 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 under grounding primary and secondary circuits, and distribution transformers once the improvements have been inspected and found to have been properly installed. The Applicant or successor property owners shall be responsible for the service cables and service equipment.
74. The Applicant/developer shall be responsible for all expenses involved in the on-site duct/joint trench system including engineering design, plan check, and electrical construction inspection. The Applicant shall be responsible for the cost of AMP assigned inspector during construction
75. The Applicant/developer shall submit, with the on-site improvement plans, detailed drawings showing the required on-site electric utility facilities.

ALAMEDA FIRE DEPARTMENT

76. 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. Ensure sufficient fire flow for the development compliant with California Fire Code Appendix B and Alameda Municipal Code 15-1.2 where a maximum reduction of the fire flow can be reduced by 50% for fire sprinklered buildings.
 - b. Fire hydrant flows shall be a minimum of 1,500 G.P.M. from any one hydrant;
 - c. Provide adequate turn around space or acceptable emergency vehicle through access for any street greater than 150 feet in length;
 - d. Ensure that all roads that are required to be fire access roads have an adequate turning radii for fire apparatus (inside turning radius of 28' and outside turning radius of 44'8"); and
 - e. For all roads designated as fire access roads shall have a minimum fire lane width of 26' unobstructed. Should parking within the fire lane be required, the fire lane width is to be increased to an additional 8' per side for vehicle parking.

Prior to approval of the Final Map by City Council, the Applicant shall submit improvement plans for the project site Fire Water System. The system shall be designed to the satisfaction of EBMUD. The Applicant shall be responsible for the placement of on-site hydrants. The location and number of hydrants shall be established in improvements plans.

77. All private streets and courts within the development shall be marked as fire access roads to the satisfaction of the Fire Chief. No on-street parking shall be permitted within private streets and courts in the 20 foot wide fire lane.
78. The improvement plans and building permit plans shall include fire sprinkler systems within each residential unit including the garage and attic spaces.
79. The improvement plans and building permit plans shall, to the satisfaction of the Fire Chief and City Engineer, includes design each street and/or alley to handle the maximum weight of the heaviest equipment that may be used by the Fire Department for emergency purposes. Parking shall be prohibited within the streets and alleys dedicated as fire lanes by the Fire Chief, and the CC&R's shall include an enforcement mechanism.
80. Indemnification: The applicant shall defend (with counsel reasonably 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 Community Development Department, the Alameda City Planning Board, , or 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.

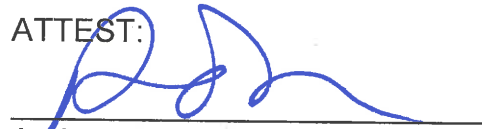
I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 25th day of July, 2016, by the following vote to wit:

AYES: (4) Knox White, Burton, Köster, and Sullivan

NOES: (1) Curtis

ABSENT: (2) Mitchell, and Zuppan

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

* * * * *

CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-16-25

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING DESIGN REVIEW APPLICATION NO. PLN14-0517 FOR A NEW 7,100 SQUARE FOOT RESIDENTIAL/COMMERICAL MIXED-USE BUILDING ON AN APPROXIMATELY 20,000 SQUARE FOOT SITE LOCATED AT 712 LINCOLN AVENUE

WHEREAS, an application was made on April 20, 2014 by Simon Kwan for Kevin Lam for Design Review Application No. PLN14-0517 to permit the construction of a 7,100 square foot mixed-use building with two residential units above and 3,324 square feet of ground floor retail, and associated parking, landscaping and other improvements, located at 712 Lincoln Avenue, and;

WHEREAS, the application was accepted as complete on March 14, 2016; and

WHEREAS, the subject property is designated as Community Commercial by the General Plan; and

WHEREAS, the subject property is located in a C-C, Community Commercial Zoning District; and

WHEREAS, the Board held a study session on April 11, 2016 for this application, and

WHEREAS, the Board held a public hearing on July 25, 2016, for this application, and examined pertinent maps, drawings, and documents.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds this project 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, including the following:

- A. **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 project meets this criterion because as proposed it is consistent with the Community Commercial General Plan land use designation and the commercial mixed-use building is a permitted use in the C-C zoning district. The project also complies with all applicable development regulations for the C-C zoning district and Webster Street Design Manual.
- B. **The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.** The project site is located within the Webster Street Business District, an urban commercial shopping district, and the project site parcel is approximately 0.5 acres in size.

- C. **The project site has no value as habitat for endangered, rare or threatened species.** The area of the proposed development is currently a former car sales lot within a heavily urbanized area of the Webster Street Business District. The site is surrounded by urban uses and is subject to high levels of disturbance from foot and vehicle traffic from the surrounding city streets. The vacant site has no habitat value for any endangered, rare, or threatened wildlife species.
- D. **Approval of the project would not result in any significant effects relating to traffic, noise, air navigation, air quality, or water quality.** The project is an approximately 7,100 square foot mixed use building with two ground floor commercial units, and two second floor residential units located within an urbanized area with sewer and water infrastructure to support the development. 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, traffic, air quality, or water quality impacts.
- E. **The site can be adequately served by all required utilities and public services.** The project site is located within an urban business 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 the Board makes the following findings relative to the Design Review approval:

- A. The proposed project design is consistent with the General Plan, Zoning Ordinance, and City of Alameda Design Review Manual. The proposed building height and site plan complies with General Plan policies and Zoning Ordinance requirements for building height, parking location, and providing a continuous street wall on Lincoln Avenue. The proposed design is consistent with the Webster Street Design Manual because the proposed new construction is compatible in design and use of materials with the surrounding neighborhood and the adjacent commercial building.
- B. The proposed project design is compatible with the adjacent or neighboring buildings and promotes harmonious transitions in scale and character with surrounding land uses. The project utilizes contemporary design features on a traditional commercial building type to complement the surrounding commercial buildings. The proposal incorporates zero setbacks on Lincoln Avenue along with recessed entries and large store front glazing consistent with the Webster Street Design Manual. The two story height of the building and separation from the adjacent residential properties promote a harmonious transition with the surrounding residential land uses. The continuous commercial street wall and ground floor retail design promote a harmonious transition with the surrounding commercial land uses. The site plan maximizes the amount of landscaped grounds, open space, and parking spaces on the site. Existing residential homes at the rear of the lot will also receive improvements that include ancillary bike storage, reconfigured parking, and additional open space areas. The overall project design is harmonious with the

neighborhood, and it complements the Webster Street Business District.

- C. The proposed design of the structures and exterior materials and landscaping are visually compatible with the surrounding development. Design elements have been incorporated to ensure the compatibility of the structures with the character and uses of adjacent development. Roof top and belt line sunscreens echo the horizontal elements of the roof cornices found on Webster Street. The design utilizes horizontal siding and smooth stucco to delineate the two stories consistent with the Webster Street Design Manual. Second-story double-hung windows are distinguished individually with wood trim, and large ground floor storefront glazing is enhanced with transom windows to tie the architectural character of the building with the adjacent commercial structures. The design also incorporates bay windows, recessed entries, and material changes to provide articulation and break up the massing of the building. Overall, the design and materials are compatible with the surrounding residential development and the Webster Street commercial district.
- D. Pursuant to Alameda Municipal Code (AMC) Section 30-4.9A(g)(8), a parking exception may be approved for new construction reducing the number of parking spaces to one less than the number specified in the parking schedule in Section 30-7.6 provided the following findings are made by the Planning Board:
 - a. The parking demand of the project will be reduced less than the requirements in Section 30-7.6 by 1) provision of bus transit passes to the residents and commercial businesses, 2) bicycle parking facilities, 3) proximity to bus transit on Webster Street and 4) creating space for on-street parking on Lincoln Avenue. These measures will adequately offset parking demand by one parking space.
 - b. The probable long-term occupancy of the building or structure based on its design, will not generate additional parking demand because the project is for an approximately 7,100 square foot building limited to two residential units and approximately 3324 square feet of commercial retail space.

BE IT FURTHER RESOLVED, that the Planning Board of the City of Alameda hereby approves Design Review PLN14-0517 subject to the following conditions:

COMMUNITY DEVELOPMENT DEPARTMENT

1. These conditions shall be printed on the first page of all building plans and improvement plans.
2. Building Permit Plans: The plans submitted for building permits shall be in substantial compliance with the plans prepared by Kwan Design Architects, dated July 6, 2016, and on file in the office of the City of Alameda Community Development Department, except as modified by the conditions below.
3. The Design Review approval for the 7,100 square foot two-story mixed-use building shall expire and become void unless substantial construction under valid permits has been commenced within two years after this approval. A one-time extension for

an additional two years may be granted by the Community Development Director upon written request.

4. 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 or Sunday.
5. The final building permit plans shall include the following for review and approval by the Community Development Director:
 - a. Transom window details for the upper portion of the retail display windows showing continuation of the horizontal mullion;
 - b. Final storefront, parapet, sunscreens, windows, and trim element details;
 - c. Final window details showing the residential windows and wood trim dimensions meet the dimensions and $\frac{3}{4}$ inch installation recess requirement set forth in the Design Review Manual, and the commercial windows meet a 2 inch installation recess.
 - d. Final Planting, landscaping and Irrigation Plans;
 - e. Final Lighting Plan including fixture details. All exterior lighting fixtures shall be low intensity, directed downward and shielded to minimize offsite glare;
 - f. Final bicycle parking plan consistent with AMC-7.15 Bicycle Parking Ordinance and the City's Bicycle Facility Design Standards. The applicant shall install "inverted U" style bike racks for the twelve short-term bicycle parking spaces, and bike enclosures/lockers for fifteen long-term bicycle parking spaces on the project site as outlined in the approved bicycle parking plan. The bike racks installed in the public right-of-way shall be subject to approval of the Public Works Department.
6. Waiting Room Preservation Measures: Prior to issuance of building permits, the Applicant shall coordinate with the Alameda Recreation and Parks Department to relocate the former Southern Pacific Railroad waiting room to Sweeney Park and remove elements not original to the structure. Should relocation to Sweeney Park be determined infeasible by the Recreation and Parks Director, the Applicant shall then make delivery of the waiting room available to any individual or party that would be interested in receiving the structure at a new location. The Applicant shall advertise and provide 90 days for interested parties to respond. Should no interested parties come forward to relocate the structure, the Applicant shall then incorporate plans to restore and repurpose said structure on site. The applicant shall record a deed restriction on the property identifying the structure as protected from demolition, alteration, or removal without approval from the Community Development Director. The final disposition of the structure shall be reported to the Planning Board.
7. Prior to issuance of building permits, the applicant shall submit the final building cornice design and details to the Planning Board for approval.
8. Signage: Any permanent signage is subject to a sign permit approval. All signage shall be consistent with the requirements of the Zoning Ordinance.

9. Transportation and Parking: Prior to issuance of a building permit, the applicant shall record a deed restriction on the property to require:
- a) Acquiring and distributing annually AC transit passes for use by project residents and/or business employees. Upon request by the City, the applicant shall provide evidence of the provisions of transit passes as required.
 - b) At least six of the spaces shall be designated for residential tenants of the property. Parking spaces may be unbundled and assigned to the residential units based on actual demand.

PUBLIC WORKS

Environmental Services

10. Trash, Recycle, and Organics Waste Room: Prior to submittal of building permits the applicant shall work with the Public Works Department and the Alameda County Industries (ACI) to right-size the trash, recycling, and organic waste room according to ACI service requirements for the building. No trash chutes are permitted without organics and recycling chutes.

Clean Water Program

Prior to issuance of grading or combination building/grading permit, or approval of the Civil Improvement Plans, whichever comes first:

11. Final Civil Improvement Plans sheets shall include appropriate details and cross-sectional drawings of: (a) the installation design of the pervious decomposed granite for the driveway and parking areas, and (b) the roof drains under the pavement discharging to planting area(s).
12. Final Landscaping Plans sheets shall include appropriate detail and cross-sectional drawings of: (a) the installation design of the pervious decomposed granite for the driveway and parking areas, and (b) the installation of energy dissipation and erosion/scour prevention methods at the point where the roof drains under the pavement discharge to the planting area(s).
13. Final Landscaping Plans shall be designed to minimize runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution. Consideration shall be given to pest-resistant landscaping and design features and the use of integrated pest management (IPM) and Bay Friendly Landscaping principles and techniques.
14. Prior to issuance of building permits or improvement plans, applicant/developer shall submit a complete Landscape Document Package, as defined by AMC Section 30-58.3(d), subject to the approval of the Community Development Director.

15. Landscape plans submitted with final building permits shall comply with the Standard Landscape Conditions of Approval, as defined by AMC Section 30-58.3(f), on file in the office of the City of Alameda Community Development Department.
16. The applicant/developer shall be responsible for ensuring that all contractors and sub-contractors install, implement and regularly maintain construction activity best management practices in conformance with the City's erosion, sediment and discharge-control standards in order to prevent any pollutants entering directly or indirectly the municipal public-right-way, municipal storm water system, and/or waters of the State. The Improvement Plans shall list the City's erosion and sediment control standards, and provide detail drawings and installation specifications that meet industry standards for erosion and sediment control effectiveness, such as those established by the California Stormwater Quality Association's Stormwater Best Management Practice Handbook – Construction (WWW.cabmphandbooks.com), for all required cleanup, testing, and City administrative costs resulting from consequence of construction materials entering the stormwater drainage system and/or waters of the State.
17. All fire sprinkler system test water discharges shall be plumbed so as to be directed to the sanitary sewer system or to appropriately-sized on site vegetated area(s).
18. Final Civil Improvement Plan design of all external enclosures for solid waste, recycling and organics shall be approved by the Public Works Department. 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 discharge to the storm drain system.

Prior to issuance of the initial, temporary or first occupancy permit, whichever comes first:

19. The applicant/developer shall submit for review and approval by Public Works Engineering and Stormwater LID Measures Operations and Maintenance (O&M) Plan that thoroughly describes the inspection, operations and maintenance requirements to preserve and maintain all of the stormwater quality design measures at the site, such as the previous decomposed granite parking areas and roof drains discharging to planting areas. This O&M Plan shall be consistent with the relevant items of the City of Alameda's Stormwater Measures O&M Plan Checklist. This O&M Plan shall include a signed written statement from the project/property owner of the intent to maintain the approved stormwater site design measures as designed and installed for the life of the newly developed project site.
20. The City of Alameda requires as a condition of this approval that the applicant, or its successors in interest, shall defend (with counsel reasonably 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 against the City of Alameda, Alameda City Planning Board and their

respective agents, officers or employees to attack, set aside, void or annul, any approval or related decision to this project. This indemnification shall include, but is not limited to, all damages, costs, expenses, attorney fees or expert witness fees arising out of or in connection with the 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.

21. All Time and Material charges for this application shall be paid in full prior to the issuance of building permits.

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.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 25th day of July, 2016, by the following vote to wit:

AYES: (5) Knox White, Burton, Köster, Curtis, and Sullivan

NOES: (0)

ABSENT: (2) Mitchell, and Zuppan

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-16-26

DECLARING A STATEMENT OF COMPLIANCE UNDER PERIODIC REVIEW FOR A DEVELOPMENT AGREEMENT FOR THE DEL MONTE PROJECT, FOR THE PERIOD FROM JANUARY 2015 THROUGH JANUARY 2016

WHEREAS, TL Partners I, LP has initiated a Periodic Review of a Development Agreement with the City of Alameda, as required under Zoning Ordinance Section 30-95.1; and

WHEREAS, the Board held a public hearing on this request on May 23, 2016, and examined pertinent documents; and

WHEREAS, the Board finds that TL Partners I, LP has complied with the terms and conditions of the Development Agreement for the Del Monte Project, for the period from January 2015, through December 2015, as summarized in the Annual Report Letter submitted by TL Partners I, LP dated March 30, 2016, and has demonstrated a continuing good faith effort to implement the terms and conditions as set forth in said Development Agreement.

WHEREAS, the Annual Review and reporting is exempt from the California Environmental Quality Act.

THEREFORE BE IT RESOLVED that the Planning Board of the City of Alameda hereby declares that TL Partners I, LP has demonstrated good faith compliance with the terms and conditions of the Del Monte Development Agreement.

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 or decision on any appeal plus extensions authorized by California Code of Civil Procedure Section 1094.6.

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 and Building Department a written notice of appeal stating the basis of appeal and paying the required fees.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 13th day of June, 2016, by the following vote to wit:

AYES: (5) Knox White, Burton, Köster, Curtis, and Sullivan

NOES: (0)

ABSENT: (2) Mitchell and Zuppan

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-16-27

APPROVING STREET NAMES FOR SIDE STREETS WITHIN SITE A AT ALAMEDA POINT

WHEREAS, in 2007 the City Council adopted the Policy for Naming City Property, Facilities and Streets, which combined the separate Street Naming Policy and Facilities Naming Policy in effect at the time; and

WHEREAS, pursuant to the City Council Policy for Naming City Property, the City of Alameda Historical Advisory Board has maintained a list of approved names for use on new city streets in Alameda,

WHEREAS, Alameda Point Partners have identified eight names on the list of approved names that are appropriate for use on new side streets at the former Naval Air Station; and

WHEREAS, all eight names relate to the history of the property as an important Naval Air Station; and

WHEREAS, the Planning Board held public hearing on September 26, 2016, to consider the street renaming request, at which time all materials submitted and all comments made by all parties regarding this request were considered.

NOW, THEREFORE BE IT RESOLVED, on April 25, 2016 the Planning Board considered the request, all public testimony, and all pertinent documents and reports and made the following findings concerning the request:

1. The proposed names at Site A comply with eligibility criteria and requirements in the Council-adopted Street Naming Policy.
2. The proposed names are appropriate for new streets at the former Naval Air Station.

BE IT FURTHER RESOLVED, the Planning Board finds this project exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b), as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby approves the proposed eight names for Site A at Alameda Point shown in Exhibit 1 with the addition of Trade Wind Avenue, Golden Hawks Way and Arden Street.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 26th day of September, 2016, by the following vote to wit:

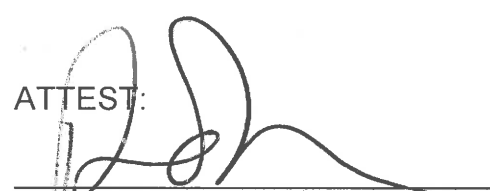
AYES: (6) Knox White, Curtis, Köster, Mitchell, Sullivan, and Zuppan

NOES: (0)

ABSENT: (0)

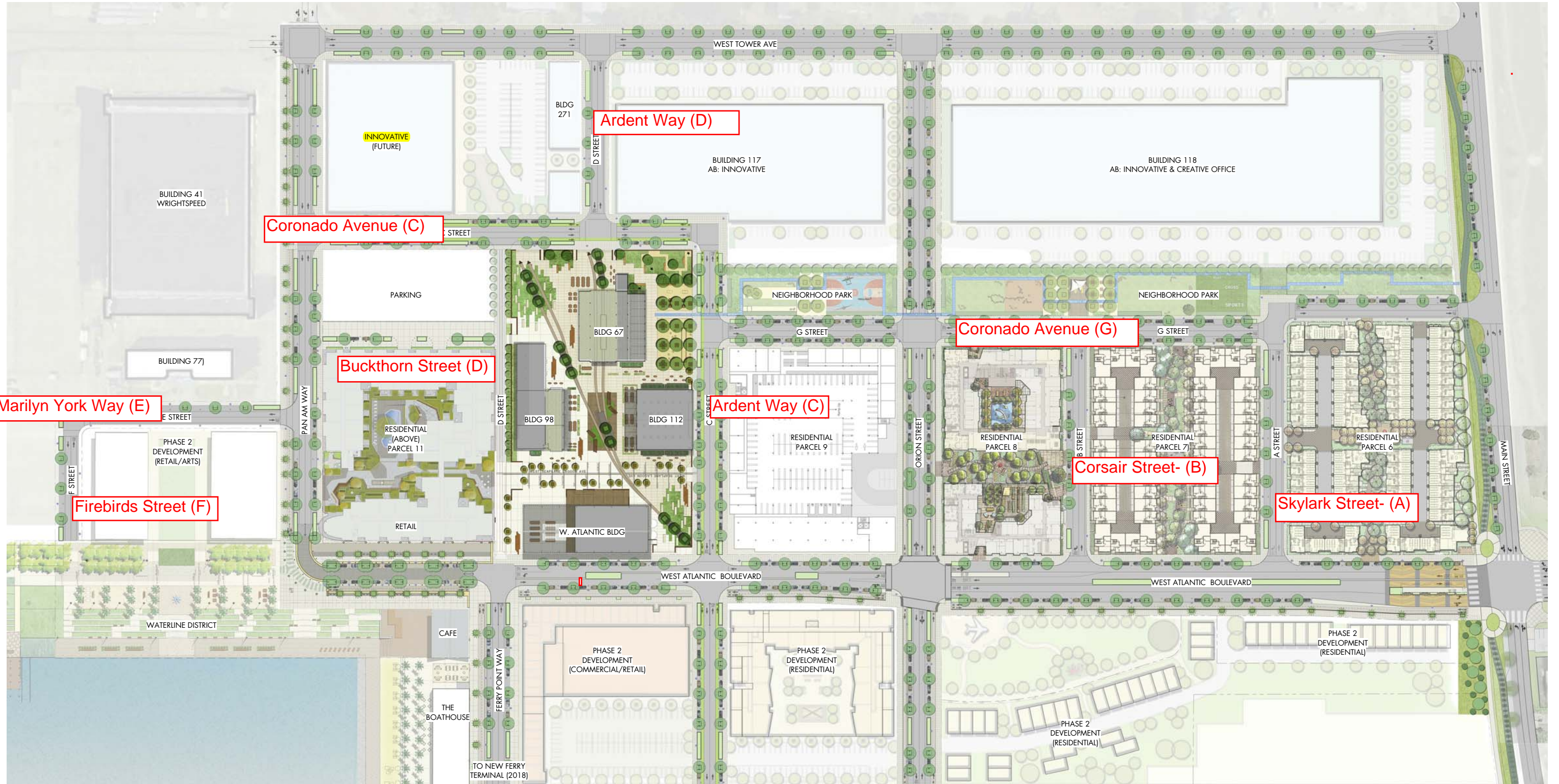
ABSTENTION: (1) Burton

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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ALAMEDA POINT BLOCK 10

SITE A - DISTRICT PLAN

CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-16-28

APPROVING FINAL DESIGN DETAILS FOR THE PHASE 1 WATERFRONT PARK
WITHIN THE SITE A DEVELOPMENT PLAN IN THE WATERFRONT TOWN CENTER
PLAN AREA AT ALAMEDA POINT

WHEREAS, the proposed plan for Phase 1 of the waterfront park consists of 2.63-acre waterfront park along the northern edge of the Seaplane Lagoon, including expensive shoreline and flood protection improvements (Phase 1 Waterfront Park); and

WHEREAS, the Phase 1 Waterfront Park represents the first phase of a larger 7.2-acre waterfront park along the northern edge of the Seaplane Lagoon and is designed to meet the community's design objectives established by the Alameda community through the Community Reuse Plan, the General Plan, the Town Center Plan, the Site A Development Plan, and the cultural landscape guidelines for the Naval Air Station Alameda Historic District (Historic District);

WHEREAS, the Phase 1 Waterfront Park is designated as Mixed Use in the General Plan; and

WHEREAS, the Phase 1 Waterfront Park is located within the Alameda Point Waterfront Town Center Sub-district (WTC Sub-district); which is in the Alameda Point District [Alameda Municipal Code (AMC) 30-4.24] of the Zoning Ordinance and

WHEREAS, the Town Center Plan is a Specific Plan pursuant to Government Code Section 65450 et seq. for a transit-oriented development of the waterfront lands that surround the Seaplane Lagoon and the property at the entrance of Alameda Point between Main Street and Seaplane Lagoon;

WHEREAS, the Phase 1 Waterfront Park is located within the Site A Development plan approved by the City Council on June 16, 2015;

WHEREAS, the Town Center Plan and the Site A Development Plan requires that the Planning Board approve a Design Review application prior to redevelopment and reuse of the Phase 1 Waterfront Park;

WHEREAS, the Planning Board held a public hearing on March 14, 2016 and approved the Planning Board Resolution Design Review application for the park; and

WHEREAS, Planning Board Resolution PB-16-06 required that the final materials, lighting, seating, and landscape details be brought back for final Planning Board review and approval;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds that;

- 1. The proposed design is consistent with the General Plan, Zoning Ordinance,**

Town Center Plan, approved Site A Development Plan, and the City of Alameda Design Review Manual. The proposed design of a waterfront park along the northern edge of the Seaplane Lagoon at the heart of the commercial center and at the terminus of a major transit corridor within Alameda Point's "town center" creates a community-wide amenity for existing and future residents and employees at Alameda Point and throughout the City of Alameda, and supports a transit-and pedestrian-oriented mixed-use living environment consistent with the General Plan, Zoning Ordinance, Town Center Plan and Site A Development Plan.

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 proposed design of the Phase 1 Waterfront Park is compatible with the adjacent Seaplane Lagoon; the future phases of Waterfront Park contemplated in the Site A Development Plan and the Town Center Plan; the "shared plaza" in front of Block 11 and the proposed development on Block 11. The urban character and hardscape promenade proposed for the design of the Phase 1 Waterfront Park and the adjacent shared waterfront street to the east provide a transition between the urban fabric of Block 11 and the rest of Alameda Point to the east and the more natural and passive environment planned for the future phases of waterfront park along the Seaplane Lagoon to the west.
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 design of the Phase 1 Waterfront Park is compatible with the existing buildings and cultural landscape within the Historic District and the adjacent Site A development. The design of the Phase 1 Waterfront Park pays homage and respect to the historic cultural landscape elements of the former NAS Alameda by engraving a timeline along the major east west gathering area into the concrete to remind and educate the public about the history of the site and the Historic District, and by minimizing tree plantings and planted areas to preserve the flat, "openness" of the historic taxiways consistent with the Historic District guidelines. The Phase 1 Waterfront Park will provide a landscape transition between the Historic District to the west and the non-historic portions of Alameda Point and Site A to the east.

While the Phase 1 Waterfront Park design addresses flood protection and sea-level rise, it also maintains the "horizontal" of the space and minimizes the use of walls in order to respect the cultural landscape guidelines for the Historic District. Additionally, the sea level rise strategy is designed around a series of short terraces spread over a larger space to minimize the impression of changes in elevation. This approach also allows for the preservation of the existing bulkhead, which is a character defining feature of the Historic District.

BE IT FURTHER RESOLVED that the Planning Board finds that the Alameda Point Project, including the Town Center Plan containing Site A, was adequately considered by

the Alameda Point FEIR and pursuant to the streamlining provisions of Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183, no further environmental review of the design review application is required;

BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby approves Exhibit A, subject to the following conditions:

1. Planning Board Resolution PB-16-06. The plans submitted for Building and Site Improvement Permits shall be in substantial compliance with the plans prepared by April Philips Design Works dated February 22, 2016, on file in the office of the City of Alameda Community Development Department, Exhibit A approved by the Planning Board on September 26, 2016, and the Conditions of Approval of Planning Board Resolution PB-16-06.
2. Furniture, Trash Can, and Pavilion Design The final design for all on site furniture, bicycle racks, waterfront and tree lighting, and trash cans and the proposed Pavilion shall be subject to review and approval of the Planning Board prior to issuance of building permits. The final design drawings for Planning Board review shall also include an update on the final Palm Tree selection and any additional information considered by the design team.
3. Lighting All park LED lighting shall be warm lighting no greater than 3,000 k.
4. Railing The waterfront railing shall include the Option 1 vertical posts with cables and Option 2 railing cap.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 26th day of September, 2016, by the following vote to wit:

AYES: (6) Knox White, Curtis, Köster, Mitchell, Sullivan, and Zuppan

NOES: (0)

ABSENT: (0)

ABSTENTION: (1) Burton

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-16-29

APPROVING DEVELOPMENT PLAN, DESIGN REVIEW AND MASTER USE PERMIT (PLN 16-0468) FOR BUILDING 8 ON ALAMEDA POINT LOCATED AT 2350 SARATOGA STREET

WHEREAS, an application was made on September 1, 2016 by Alameda Point Redevelopers, LLC for development plan, design review and master use permit approval for an approximately 270,000 square foot existing historic building on an approximately 4.07 acre site located at 2350 Saratoga Street in the Naval Air Station Alameda (NAS Alameda) Historic District within Alameda Point; and

WHEREAS, the proposed Building 8 plan consists of approximately 274,234 square feet of commercial and work/live space; and

WHEREAS, the project site is designated as Alameda Point Civic Core in the General Plan; and

WHEREAS, Building 8 is located within the Alameda Point Adaptive Reuse Sub-district (AR Sub-district); which is in the Alameda Point District [Alameda Municipal Code (AMC) 30-4.24] of the Zoning Ordinance; and

WHEREAS, the Alameda Point General Plan Amendment and Zoning regulations require that the Planning Board approve a Development Plan and Design Review application prior to the restoration and reuse of Building 8; and

WHEREAS, the Historical Advisory Board held a public hearing on October 6, 2016 to review the plans for Building 8, and approved a Certificate of Approval for the restoration and reuse of Building 8; and

WHEREAS, the Planning Board held a public hearing on October 24, 2016 to review the plans for Building 8, and examined pertinent maps, drawings, and documents;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds that the following findings can be made in support of the Design Review, Development Plan, and Use Permit approval:

DEVELOPMENT PLAN FINDINGS:

- A. The development is an effective use of the site. The Development Plan provides for adaptive reuse, reinvestment in, and preservation of a historic resource in the nationally listed NAS Historic District. The proposal also effectively replaces jobs lost from Alameda and the Naval Air Station when the Department of Defense decided to close the former Naval Air Station.

- B. The proposed use relates favorably to the General Plan. The proposed development supports General Plan policies for the redevelopment and reuse of Alameda Point and re-investment in the NAS Historic District. The proposed use also supports General Plan policies to support economic development and employment opportunities at Alameda Point.
- C. 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 development plan is designed to be compatible with adjacent uses by providing attractive public improvements, and ample pedestrian, transit, and bicycle facilities. Conditions of approval ensure that no significant off-site hazards or environmental hazards will effect occupants of the building or surrounding buildings.
- D. 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 rehabilitation and reuse of the building is compatible with adjacent light manufacturing and commercial uses proposed for Building 91, Building 9 and the adjacent Civic Core buildings.
- E. The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities. Building 8 is located within a planned transit oriented, pedestrian friendly mixed use neighborhood, within a 15 minute walk from a new regional ferry terminal and a 20 minute walk from an existing regional ferry terminal. All development within Alameda Point includes a robust and aggressive TDM Compliance Strategy with a wide variety of transportation services and facilities, including the provision of transit services and other transportation services and programs. Approved developments at the nearby Site A are providing transit service at a frequency in the peak hours (i.e., 15-minute vs. 30-minute) that exceed the requirements of the Alameda Point TDM Plan. The project conforms to AMC Section 30-4.24(g), which establishes the maximum number of parking spaces permitted by land use.

DESIGN REVIEW FINDINGS:

- A. The proposed design is consistent with the General Plan, Zoning Ordinance and the City of Alameda Design Review Manual. The proposed rehabilitation and reuse of the Building 8 is consistent with the Alameda Point General Plan Element and Alameda Point Zoning goals and consistent with the Secretary of Interior Standards for the Rehabilitation of Historic Structures.
- B. 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 rehabilitation of the building is consistent with the historic character of the NAS Historic District and the proposed commercial uses are consistent with the historic use of the building and the surrounding buildings for manufacturing, warehousing and office uses by the US Navy.

- C. 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 rehabilitation of the existing building and landscaping has been specifically designed to be compatible with the existing building, the existing historic character of the NAS Historic District and the adjacent non-residential uses. Reuse of existing buildings and preservation of existing cultural landscape features and materials will work to create a unique and interesting mixed use environment and public spaces. The restored building is positioned to create a continuous street-facing frontage along Saratoga Street and West Ranger Avenue.

USE PERMIT FINDINGS:

- A. 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 Work/Live and commercial uses of Building 8, the proposed extended hours of operation and the outdoor seating and activities is compatible with the mixed use urban environment that is envisioned in the Alameda Point General Plan Element and the Alameda Point zoning for the subject site. The outdoor patios have been designed to provide delineation between their boundaries and on-site parking, Emergency Vehicle Access (EVA) and pedestrian walkways. The project site is not located near any sensitive land uses that could be adversely impacted by the outdoor use or extended hours of operation.
- B. The proposed use will be served by adequate transportation and service facilities, including pedestrian, bicycle and transit facilities. Building 8 is located within a planned transit oriented, pedestrian friendly mixed use neighborhood, within a 15 minute walk from a new regional ferry terminal and a 20-minute walk from an existing regional ferry terminal. All development within Alameda Point includes a robust and aggressive TDM Compliance Strategy with a wide variety of transportation services and facilities, including the provision of transit services and other transportation services and programs. Approved developments at the nearby Site A are providing transit service at a frequency in the peak hours (i.e., 15-minute vs. 30-minute) that exceed the requirements of the Alameda Point TDM Plan. The project conforms to AMC Section 30-4.24(g), which establishes the maximum number of parking spaces permitted by land use.
- C. 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 proposed uses, outdoor seating, and extended hours will benefit Alameda Point and contribute to the public's enjoyment of the nearby waterfront parks and activities and complement the adjacent residential uses to create a mixed use, walkable community. The project will become the first adaptive reuse project within the NAS Alameda Historic District to provide significant improvements to a contributing structure within the district. The improvements will modernize the building to facilitate immediate tenancy.

- D. The proposed use relates favorably to the General Plan. The proposed development supports General Plan policies for the redevelopment and reuse of Alameda Point and re-investment in the NAS Historic District. The proposed use also supports General Plan policies to support economic development and employment opportunities at Alameda Point.

WORK/LIVE ORDINANCE FINDINGS:

- A. The proposed use of each work/live studio is a bona fide commercial or industrial activity consistent with Section 30-15.5d. Building 8 is designed to support a variety of light industrial, commercial and Work/Live users. The project is designed to create a hub for creative entrepreneurs, makers and builders. The project conditions of approval require the applicant to enter into a separate sales contract or lease agreement for each individual Work/Live occupant that requires compliance with all provisions of the City's Work/Live Ordinance as well as all the conditions of approval for the Use Permit for Building 8. Moreover, the applicant and any subsequent owner of each work/live studio will be required to record a notice on the property specifying the limitations of use and operation included in the use permit. These limitations include a requirement that at least one occupant of each work/live studio shall maintain a current City of Alameda business license for a bona fide commercial or industrial activity in that studio. The annual license renewal process will provide an opportunity for the City to verify the existence of such commercial or industrial activity.
- B. The establishment of work/live studios will not conflict with nor inhibit industrial or commercial uses in the area. The applicant will provide written notice to all work/live occupants and users that the building and the surrounding area may be subject to levels of noise, odors, and other effects that are associated with commercial and industrial uses. At the same time, no work activity shall be permitted nor shall any work/live studio be established on the site that contains potentially harmful uses. The separate sales contract or lease agreement for each individual Work/Live occupant will specifically prohibit the following uses including, but not limited to: auto service/repair, vehicle sales or leasing, car washes, service stations, bars/lounges/night clubs, adult businesses, marine engine repair/refueling facilities, animal kennels/grooming/pet shops, liquor stores, veterinary offices/hospitals, funeral parlors/mortuaries, outdoor storage as a primary use, crematories/columbaria, dismantling facilities/scrap yards, public utility structures and facilities, tire sales/service, and truck stops/repair.
- C. The building containing work/live studios and each work/live studio within the building has been designed to ensure that they will function predominantly as work spaces with incidental residential accommodations meeting basic habitability requirements in compliance with applicable regulations. The building is being designed from the outset to ensure that the entire building will function as a hub for creative commercial, office, and industrial activity and each work/live studio within it will function predominantly as a work space with incidental residential accommodations meeting basic habitability requirements in compliance with applicable regulations. The Work/Live units will be designed such that the living area does not exceed 30% of total unit area or 400 square feet whichever is greater. Except for spaces designated for sleeping, areas intended as living space will be

an integral part of each studio and not separated from the work space. The project conditions of approval will require the applicant to enter into a separate sales contract or lease agreement for each individual Work/Live occupant that requires compliance with this and all other provisions of the City's Work/Live Ordinance.

- D. The changes proposed to the exterior appearance of the building will be compatible with adjacent commercial or industrial uses where all adjacent land is zoned for commercial or industrial uses. If there is adjacent residentially-zoned land, then the proposed changes to the building shall make the commercial or industrial building being converted more compatible with the adjacent residential area. The proposed changes to the exterior of the building are all designed to be sensitive to the historic architectural and historic use character of the area.

BE IT FURTHER RESOLVED that the Planning Board finds that the Alameda Point Project, including the restoration of Building 8, was adequately considered by FEIR, and that by Resolution No. 14891 the City Council of the City of Alameda certified the Final Alameda Point Environmental Impact Report (FEIR) (State Clearinghouse No. 201312043) under the California Environmental Quality Act ("CEQA"), California Public Resources Code Section 21000 *et seq.* and adopted written findings and a Mitigation Monitoring and Reporting Program ("MMRP") on February 4, 2014, for the Alameda Point Project, including Building 8; and based on substantial evidence, that no further review under CEQA is required.

BE IT FURTHER RESOLVED, that pursuant to the streamlining provisions of Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183, no further environmental review of the design review application is required;

BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby approves Development Plan, Design Review and Use Permit PLN 16-0468, subject to the following conditions:

1. Building and Site Improvement Permit Plans: The plans submitted for Building and Site Improvement Permits shall be in substantial compliance with the plans prepared by Mikiten Architects dated September 27, 2016, on file in the office of the City of Alameda Community Development Department.
2. Uses Permitted. All use of the building, spaces within the building, and site shall be consistent with the uses permitted within the Alameda Point Adaptive Reuse Zoning District, the use limitations of the following conditions of approval. Consistent with the Lease Agreement between the City of Alameda and the Alameda Point Partners for the use of the property, no more than 5% of the total area of the premises may be use for retail uses. Ancillary retail uses shall not be counted against the 5% cap.
3. Work Live Standards: The plans submitted for Building Permit shall comply with the following Work/Live Ordinance standards:

- a. *Maximum Number of Units*. A maximum of 75 work live units may be permitted in the

building on the 151,153 square feet of land area provided by the existing parcel. Upon acquisition of the additional 26,169 square foot parcel shown on Page T-101, the number of units may be increased to 88 work live units.

- b. *Minimum Floor Area.* Each work/live studio shall include at least one thousand (1,000) square feet of gross floor area. Work/live studios shall be designed to accommodate commercial or industrial uses as evidenced by the provision of ventilation, interior storage, flooring, and other physical improvements of the type commonly found in exclusively commercial or industrial facilities. Not more than thirty (30%) percent or four hundred (400) square feet, whichever is greater, of the work/live studio shall be reserved for living space as defined in Section 30-15.3. Areas within a work/live studio that are designated as living space shall be an integral part of the work/live studio and not separated from the work space, except that mezzanines and lofts may be used as living space subject to compliance with other provisions of this Article. The rest of the gross floor area of each work/live studio shall be reserved and regularly used for working space.
 - c. *Separation Required.* Each work/live studio shall be separated from other work/live studios or other uses in the building. Access to each work/live studio shall be provided from common access areas, common halls or corridors, or directly from the exterior of the building.
 - d. *Change of Use* No work/live studio shall be changed to exclusively residential use in any building where residential use, nor shall any work/live studio be changed to increase the floor area devoted to residential use to more than four hundred (400) square feet or thirty (30%) percent of the gross floor area of the unit whichever is more. No portion of a work/live studio may be separately rented or sold as a commercial space for a person or persons not living in the premises or as a residential space for a person or persons not working in the same studio.
4. *Business License and Work Live Permit Required.* At least one (1) occupant of each work/live studio shall maintain a current City of Alameda business license for a business located in that studio. Prior to application for a Business License, each tenant or owner of an individual work/live studio must obtain a work/live permit prior to occupancy from the Planning Director based on a determination that the proposed occupancy is consistent with the approved use permit and all applicable requirements of this section. The work activity in each unit shall be consistent with the uses permitted by right or use permit in the zoning district, except that, in order to protect the health and safety of persons who reside in a work/live studio, no work activity shall be permitted nor shall any work/live studio be established that contains those uses which the Planning Director when considering a work/live permit or the Planning Board when considering a use permit, finds would, by virtue of size, intensity, number of employees or the nature of the operation, have the potential to create significant impacts by reason of dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration or other impacts, or would be hazardous by way of materials, process, product or wastes including, but not limited to: auto service/repair, vehicle sales or leasing, car washes, service stations, bars/lounges/night clubs, adult businesses, marine engine repair/refueling facilities, animal kennels/grooming/pet shops, liquor stores, veterinary offices/hospitals, funeral parlors/mortuaries, outdoor storage as a primary use, crematories/columbaria, dismantling facilities/scrap yards, public utility structures and facilities, tire sales/service,

truck stops/repair. Uses allowed under the foregoing paragraph that may, depending on how they are operated, also have the potential to generate impacts or would constitute a change in occupancy under the building code shall not be approved. No use shall be approved where, given the design or proposed design of the work/live studio, there would be the potential for adverse health impacts from the proposed use on the people residing in the studio. Retail activities must be accessory and subordinate to any permitted commercial or industrial work activity in buildings used exclusively for work/live studios. On-premises sales of goods is limited to those produced within the work/live studio. Retail sales of goods produced within the work/live studio shall be incidental to the primary work use in any building used exclusively for work/live occupancy. These provisions shall permit participation in occasional open studio programs and gallery shows

5. Hours of Operation and Outdoor Uses: Hours of operation shall be limited to the hours between the hours of 6:00 AM to 10:00 PM Monday through Thursday, 6:00 AM to 12:00 AM Friday and 7:00 AM to 12:00 AM Saturday and 7:00 AM to 11:00 PM Sunday. The outdoor areas may be used for outdoor seating and dining, temporary commercial events, and related activities. Outdoor amplified music and similar noise generating uses must be limited to 10 PM. The food and beverage manufacturing, other manufacturing and similar uses may operate 24 hours per day, but customer visits shall be limited to the approved hours of operation.
6. Notice to Occupants Required. The owner or developer shall provide written notice to all work/live renters and owners that the surrounding area may be subject to levels of noise, dust, fumes, or other effects associated with commercial and industrial uses at higher levels than would be expected in residential areas. State and Federal health regulations notwithstanding, noise and other standards shall be those applicable to commercial or industrial properties in the district where the project is located. For purposes of noise control, work/live studios shall be classified as commercial property under Table II in Section 4-10.4 of the Alameda Municipal Code.
7. Deed Restriction Required. The applicant shall record a notice on the property specifying the limitations of use and operation included in the use permit.
8. Nonresident Employees. Up to two (2) persons who do not reside in the work/live studio may work in the studio unless such employment is expressly prohibited or limited by the use permit because of potential detrimental effects on persons living or working in the building or on commercial or industrial uses or residentially-zoned areas in the vicinity of the subject property.
9. Sustainable Design: Prior to issuance of a building permit, the applicant shall submit a checklist showing that the project meets either: a minimum LEED™ Certified rating and be so certified by the US Green Building Council or a minimum GreenPoint Rated score of fifty (50) and be so verified by Build It Green. The final design plans shall include plans for green roofs for a portion of the building consistent with Exhibit A and rain water collection and reuse.
10. 401 Conditions, including Rainwater Harvesting System: The building plans shall comply

with all of the applicable conditions of the Conditional 401 Water Quality Certification for Alameda Point Stormwater Outfall Upgrades Project in the City of Alameda (Corps File No. 2014-00087S) (401 Certification Conditions) issued by the Water Board, including provision of an on-site rain harvesting system.

11. On-Site Parking Management: All onsite parking shall be shared among the users and visitors to the site. The applicant and/or property owner may lease individual on-site space to individual occupants of commercial or work live space within, but the parking spaces must be leased separately on a month to month basis from the rental of the interior space. Parking spaces shall be offered only to residents and tenants served by the off-street parking, except that any surplus space may be rented out to non-residents or non-tenants with the provision that such spaces must be vacated on 30-day notice if they become needed by tenants or residents.
12. Bicycle Parking: Final bicycle parking plan shall be consistent with AMC-30.7.15 Bicycle Parking. The facility, location, and type shall be approved by the Community Development Department prior to approval of the improvements plans or building permit, whichever comes first. The Community Development Department shall inspect the location, type, and number of facilities to ensure they are in accordance with the approved plans prior to acceptance of the work or issuance of any occupancy permit, including temporary occupancy permit, whichever comes first.
13. Transportation Demand Management Program: Prior to issuance of the first Occupancy Permit, the applicant shall complete an Alameda Point Transportation Demand Management Program Compliance Checklist which shall at minimum commit the project and the project occupants to:
 - a. An annual TDM fee of \$148,500 (\$0.55 per square foot) to be used by the Alameda Point TMA for transportation services for Alameda Point.
 - b. An annual transportation survey of project occupants to be provided to the Alameda Point TMA for planning purposes.
14. Public Art: Prior to issuance of the 50th Work Live License/Permit, the applicant shall complete a Public Art proposal to the Public Art Commission and have the approved Public Art installed on the site, in compliance with the public art requirements of the Alameda Municipal Code (AMC) Section 30-65.
15. Affordable Housing Fee: The applicant shall pay an Affordable Housing Fee or provide affordable housing units on-site or off-site per AMC Section 27-1.
16. Public Open Space Maintenance: The applicant shall be responsible for the maintenance and safety of all public access areas.
17. Architectural Design Details: Minor changes to the design may be approved by the Community Development Director during the building permit process provided that the Director is able to find that the proposed changes to the buildings are consistent in character and quality to the design review plans approved by the Planning Board and Historical Advisory Board attached as Attachment A to this resolution. The Community Development Director shall work with the project applicant to:

- a. Reduce the apparent height and visibility of the roof top pavilion.
 - b. Identify an appropriate design and location for trash enclosure that is compatible with the adjacent public rights of way and building access points.
 - c. Identify an appropriate door design for the second story balconies that will maintain the horizontal architectural band below the horizontal band of windows.
 - d. Ensure that the proposed new windows on all elevations shall be substantially compliant with the building elevations on Sheet A-202 and A-220 of the project plans submitted by Mikiten Architecture on September 27, 2016.
18. Paint Palette: The applicant shall paint the building exterior in a color that is the same or similar to the existing exterior paint color. Prior to any painting of the building exterior, the paint colors shall be approved by the Community Development Director.
19. Signs. Prior to erection of any signs, the project applicant shall submit a Building 8 Sign Program for Community Development Director review and approval. The Sign Program shall specify allowable sign sizes, materials, and finishes and shall be determined to be consistent with the historic character of the building and surrounding District. .
20. CEQA: Prior to issuance of a Building or Site Improvement Permit, the applicant shall submit a Mitigation Measure Compliance Checklist confirming compliance with all required environmental mitigation measures 4-C-1, 4.D-2, 4.D-3, 4.D-4, 4.E-1f, 4.E-1g, 4.E-4b, 4.E-4c, 4.E-4f, 4.F-1a, 4.F-1b, 4.F-1c, 4.F-1d, 4.F-2, 4.F-7b, 4.G-1a, 4.G-1b, 4.G-1c, 4.G-1d, 4.G-4, 4.H-1, 4.H-2, 4.H-4, 4.H-5, 4.I-1, 4.I-2, 4.I-8, 4.J-1a, 4.J-1b, 4.J-1c, 4.J-1d, 4.J-2, 4.J-7, 4.K-4, 4.M-5 contained in the MMRP adopted by the Alameda City Council on February 4, 2014, for the redevelopment and reuse of Alameda Point, including Building 8.
21. West Ranger Avenue Frontage. The applicant shall construct the West Ranger frontage public improvements along the length of the northern property line and to the centerline of the street within the public right of way adjacent to the 26,169 square foot property between the existing parcel and West Ranger Avenue. The public improvements shall be designed to ensure a safe interface between pedestrians on West Ranger and the truck loading on the north side of the building.
22. Infrastructure Improvement Plans and Subdivision Maps: Prior to issuance of building permits for new construction, the applicant shall submit infrastructure improvement plans for on and off-site improvements for review and approval by the Public Works Department and the Community Development Department. Such infrastructure plans shall be consistent with this resolution, the Development Plan, and subject to the requirements of the AMC, and Alameda Point Master Infrastructure Plan (MIP). Such maps and infrastructure improvement plans shall include a phased infrastructure construction plan for all off-site infrastructure, including the dimensions, cross-sections, and -configuration of all public rights of way, including the improvements to West Ranger Avenue, ADA ramps at all intersections and associated ADA improvements, and public open space, and include the proposed site grading, drainage improvements and utility and construction phasing.

23. Easements The applicant/developer shall grant the City of Alameda:

- a) An EVA easement wherever the Fire Rescue Vehicle access route crosses over private property. Any new streets and sidewalks within the access route shall be designed to support Fire Rescue Vehicle loads and accommodate truck turning radii.
- b) An ingress/egress easement for the purpose of waste collection wherever the collection vehicle access route crosses over private property. Collection vehicle access shall not be restricted by bollards or gates. All streets and sidewalks within the access route shall be designed to support collection vehicle loads and accommodate truck turning radii, truck grabber arm clearance, and curbside cart placement.
- c) An easement for existing common utilities throughout the parcel to the City upon the sale of property.

24. Maintenance: Maintenance of improvements not within the public ROW, including all Emergency Vehicle Access (EVA) lanes shall be the responsibility of the new development.

25. Future Landscaping Deed Restriction: The applicant/developer shall record against the property a deed restriction that requires the owner of the property at the time of future public improvements according to the Alameda Point MIP, which includes the removal of the existing underground high voltage wire along the property line adjacent to Saratoga Street. The proposed landscape design shall require approval by the Community Development Director.

26. Vesting: The Use Permit approval shall expire two (2) years after the date of approval or by **October 24, 2018** unless authorized construction or use of the property has commenced. The applicant may apply for a time extension, not to exceed two (2) years. An extension request will be subject to approval by the Zoning Administrator and must be filed prior to the date of expiration.

27. Modifications: Project design details requested by the applicant may be established, modified, and approved by the Community Development Director. Engineering standards and specifications requested by the applicant may be established, modified and approved by the Public Works Director, or his 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.

28. Alcohol Beverage Control (ABC) License: Any application for an ABC License Type 48 shall require the approval of a separate conditional use permit, subject to the guidelines of AMC Section 30-21, prior to the issuance of such ABC Licenses.

24. Universal Design: All Work/Live units shall include the following universal design elements:

- Accessible route of travel from a public sidewalk to the unit's primary entrance. Accessible route of travel from garage/parking to the unit's primary

entrance.

- Minimum 32" clear primary entry doorway and a "no step entry" (1/2" or less threshold) with dual peephole and doorbell.
- All exterior/interior doors shall meet Chapter 11a. Code-required maneuvering clearances, hardware, thresholds, and strike side clearances.
- An accessible route of travel with a minimum 42" wide hallway to all bedrooms, living room, kitchen, and bathrooms.
- Light switches, electrical receptacles, and environmental controls at accessible heights on the primary accessible floor.
- Rocker light switches throughout unit.
- Minimum required work/floor clearance of 30"x48" in front of stove, refrigerator, dishwasher, sink, and oven.
- Accessible countertops with a 30" wide workspace and/or one or more 15" breadboards installed between 28 and 32" high.
- Under-cabinet lighting.
- At least one full bathroom on accessible route of travel.
- Standard bathtub and toilet with grab bar reinforcement.
- Bathroom with removable base cabinets meeting the Chapter 11A requirements for removable base cabinets in kitchens.
- A full length mirror, an accessible medicine cabinet, a mirror over the vanity that is at an accessible height, lower towel racks and robe hooks, and accessible toilet tissue holder.
- If a work unit has a secondary entry door, that door shall provide a minimum of 32 inches clear width, dual peepholes, a doorbell, and entry door bench/package shelf.
- Units with balconies will include no-step transition onto/from the balcony, and proper maneuvering clearances, hardware, and strike edge clearances on the balcony.

29. Other Agency Approvals: Prior to issuance of building permit(s) for work within jurisdictional lands, the applicant shall provide evidence that all required approvals, permits, or waivers from Regional Water Quality Control Board (Water Board), , and/or the Army Corp. of Engineers, if any, have been obtained. The final improvement plans shall incorporate all other agency requirements.

Biological

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30. Biological Regulations: Applicant shall notify all future property owners or occupants of the Declaration of Restrictions for the Former Naval Air Station Alameda (Declaration) consistent with the Biological Opinion issued by the U.S. Department of Fish and Wildlife Service (Service) and thereafter the Declaration shall be incorporated by reference in all deeds and leases of any portion of the Building 8.
31. Feral Cat Feeding Stations. Feral cat feeding stations and colonies, and the feeding of any native and non-native wildlife species that are potential predators of least terns is prohibited in perpetuity and thereafter this prohibition shall be incorporated in all deeds and leases of any portion of the Building 8.
32. Fireworks Displays. Fireworks displays will not be authorized from April 1 to August 15 and thereafter this prohibition shall be incorporated in all deeds and leases of any portion of the Block 10.
33. Lighting: Pedestrian and vehicular lighting at project driveways shall meet Alameda Municipal Power standards for crosswalks, sidewalks, and intersections and be consistent with the Alameda Point MIP, the Declaration and Alameda Point Lighting Mitigation Measures.
34. Service Review of Storm Water Plans. All storm water management and monitoring plans for Building 8 shall be developed in coordination with the Service and implemented in perpetuity to protect open water foraging areas for the endangered California Least Tern. The plans shall be reviewed and approved by the Service prior to development of the project.

Improvement Plans

35. Landscape Plans: The improvement plans shall include landscape and irrigation plans for both on-site and off-site improvements consistent with the MIP. The plans shall be prepared, signed, and stamped by a licensed landscape architect and civil engineer and shall be in accordance with the AMC and other regional jurisdictional requirements. The landscape architect shall also assume responsibility for review of the work and shall provide a Letter of Acceptance of construction conformance to the City, prior to acceptance of the work, that the installation of landscaping and irrigation was constructed in accordance with the approved plans.
36. Fire Water: The improvement plans for the project site shall include a Fire Water System consistent with the MIP. The system shall be designed to the satisfaction of EBMUD and the Alameda Fire Department. The Applicant shall be responsible for the placement of on-site hydrants. The location and number of hydrants shall be established in improvements plans. Placement shall be shown on the improvement plans and shall be to the satisfaction EBMUD, the City Fire Chief and the City Engineer.
37. Fire Sprinklers: The improvement plans and building permit plans shall include fire sprinkler systems within each residential unit including the garage and attic spaces and within any commercial spaces.

38. Fire Safety: 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. Ensure sufficient fire flow for the development compliant with California Fire Code Appendix B and AMC 15-1.2 where a maximum reduction of the fire flow can be reduced by 50% for fire sprinklered buildings.
- b. Fire hydrant flows shall be a minimum of 1,500 G.P.M. from any one hydrant;
- c. Provide adequate turn around space or acceptable emergency vehicle through access for any street greater than 150 feet in length;
- d. Ensure that all roads that are required to be fire access roads have an adequate turning radii for fire apparatus (inside turning radius of 28" and outside turning radius of 44'8"); and
- e. For all roads designated as fire aerial access roads shall have a minimum fire lane width of 26' unobstructed for buildings taller than 30' in the immediate vicinity of the building. Proximity to the building shall be no less than 15' and a maximum of 30' and shall be positioned parallel to the entire side of the building. All other fire lanes are to be an unobstructed minimum of 20' wide. Should parking within the fire lane be required, the fire lane width shall be increased as required to meet fire access requirements.

39. Utilities: The improvement plans shall include facilities and improvements to ensure that utility services are maintained for existing users throughout the construction process and the access to such service for maintenance purposes is preserved throughout the construction process for new utilities. Utilities shall not cross any other parcel and shall tie into the utilities in the right-of-way.

40. Geotechnical Report: A geotechnical report, including recommendations, shall be prepared by a registered geotechnical engineer licensed in the State of California, if applicable to the reuse of an existing building. The improvement plans shall incorporate all geotechnical recommendations in the report and be consistent with the MIP. The geotechnical engineer shall sign and stamp the improvement plans as conforming to its recommendations. The geotechnical engineer shall also assume responsibility for inspection of the work and shall certify to the City, prior to acceptance of the work that the work performed is adequate and complies with their recommendations.

Public Improvements

41. Maintenance: Maintenance of improvements not within the public ROW shall be the responsibility of the new development.

42. Street Resurfacing: Applicant/developer shall resurface the existing street pavement whenever a street is cut for utility or other improvement installations or the condition of the existing pavement requires improvements. The resurfacing shall extend a sufficient distance beyond any cut to ensure a smooth transition and shall consist of an average of one and a half (1½) inch asphalt concrete overlay, with a minimum one inch asphalt concrete overlay.

43. Curb and Gutter: Applicant/developer shall replace any damaged curb, gutter, and sidewalk along street frontages to the satisfaction of the Public Works Director, in accordance with the Public Works Department's Standard Plans and Specifications prior to acceptance of the project.
44. Access Phasing Plan. Prior to Building or Site Improvement Permit, a fire, pedestrian, bicycle, and automobile access plan for the phasing of all four sides of Block 10 shall be approved by the Public Works Director.

Water Quality

45. 401 Certifications Conditions. The development of Building 8 must be designed and constructed to comply with all of the applicable conditions of the Conditional 401 Water Quality Certification for Alameda Point Stormwater Outfall Upgrades Project in the City of Alameda (Corps File No. 2014-00087S) (401 Certification Conditions) issued by the Water Board.
46. Checklist. The applicant shall provide a completed Stormwater Requirements Checklist for review and approval by the City of Alameda Public Works Department Clean Water Program.
47. Final Stormwater Management Plan: The improvement plans shall incorporate a Final Stormwater Management Plan for Building 8, including all appropriate pollution prevention source control measures, permanent low impact development (LID) measures, storm water treatment controls and/or design techniques to manage the quantity and quality of storm water runoff from the project site to prevent and minimize impacts to water quality and must be consistent with the applicable 401 Certification Conditions, the MIP and the Provision C3 requirements of the City's municipal stormwater permit. Efforts shall be taken to minimize impervious surface areas, especially directly connected impervious surface areas. Roof drains shall discharge and drain to an unpaved area wherever practicable. Design techniques may include green roofs, rainwater harvesting, vegetated swales, vegetated buffer zones, bio retention units, retention/detention basins and ponds, tree well systems, and the incorporation of pervious surface areas and LID measures. The improvement plans shall provide details sufficient to ensure that the storm water 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, the MIP, , and the 401 Certification Conditions. Applicants may also refer to the Bay Area Storm water Management Agencies Association (BASMAA) *Start at the Source Manual* for technical guidance. All storm water design and treatment measures for private development pads shall be consistent with the C3 requirements and 401 Certification Conditions and be located on the development pad or an adjacent private development pad and shall not be located on property planned for public parks or public rights of way. Areas between the building and the public right of way with public access easements may be treated within the public storm water treatment system if sized to handle the flow. With the finalized stormwater quality management plan submit a completed 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 Public Works Engineering that indicates the LID and treatment measure designs of the finalized improvement plans and stormwater quality management plan meet the established sizing design criteria for stormwater treatment measures. These will be at the 100% complete level.

48. Water Board Approval. Pursuant to Condition #15 of the 401 Certification Conditions, the applicant shall submit the proposed Building 8 SWMP to the Water Board's Executive Officer for review and approval prior to the issuance of a building permit or site improvement permit by the City for any construction of the Building 8 development, including Building 8. If the Water Board staff does not respond to the applicant's SWMP within 45 days of the received date, the plans will be deemed approved by the Executive Officer and the City may issue a building or site improvement permit if no changes have been made to the submitted Building 8 SWMP. The on-site drainage management areas indicated in the finalized stormwater management plans shall be reviewed for conformance with the corresponding off-site improvement plans.
49. Best Management Practices: The applicant/developer shall be responsible for ensuring that all contractors and sub-contractors install, implement and effectively maintain appropriate sediment control, erosion control and other water quality protection measures to prevent any pollutants from entering the municipal storm water drainage system or the Seaplane Lagoon, either directly or indirectly, during all construction activities. All implemented measures shall be consistent with the City's urban runoff Best Management Practices (BMPs) standards. The applicant/developer shall pay for any required cleanup, testing, and/or City administrative costs resulting from consequence of construction materials entering the storm water drainage system.
50. Erosion Control Measures: The installation of effective erosion control measures (for example, Hydro seeding) for all disturbed pervious surface areas shall be completed in compliance with the requirements included in the State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ.
51. Storm Water Trash Capture: Prior to the issuance of the first grading/building/combination permit for each project phase, the Improvement Plans shall indicate the storm water trash capture measure(s) being installed on the project site (or within the backbone public system) to ensure that the stormwater drainage from the project site is subject to full trash capture consistent with the City's municipal stormwater permit definition of a full trash capture device. Improvement plan sheets shall provide sufficient plan views and details of the full trash capture device installation(s) necessary for engineering review and approval. A full trash capture system or device is any single device or series of devices that trap all particles retained by a 5mm mesh screen and has a design treatment capacity of not less than the peak flow Q resulting from a one-year, one-hour storm in the sub-drainage area. Plan sheets shall include detail and cross-sectional drawings of any stormwater full trash capture device.
52. Storm Drains: All new storm drain inlets shall be clearly marked with the words 'No Dumping! Drains to Bay' by means approved by the Public Works Department. Permanently affixed thermoplastic, metallic or plastic laminate style markers are

acceptable forms. The Improvement Plans shall clearly indicate this.

53. Operations and Maintenance Plan: The Applicant/Developer shall submit a stormwater treatment measures Operations and Maintenance (O&M) plan for review and approval to the Public Works Department prior to the approval of and consistent with the improvement plans for each phase. The O&M plan shall include, but not be limited to: treatment and design measure(s) descriptions and summary inventory; a legible, recordable, reduced-scale (8.5"x11") copy(-ies) of the Site Plan indicating the treatment and design measure(s) location(s) and site drainage patterns; treatment measure(s) maintenance requirements and maintenance schedule; the approved plant list and planning plan; detailed description of the integrated pest management principals and techniques and/or Bay Friendly Landscaping Program techniques to be utilized during landscape maintenance to ensure pesticide/herbicide use-minimization in landscaped areas; name and contact information of current maintenance personnel; and template of the annual O&M report submittal to the City. The O&M plan(s) for all stormwater treatment and design measures to be maintained by any HOA or CA shall be incorporated with the CC&Rs of the relevant HOA/CA.
54. Stormwater Agreement: For any stormwater treatment or design measure not to be maintained by an HOA or CA, the Applicant/Developer shall execute a Stormwater Treatment Measures Maintenance Agreement (Stormwater Agreement) with the City prior to the issuance of the certificate of occupancy. The Stormwater Agreement shall include, but not be limited to: the O&M plan for all approved stormwater treatment measures; identification of the party responsible for implementing the O&M plan; assurances of access to inspect and verify the treatment system O&M for the life of the project; and assurances of the submittal of the annual O&M report to the City. The executed Stormwater Agreement shall be recorded, at applicant/developer's expense, with the County Recorder's Office of the County of Alameda.
55. Landscape Plans: Landscaping plans shall be designed to minimize runoff, promote surface infiltration, incorporate Bay Friendly Landscaping approaches, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution and be consistent with the MIP, the Building 8 SWMP, the preliminary stormwater management plan for Building 8, and 401 Certification Conditions
56. Backflow Prevention: Backflow prevention devices shall be installed on all new and existing domestic, commercial, irrigation, and fire water services and as required by the East Bay Municipal Utility District (EBMUD).
57. Certification Report: Prior to issuance of the initial, temporary or first occupancy permit, whichever comes first, the applicant/developer 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 is per approved plans and specification 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 Public Works Engineering.

Solid Waste

58. Waste Management Plan: The applicant/developer shall submit a Waste Management Plan (WMP) to the Public Works Environmental Services Division for approval. The plan shall describe how the trash and debris will be handled. The WMP shall be submitted by the developer to Environmental Services via Green Halo (greenhalosystems.com) prior to start of the demolition, remodeling, or construction work. This must be done using Green Halo's web interface. The Public Works Environmental Services Division will review the WMP, and will provide comments that shall be incorporated into the plans for the project. The project is subject to the WMP requirement of section 21-24 of the AMC, and must recycle at least 50% of total debris hauled from the project.
59. External Enclosures: Design of all external enclosures for solid waste, recycling, and organics shall be approved by the Public Works Director concurrent with the approval of the improvements plans. These facilities are to 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 discharged to the storm drain system. External enclosures are to be roofed and/or enclosed. Any enclosures containing food waste shall have floor drains connected to the sanitary sewer system. If the enclosures are attached to buildings they shall have fire sprinklers. Internal collection and storage area(s) and the individual bins and containers provided, shall be adequate in capacity, number, and distribution to serve the anticipated demand for trash, recycling, and organics as determined by the Public Works Director.
60. Exterior Solid Waste and Recyclable Material Storage: Exterior solid waste and recyclable material storage shall be adjacent or combined and may only be located on the outside of a structure, in a designated interior courtyard with appropriate access, or in rear or side yards.
61. Storage Area Guidelines: The design and construction of the storage area(s) shall:
- a. Be compatible with the surrounding structures and land uses; and
 - b. Be properly secured to prevent access by unauthorized persons. If gates with locks are planned to limit access to the enclosure or to the property, cards or keys must be provided to the City's franchised waste hauler and recycling collector; at present Alameda County Industries; and
 - c. Contain a concrete pad within the fenced or walled area(s) and a concrete apron which facilitates handling of the individual bins and containers; and
 - d. Provide a 6-inch wide curb or parking bumpers along the interior perimeter of the enclosure walls to protect them from damage by the dumpster. A 6-inch wide parking bumper, at least 3 feet long, should also be placed between the

- refuse dumpster and the recycling containers; and
- e. Maintain a minimum space of 12 inches between the dumpster(s) and the walls of the enclosure and the recycling container(s) to allow for maneuvering the dumpster(s); and
- f. Protect the area(s) and containers from adverse environmental conditions, which might render the collected materials non-collectible, noxious, unsafe, or in the case of recyclable materials, unmarketable.

Dimensions of the storage area(s) shall accommodate containers consistent with the current methods of collection. The storage area(s) shall be appropriately located and screened from view on at least three sides by a solid wall six feet in height, and on the fourth side by a solid gate not less than five feet in height. The gate shall be maintained in good working order and shall remain closed except when in use. Gates must open straight out and gates and hinges must be flush with the enclosure wall to allow adequate maneuverability of the dumpster in and out of the enclosure. The design of the wall and gate shall be architecturally compatible with the surrounding structures. A sign clearly identifying each exterior solid waste and recyclable material storage area and the accepted material(s) is required. Each sign shall not exceed two square feet in area and shall be posted on the exterior of the storage area adjacent to all access points.

62. Collection: Internal collection and storage area(s) and the individual bins and containers provided, shall be adequate in capacity, number, and distribution to serve the anticipated demand for trash, recycling, and organics as determined by the Public Works Department. The trash collection areas shall be accessible to residents and employees. Each storage area shall be no more than 250 feet from any dwelling unit, or in the garage. Trash enclosures and/or recycling area shall be covered; no other area shall drain onto these areas. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. The applicant shall contact the City and East Bay Municipal Utility District (EBMUD) for specific connection and discharge requirements prior to building permit issuance. Discharges to the sanitary sewer are subject to the review, approval, and conditions of the City and EBMUD.

63. Fitted Lids: All solid waste containers, including dumpsters and individual cans or carts, must have fitted lids which shall remain closed at all times when the container is not being used

Construction Conditions

64. Traffic Control Plan: At least three weeks prior to the commencement of work within the public right-of-way that affects access for pedestrian, bicyclist, and vehicular traffic, the applicant/developer shall provide a Traffic Control Plan (TCP) to the Public Works Department for review and approval. The TCP shall be prepared by a registered civil engineer or traffic engineer licensed in the State of California, and be in accordance with the California MUTCD standards. The engineer shall sign and stamp the plans as approved. In general, any public right-of-way shall remain unobstructed during project construction or an ADA compliant alternative route established as approved by the Public Works Director. At locations where adequate alternate access cannot be provided,

appropriate signs and barricades shall be installed at locations determined by the Public Works Director and Police Chief. Should transit routes be affected, applicant/developer is required to obtain prior approval from AC Transit of any proposed traffic detours or temporary closure of bus stops. Construction work may not commence until the TCP is approved by the Public Works Director.

65. Hazardous Materials. The applicant/developer shall provide documentation from a qualified professional to the City of Alameda stating that adequate soils and ground water investigations and, where warranted, remediation, have been conducted to ensure that future site use complies with the regulatory requirements for hazard related risks as established by applicable Federal, State and local requirements. The project sponsor shall ensure that all proposed areas for demolition and abatement shall be assessed by qualified licensed contractors for the potential presence of lead-based paint or coatings, asbestos containing materials, and PCB-containing equipment prior to issuance of a demolition permit. During Construction the developer/applicant shall ensure that all construction crews are properly trained and made aware of any site contamination issues consistent with the Alameda Point Site Management Plan (SMP) and MMRP.
66. Truck Plan: Prior to issuance of grading permit, developer/applicant shall submit a Truck Route Plan for hauling to be approved by the City Engineer. The Plan must be incorporated into any construction documents for every contract.
67. Notice to Neighbors: At least two weeks prior to initiating any construction activities at the site, the applicant shall provide notice to businesses and residents within 500 feet of the project site including (1) project description, (2) description of construction activities, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name and phone number of the Noise Management Individual for the project, (5) commitment to notify neighbors at least four days in advance of authorized extended work hours and the reason for extended hours, and (6) that construction work is about to commence. A copy of such notice and methodology for distributing the notice shall be provided to the City for review and approval at least five (5) business days in advance.
68. Construction Hours: Construction activity shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Friday, and between 8:00 a.m. and 5:00 pm on Saturday. No construction-related activity shall occur on Sunday or on any Federal Holiday. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment re-design, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) wherever feasible and necessary. No construction activity that may cause excessive off-site vibration from heavy machinery such as drilling rigs (except as necessary for elevator, shoring, and soil testing), etc. shall be allowed. Impact tools (e.g., jack hammers, pavement breakers and noise drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to 10dB. External jackets on the tools themselves shall be used where feasible. Quieter procedures shall be used such as

drilling rather than impact equipment whenever feasible.

69. Dust Control: Prior to issuance of building or grading permits, the developer/applicant shall ensure that a program of dust control is implemented consistent with City, MMRP and BAAQMD requirements.
70. Cultural Resources: In the event that previously unidentified cultural resources are discovered during site preparation or construction, work shall cease in the immediate area until such time as a qualified archaeologist and City of Alameda personnel can assess the significance of the find. If human remains are encountered, work shall halt within 50 feet of the find and the County Coroner shall be notified immediately.
71. Utilities: If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department, Alameda Municipal Power, and the Community Development Department, and carry out any necessary corrective action to their satisfaction.

Fire Safety

72. Fire Access: All streets and courts within the development that are required to be fire access roads, shall be marked as fire access roads to the satisfaction of the Fire Chief. All roads that are required to be fire access roads shall be designed to handle fire apparatus weight of up to 35,000 pounds per axle. Parking shall be prohibited within the streets and alleys that are dedicated as fire lanes. CC&R's shall include an enforcement mechanism.

Alameda Municipal Power (AMP)

73. 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) and provide completed "Service Planning Sheets" for AMP's review prior to submitting plans for building permits.
74. 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.
75. 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. New street trees shall maintain clearances from electrical utilities as follow: a) street/pathway lights and utility poles – **25-feet**; e) joint trench and all underground electrical lines – **five feet**; f) front of electrical pad-mounted equipment (e.g. switches, transformers and capacitors) – **ten feet**. Any variance from these standards must be approved by AMP and may include mitigation s measures,

such as root barriers.

76. 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.
77. 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 Project Engineer in writing.
78. 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.
79. The improvement plans and all subdivision maps shall show all necessary easements and access to all electrical utility facilities that are in the private properties, at no charge to AMP.
80. 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.
81. 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 under grounding 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.
82. 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.
83. The Applicant shall submit, with the site improvement plans, detailed drawings showing the required site electric utility facilities.

HOLD HARMLESS. The applicant shall defend (with counsel reasonably 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 Community Development 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.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 24th day of October, 2016, by the following vote to wit:

AYES: (5) Mitchell, Burton, Knox White, Sullivan, and Zuppan

NOES: (1) Curtis

ABSENT: (1) Köster

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

* * * * *

**CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-16-30**

RECOMMENDING THAT THE CITY COUNCIL AMEND THE GENERAL PLAN TO REPLACE THE AIRPORT ENVIRONS AND HEALTH AND SAFETY ELEMENTS WITH THE UPDATED SAFETY AND NOISE ELEMENT

WHEREAS, California law (Government Code Sections 65300-65303.4) requires seven General Plan Elements, including a Safety Element and a Noise Element; and

WHEREAS, the purpose of a Safety Element is to minimize the risks of loss of life, personal injury, serious illness, property damage, and environmental degradation resulting from fires, floods, earthquakes, landslides and other hazards, and the purpose of a Noise Element is to limit the exposure of the community to excessive noise levels; and

WHEREAS, The City of Alameda Safety and Noise Elements were last updated in 1991, and much of the text is outdated; and

WHEREAS, in December of 2015, the City of Alameda submitted for Federal Emergency Management Agency review, a Local Hazard Mitigation Plan for the City of Alameda to address current health, safety and noise risks; and

WHEREAS, on June 20, 2016, FEMA approved Alameda's Local Hazard Mitigation Plan; and

WHEREAS, staff has prepared an update to the 1991 Safety and Noise Elements to combine the elements into one Safety and Noise Element in conformance with the FEMA approved Local Hazard Mitigation Plan; and

WHEREAS, the Draft Local Hazard Mitigation Plan and federal best practices require the Safety Element update; and

WHEREAS, as required by the Disaster Mitigation Act of 2000, the Local Hazard Mitigation Plan is required to achieve eligibility and potentially secure mitigation funding through Federal Emergency Management Agency Flood Mitigation Assistance, Pre-Disaster Mitigation, Hazard Mitigation Grant Programs, and additional State recovery funding after disasters; and

WHEREAS, Federal Emergency Management Agency best practices include the review of a city's Safety Element for compliance, consistency and integration with the latest Local Hazard Mitigation Plan; and

WHEREAS, other recently completed Safety Elements were reviewed for incorporation of innovative policies and best practices from around the state; and

WHEREAS, the Planning Board held a Study Session on September 12, 2016, and provided comments to staff; and

WHEREAS, the Planning Board held Public Hearings on October 10, 2016 and November 14, 2016; and

WHEREAS, The purpose of the Safety and Noise Element update is identify objectives and policies to reduce the potential risks associated with various hazards and to limit exposure of the community to excessive noise levels. These objectives and policies would not have the potential to have a significant effect on the environment. Therefore, this project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), as the project does not have the potential to have a significant effect on the environment.

THEREFORE BE IT RESOLVED that the Planning Board of the City of Alameda recommends that the City Council approve a General Plan Amendment to replace Chapter 7, Airport and Environs, and Chapter 8, Health and Safety, with a new Safety and Noise Element, as shown in Exhibit A.


I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 14th day of November, 2016, by the following vote to wit:

AYES: (7) Köster, Burton, Curtis, Knox White, Mitchell, Sullivan and Zuppan

NOES: (0)

ABSENT: (0)

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

* * * * *

CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-16-31

APPROVING DESIGN REVIEW (PLN 16-0492) FOR THE NEIGHBORHOOD PARK
WITHIN THE SITE A DEVELOPMENT PLAN IN THE WATERFRONT TOWN CENTER
PLAN AREA AT ALAMEDA POINT

WHEREAS, an application was made on September 6, 2016 by Alameda Point Partners (APP), for a design review approval of the neighborhood park within the approved Site A Development Plan in the Waterfront Town Center Precise Plan (Town Center Plan) area of the Alameda Point property; and

WHEREAS, the proposed plan for the neighborhood park consists of a 1.35-acre park along the northern edge of Phase 1 of the Site A project (Neighborhood Park); and

WHEREAS, the Neighborhood Park is designed to meet primarily the needs of the residential community within Site A consistent with the community's design objectives established by the Alameda community through the Community Reuse Plan, the General Plan, the Town Center Plan, and the Site A Development Plan; and

WHEREAS, the Neighborhood Park is designated as Mixed Use in the General Plan; and

WHEREAS, the Neighborhood Park is located within the Alameda Point Waterfront Town Center Sub-district (WTC Sub-district); which is in the Alameda Point District [Alameda Municipal Code (AMC) 30-4.24] of the Zoning Ordinance; and

WHEREAS, the Town Center Plan is a Specific Plan pursuant to Government Code Section 65450 et seq. for a transit-oriented development of the waterfront lands that surround the Seaplane Lagoon and the property at the entrance of Alameda Point between Main Street and Seaplane Lagoon; and

WHEREAS, the Neighborhood Park is located within the Site A Development Plan approved by the City Council on June 16, 2015; and

WHEREAS, the Town Center Plan and the Site A Development Plan require that the Planning Board approve a Design Review application prior to redevelopment and reuse of the Neighborhood Park; and

WHEREAS, the Planning Board held a public hearing on October 24, 2016 for this Design Review application, and examined pertinent maps, drawings, and documents.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds that the following findings can be made in support of the Design Review approval:

DESIGN REVIEW FINDINGS:

1. **The proposed design is consistent with the General Plan, Zoning Ordinance, Town Center Plan, Site A Development Plan, and the City of Alameda Design Review Manual.** The proposed design of a neighborhood park along the northern edge of Phase 1 of the Site A project adjacent to the residential blocks within Site A creates a neighborhood amenity for existing and future residents and employees at Alameda Point, and supports a pedestrian-oriented mixed-use living environment consistent with the General Plan, Zoning Ordinance, Town Center Plan and Site A Development Plan.
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 proposed design of the Neighborhood Park is compatible with the adjacent residential blocks within Phase 1 of Site A and the future phase of commercial uses of Site A to the north. The variety of active and community park uses and character proposed for the design of the Neighborhood Park provide a compatible transition between the residential blocks to the south and the commercial uses to the north.

The Neighborhood Park is also designed to provide a diversity of public spaces for active and structured and unstructured recreational opportunities for the public to enjoy, primarily for the residential community to the south, including a playground, half-court basketball court, and fitness area, as well as “wave” landforms, a community lawn for community gatherings, and picnic and seating areas.

3. **The proposed design of the 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 design of the Neighborhood Park is compatible with the proposed adjacent uses within the Site A development. The design of the Neighborhood Park includes thematic landscape elements, such as the “wave” land forms that are consistent with the waterfront setting of Site A and Alameda Point and provides attractive recreational opportunities for adjacent residential and commercial uses. The Neighborhood Park will provide a landscape transition between the residential blocks to the south and the commercial uses to the north.

BE IT FURTHER RESOLVED that the Planning Board finds that the Alameda Point Project, including the Town Center Plan containing Site A, was adequately considered by the Final Alameda Point Environmental Impact Report (FEIR), and that by Resolution No. 14891, the City Council of the City of Alameda certified the FEIR (State Clearinghouse No. 201312043) under the California Environmental Quality Act (“CEQA”), California Public Resources Code Section 21000 *et seq.* and adopted written findings and a Mitigation Monitoring and Reporting Program (“MMRP”) on February 4, 2014, for the Alameda Point Project, including the Town Center Plan area which contains Site A; and the Neighborhood Park landscape design is consistent with the General Plan, Zoning Ordinance, Town Center Plan, and Site A Development Plan; and there are no environmental impacts peculiar to the Neighborhood Park that were not analyzed in the FEIR, or any such impact can be substantially mitigated by imposition of uniformly applied development policies or standards

previously adopted by the City; and there are no significant effects of the Neighborhood Park project that were not analyzed as significant effects in the FEIR.

BE IT FURTHER RESOLVED that pursuant to the streamlining provisions of Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183, no further environmental review of the design review application is required.

BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby approves Design Review PLN 16-0493, subject to the following conditions:

1. Building and Site Improvement Permit Plans: The plans submitted for Building and Site Improvement Permits shall be in substantial compliance with the plans prepared by The Guzzardo Partnership, Inc. dated September 6, 2016, on file in the office of the City of Alameda Community Development Department.
2. CEQA: Prior to issuance of a building or site improvement permit, the applicant shall submit a Mitigation Measure Compliance Checklist confirming compliance with all required environmental mitigation measures 4.C-1, 4.D-1c, -4.D-2, 4.D-3, 4.D-4, 4.E-1b, 4.E-2c, 4.E-4b, 4.E-4f, 4.F-1a, 4.F-1b, 4.F-1c, 4.F-1d, 4.F-2, 4.G-1a, 4.G-1b, 4.G-1c, 4.G-1d, 4.G-4, 4.H-1, 4.H-2, 4.H-3, 4.H-4, 4.H-5, 4.I-1, 4.I-2, 4.I-8, 4.J-1a, 4.J-1b, 4.J-1c, 4.J-1d, 4.J-1e, 4.J-2, 4.J-7, 4.K-4, 4.M-5 contained in the MMRP adopted by the Alameda City Council on February 4, 2014, for the redevelopment and reuse of Alameda Point, including the Neighborhood Park within Site A.
3. Subdivision Maps: Prior to issuance of building permits for new construction or approval of the infrastructure improvement plans, the applicant shall submit a Tentative Subdivision Map or Tentative Parcel Map for the Neighborhood Park consistent with the Site A Development Plan for review and approval by the Planning Board and City Council. Such map shall be consistent with the Development Plan and the DDA, and subject to the requirements of the AMC, and Alameda Point Master Infrastructure Plan (MIP), and such maps shall provide the dimensions of all proposed rights-of-way, public open space, and development parcels and include the proposed site grading, drainage improvements and utility and infrastructure phasing.
4. Landscape, Lighting, and Bicycle Design Details: Prior to issuance of a building permit or site improvement permit for any portion of the Neighborhood Park, the applicant shall submit a detailed landscape, lighting, water fountain, and bicycle path and bicycle parking design for final Planning Board review and approval. The plan shall ensure that trees that may drop fruit are not located immediately adjacent to sidewalks.
5. Detailed Design, Amenity and Equipment Submittal: Prior to issuance of a building permit or site improvement permit for any portion of the Neighborhood Park, the applicant shall submit a detailed design, amenity and equipment submittal to the Alameda Recreation and Park Department (ARPD) for review, confirmation and approval of the following:
 - Landform hills no higher than 28 inches and a minimum diameter of 3 feet;
 - Landform hill shaping to be field-verified by ARPD;

- Landscape areas (both flat and hills) have drip bubblers;
- Playground and fitness equipment suppliers are limited to: Landscape Structures Inc.; Miracle Systems; or GameTime;
- Detailed playground design must be approved by ARPD; and
- Irrigation plans and specifications must be approved by ARPD.

This submittal is not required for ARPD review and approval if the applicant has entered into an agreement with the City of Alameda for the funding of private maintenance of the Neighborhood Park at the City's sole discretion.

6. Signage Focal Element Approval. Prior to issuance of a building permit or site improvement permit for the Neighborhood Park, the applicant must obtain approval from the City for the signage focal elements shown on the Plans consistent with the AMC.
7. Sustainable Design: Prior to issuance of a building permit, the applicant shall submit a checklist showing that the project meets either: a minimum LEED™ Certified rating and be so certified by the US Green Building Council or a minimum GreenPoint Rated score of fifty (50) and be so verified by Build It Green and the City's Bay Friendly landscaping requirements.
8. Modifications: Minor project design details requested by the applicant may be established, modified, and approved by the Community Development Director and Recreation and Park Director. Engineering standards and specifications requested by the applicant may be established, modified and approved by the Public Works Director, or his 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.
9. Other Agency Approvals: Prior to issuance of building permit(s) for work within jurisdictional lands, the applicant shall provide evidence that all required approvals, permits, or waivers from Bay Conservation and Development Commission (BCDC), Regional Water Quality Control Board (Water Board), and/or the Army Corps of Engineers, if any, have been obtained. The final improvement plans shall incorporate all other agency requirements, if required.

Biological

10. Biological Regulations: Applicant shall notify all future property owners and occupants of the Declaration of Restrictions for the Former Naval Air Station Alameda (Declaration) consistent with the Biological Opinion issued by the U.S. Department of Fish and Wildlife Service (Service) and thereafter the Declaration shall be incorporated by reference in all deeds and leases of any portion of the Neighborhood Park.
11. Feral Cat Feeding Stations. Feral cat feeding stations and colonies, and the feeding of any native and non-native wildlife species that are potential predators of least terns is prohibited in perpetuity and thereafter this prohibition shall be incorporated in all deeds and leases of any portion of the Neighborhood Park.

12. Fireworks Displays. Fireworks displays will not be authorized from April 1 to August 15 and thereafter this prohibition shall be incorporated in all deeds and leases of any portion of the Neighborhood Park.
13. Lighting: Pedestrian and vehicular lighting at all intersections and project driveways shall meet Alameda Municipal Power standards for crosswalks, sidewalks, and intersections and be consistent with the Declaration and Alameda Point Lighting Mitigation Measures.
14. Service Review of Stormwater Plans. All stormwater management and monitoring plans for the Neighborhood Park shall be developed in coordination with the Service and implemented in perpetuity to protect open water foraging areas for the endangered California Least Tern. The plans shall be reviewed and approved by the Service prior to development of the project.

Improvement Plans

15. Landscape Plans: The improvement plans shall include landscape and irrigation plans for both on-site and off-site improvements consistent with the Town Center Plan, MIP and DDA. The plans shall be prepared, signed, and stamped by a licensed landscape architect and civil engineer for flood and sea-level rise protection improvements and shall be in accordance with the AMC and other regional jurisdictional requirements. The landscape architect shall also assume responsibility for review of the work and shall provide a Letter of Acceptance of construction conformance to the City, prior to acceptance of the work, that the installation of landscaping and irrigation in the public right-of-way was constructed in accordance with the approved plans.
16. Fire Water: The improvement plans for the project site shall include a Fire Water System consistent with the MIP. The system shall be designed to the satisfaction of EBMUD and the Alameda Fire Department. The Applicant shall be responsible for the placement of on-site hydrants. The location and number of hydrants shall be established in improvements plans. Placement shall be shown on the improvement plans and shall be to the satisfaction EBMUD, the City Fire Chief and the City Engineer.
17. Fire Safety: 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. Ensure sufficient fire flow for the development compliant with California Fire Code Appendix B and AMC 15-1.2 where a maximum reduction of the fire flow can be reduced by 50% for fire sprinklered buildings.
 - b. Fire hydrant flows shall be a minimum of 1,500 G.P.M. from any one hydrant;
 - c. Provide adequate turn around space or acceptable emergency vehicle through access for any street greater than 150 feet in length;
 - d. Ensure that all roads that are required to be fire access roads have an adequate turning radii for fire apparatus (inside turning radius of 28" and outside turning radius of 44'8"); and
 - e. For all roads designated as fire access roads shall have a minimum fire lane width of

26' unobstructed for buildings taller than 30'. Should parking within the fire lane be required, the fire lane width shall be increased as required to meet fire access requirements.

18. Utilities: The improvement plans shall include facilities and improvements to ensure that utility services are maintained for existing users throughout the construction process and the access to such service for maintenance purposes is preserved throughout the construction process for new utilities.
19. Geotechnical Report: A geotechnical report, including recommendations, shall be prepared by a registered geotechnical engineer licensed in the State of California. The improvement plans shall incorporate all geotechnical recommendations in the report and be consistent with the MIP and DDA. The geotechnical engineer shall sign and stamp the improvement plans as conforming to its recommendations. The geotechnical engineer shall also assume responsibility for inspection of the work and shall certify to the City, prior to acceptance of the work that the work performed is adequate and complies with their recommendations.
20. Easement and Funding Agreement for Existing Water Line. Prior to approval of the improvement plans for the Neighborhood Park: (1) an easement shall be recorded on the property that provides for access and maintenance of the existing water lines that overlap with the Neighborhood Park to the satisfaction of the City of Alameda City Engineer and EBMUD; and (2) a funding agreement entered into with the City of Alameda that provides for funding of all maintenance of the existing water line and replacement of park improvements related to maintaining the existing water line to the satisfaction of the City of Alameda City Engineer and Recreation and Park Director.
21. Trees and Existing Water Line. No trees shall be allowed over or within 5-feet of the existing water line within the Neighborhood Park.

Public Improvements

22. Street Resurfacing: Applicant/developer shall resurface the existing street pavement whenever a street is cut for utility or other improvement installations or the condition of the existing pavement requires improvements. The resurfacing shall extend a sufficient distance beyond any cut to ensure a smooth transition and shall consist of an average of one and a half (1½) inch asphalt concrete overlay, with a minimum one inch asphalt concrete overlay.
23. Curb and Gutter: Applicant/developer shall replace any damaged curb, gutter, and sidewalk along street frontages to the satisfaction of the Public Works Director, in accordance with the Public Works Department's Standard Plans and Specifications prior to acceptance of the project.
24. Access Phasing Plan. Prior to Building or Site Improvement Permit, a fire, pedestrian, bicycle, and automobile access plan for the phasing of all four sides of the Neighborhood Park shall be approved by the Public Works Director.

Water Quality

25. 401 Certifications Conditions. The development of the Neighborhood Park must be designed and constructed to comply with all of the conditions of the Conditional 401 Water Quality Certification for Alameda Point Stormwater Outfall Upgrades Project in the City of Alameda (Corps File No. 2014-00087S) (401 Certification Conditions) issued by the Water Board.
26. Final Stormwater Management Plan: The improvement plans shall incorporate a Final Stormwater Management Plan for the Neighborhood Park, including all appropriate pollution prevention source control measures, permanent low impact development (LID) measures, storm water treatment controls and/or design techniques to manage the quantity and quality of storm water runoff from the project site to prevent and minimize impacts to water quality and must be consistent with the 401 Certification Conditions, the Site A Stormwater Management Plan (Site A SWMP), the preliminary stormwater management plan for the Neighborhood Park attached to this application, the MIP and the Provision C3 requirements of the City's municipal stormwater permit. Efforts shall be taken to minimize impervious surface areas, especially directly connected impervious surface areas. Roof drains shall discharge and drain to an unpaved area wherever practicable. Design techniques may include green roofs, rainwater harvesting, vegetated swales, vegetated buffer zones, bio retention units, retention/detention basins and ponds, tree well systems, and the incorporation of pervious surface areas and LID measures. The Improvement Plans shall provide details sufficient to ensure that the storm water 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, the MIP, the Site A SWMP, the preliminary stormwater management plan for the Neighborhood Park, and the 401 Certification Conditions. Applicants may also refer to the Bay Area Storm water Management Agencies Association (BASMAA) *Start at the Source Manual* for technical guidance. All storm water design and treatment measures for private development pads shall be consistent with the C3 requirements and 401 Certification Conditions and be located on the development pad or an adjacent private development pad and shall not be located on property planned for public parks or public rights of way.
27. Water Board Documents: The applicant/developer shall provide to the City Engineer or his designee, prior to the issuance of the first combination building/grading permit, a copy of both the WDID# issued to the project site by Water Board and the required Storm Water Pollution Prevention Plan (SWPPP). These documents shall provide verification to the City that the project site is in compliance with SWRCB Order No. 2009-0009-DWQ. Information on this State Order is available at: <http://www.waterboards.ca.gov>.
28. C3 Certification: Prior to final Improvement Plan approval, and with the finalized stormwater quality management plan, submit 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 Public Works Engineering that indicates the LID and treatment measure designs of the finalized improvement plans and stormwater quality management plan meet the

established sizing design criteria for stormwater treatment measures. These will be at the 100% complete level.

29. Certification Report: Prior to issuance of the initial, temporary or first occupancy permit, whichever comes first, the applicant/developer 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 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 Public Works Engineering.
30. Best Management Practices: The applicant/developer shall be responsible for ensuring that all contractors and sub-contractors install, implement and effectively maintain appropriate sediment control, erosion control and other water quality protection measures to prevent any pollutants from entering the municipal storm water drainage system or the Seaplane Lagoon, either directly or indirectly, during all construction activities. All implemented measures shall be consistent with the City's urban runoff Best Management Practices (BMPs) standards. The applicant/developer shall pay for any required cleanup, testing, and/or City administrative costs resulting from consequence of construction materials entering the storm water drainage system.
31. Hydro Seeding: Hydro seeding of all disturbed pervious surface areas shall be completed in compliance with the requirements included in the State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ.
32. Storm Water Trash Capture: Prior to the issuance of the first grading/building/combination permit for each project phase, the Improvement Plans shall indicate the storm water trash capture measure(s) being installed on the project site to ensure that the stormwater drainage from the project site is subject to full trash capture consistent with the City's municipal stormwater permit definition of a full trash capture device. Improvement plan sheets shall provide sufficient plan views and details of the full trash capture device installation(s) necessary for engineering review and approval. A full trash capture system or device is any single device or series of devices that trap all particles retained by a 5mm mesh screen and has a design treatment capacity of not less than the peak flow Q resulting from a one-year, one-hour storm in the sub-drainage area. Plan sheets shall include detail and cross-sectional drawings of any stormwater full trash capture device.
33. Storm Drains: All new storm drain inlets shall be clearly marked with the words 'No Dumping! Drains to Bay' by means approved by the Public Works Department.

Permanently affixed thermoplastic, metallic or plastic laminate style markers are acceptable forms. The Improvement Plans shall clearly indicate this.

34. Operations and Maintenance Plan: The Applicant/Developer shall submit a stormwater treatment measures Operations and Maintenance (O&M) plan for review and approval to the Public Works Department prior to the approval of and consistent with the improvement plans for each phase. The O&M plan shall include, but not be limited to: treatment and design measure(s) descriptions and summary inventory; a legible, recordable, reduced-scale (8.5"x11") copy(-ies) of the Site Plan indicating the treatment and design measure(s) location(s) and site drainage patterns; treatment measure(s) maintenance requirements and maintenance schedule; the approved plant list and planning plan; detailed description of the integrated pest management principals and techniques and/or Bay Friendly Landscaping Program techniques to be utilized during landscape maintenance to ensure pesticide/herbicide use-minimization in landscaped areas; name and contact information of current maintenance personnel; and template of the annual O&M report submittal to the City. The O&M plan(s) for all stormwater treatment and design measures to be maintained by any HOA or CA shall be incorporated with the CC&Rs of the relevant HOA/CA.
35. Stormwater Agreement: For any stormwater treatment or design measure not to be maintained by an HOA or CA, the Applicant/Developer shall execute a Stormwater Treatment Measures Maintenance Agreement (Stormwater Agreement) with the City prior to the issuance of the certificate of occupancy. The Stormwater Agreement shall include, but not be limited to: the O&M plan for all approved stormwater treatment measures; identification of the party responsible for implementing the O&M plan; assurances of access to inspect and verify the treatment system O&M for the life of the project; and assurances of the submittal of the annual O&M report to the City. The executed Stormwater Agreement shall be recorded, at applicant/developer's expense, with the County Recorder's Office of the County of Alameda.
36. Landscape Plans: Landscaping plans shall be designed to minimize runoff, promote surface infiltration, incorporate Bay Friendly Landscaping approaches, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution and be consistent with the MIP, the Site A SWMP, the preliminary stormwater management plan for the Neighborhood Park, and 401 Certification Conditions
37. Backflow Prevention: Backflow prevention devices shall be installed on all new and existing domestic, commercial, irrigation, and fire water services and as required by the East Bay Municipal Utility District (EBMUD).

Solid Waste

38. Waste Management Plan: The applicant/developer shall submit a Waste Management Plan (WMP) to the Public Works Environmental Services Division for approval. The plan shall describe how the trash and debris will be handled. The WMP shall be submitted by the developer to Environmental Services via Green Halo (greenhalosystems.com) prior to start of the demolition, remodeling, or construction work. This must be done using

Green Halo's web interface. The Public Works Environmental Services Division will review the WMP, and will provide comments that shall be incorporated into the plans for the project. The project is subject to the WMP requirement of section 21-24 of the AMC, and must recycle at least 50% of total debris hauled from the project.

39. Green Halo: Within thirty (30) days after the completion of the demolition work, the developer shall submit a Summary Report to the Public Works Environmental Services Division, via Green Halo (greenhalosystems.com) or other form approved by the Public Works Director. For approval, this reporting will specify actual tonnages disposed and/or recycled for each material, and the actual destination/processor. Disposal and/or recycling weight tags from that facility or facilities will be directly uploaded to Green Halo to verify this activity.
40. Collection: Internal collection and storage area(s) and the individual bins and containers provided, shall be adequate in capacity, number, and distribution to serve the anticipated demand for trash, recycling, and organics as determined by the Public Works Department. The trash collection areas shall be accessible to residents and employees. Each storage area shall be no more than 250 feet from any dwelling unit, or in the garage. Trash enclosures and/or recycling area shall be covered; no other area shall drain onto these areas. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. The applicant shall contact the City and East Bay Municipal Utility District (EBMUD) for specific connection and discharge requirements prior to building permit issuance. Discharges to the sanitary sewer are subject to the review, approval, and conditions of the City and EBMUD.
41. Fitted Lids: All solid waste containers, including dumpsters and individual cans or carts, must have fitted lids which shall remain closed at all times when the container is not being used

Construction Conditions

42. Traffic Control Plan: At least three weeks prior to the commencement of work within the public right-of-way that affects access for pedestrian, bicyclist, and vehicular traffic, the applicant/developer shall provide a Traffic Control Plan (TCP) to the Public Works Department for review and approval. The TCP shall be prepared by a registered civil engineer or traffic engineer licensed in the State of California, and be in accordance with the California MUTCD standards. The engineer shall sign and stamp the plans as approved. In general, any public right-of-way shall remain unobstructed during project construction or an ADA compliant alternative route established as approved by the Public Works Director. At locations where adequate alternate access cannot be provided, appropriate signs and barricades shall be installed at locations determined by the Public Works Director and Police Chief. Should transit routes be affected, applicant/developer is required to obtain prior approval from AC Transit of any proposed traffic detours or temporary closure of bus stops. Construction work may not commence until the TCP is approved by the Public Works Director.
43. Hazardous Materials. The applicant/developer shall provide documentation from a

qualified professional to the City of Alameda stating that adequate soils and ground water investigations and, where warranted, remediation, have been conducted to ensure that future site use complies with the regulatory requirements for hazard related risks as established by applicable Federal, State and local requirements. The project sponsor shall ensure that all proposed areas for demolition and abatement shall be assessed by qualified licensed contractors for the potential presence of lead-based paint or coatings, asbestos containing materials, and PCB-containing equipment prior to issuance of a demolition permit. During Construction the developer/applicant shall ensure that all construction crews are properly trained and made aware of any site contamination issues consistent with the Alameda Point Site Management Plan (SMP) and MMRP.

44. Truck Plan: Prior to issuance of grading permit, developer/applicant shall submit a Truck Route Plan for hauling to be approved by the City Engineer. The Plan must be incorporated into any construction documents for every contract.
45. Notice to Neighbors: At least two weeks prior to initiating any construction activities at the site, the applicant shall provide notice to businesses and residents within 500 feet of the project site including (1) project description, (2) description of construction activities, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name and phone number of the Noise Management Individual for the project, (5) commitment to notify neighbors at least four days in advance of authorized extended work hours and the reason for extended hours, and (6) that construction work is about to commence. A copy of such notice and methodology for distributing the notice shall be provided to the City for review and approval at least five (5) business days in advance.
46. Construction Hours: Construction activity shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Friday, and between 8:00 a.m. and 5:00 pm on Saturday. No construction-related activity shall occur on Sunday or on any Federal Holiday. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment re-design, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) wherever feasible and necessary. No construction activity that may cause excessive off-site vibration from heavy machinery such as drilling rigs (except as necessary for elevator, shoring, and soil testing), etc. shall be allowed. Impact tools (e.g., jack hammers, pavement breakers and noise drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to 10dB. External jackets on the tools themselves shall be used where feasible. Quieter procedures shall be used such as drilling rather than impact equipment whenever feasible.
47. Dust Control: Prior to issuance of building or grading permits, the developer/applicant shall ensure that a program of dust control is implemented consistent with City, MMRP and BAAQMD requirements.
48. Cultural Resources: In the event that previously unidentified cultural resources are

discovered during site preparation or construction, work shall cease in the immediate area until such time as a qualified archaeologist and City of Alameda personnel can assess the significance of the find. If human remains are encountered, work shall halt within 50 feet of the find and the County Coroner shall be notified immediately.

49. Utilities: If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department, Alameda Municipal Power, and the Community Development Department, and carry out any necessary corrective action to their satisfaction.

Fire Safety

50. Fire Access: All streets and courts within the development that are required to be fire access roads, shall be marked as fire access roads to the satisfaction of the Fire Chief. All roads that are required to be fire access roads shall be designed to handle fire apparatus weight of up to 35,000 pounds per axle. Parking shall be prohibited within the streets and alleys that are dedicated as fire lanes. CC&R's shall include an enforcement mechanism.

Alameda Municipal Power (AMP)

51. The applicant shall comply to AMP's Rules and Regulations as stated in Article X and AMP's "Material and Installation Criteria for Underground Electrical Systems" (both available at www.alamedamp.com) and provide completed "Service Planning Sheets" for AMP's review prior to submitting plans for building permits.
52. The applicant shall provide information on the location of transformers and total load in kilowatts or kilowatt/volts (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.
53. Concurrent with submittal of Improvement Plans, the Applicant shall coordinate with 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.
54. The Applicant shall provide and install street lighting consistent with AMP's standard specifications and AMP's "Material and Installation Criteria for Underground Electrical Systems". All street lights shall be designed to preserve "dark skies" and direct light downward toward the public right of way. No signs shall be installed or mounted on street light poles owned and/or maintained by AMP. All new signs shall be installed on dedicated sign posts.
55. Applicant/Developer shall have all streetlights included in the Improvement Plans, installed, fully functional and operating prior to issuance of a Certificate of Occupancy for any building unless a phasing plan is approved by the Director of Public Works.

Applicant/Developer shall pay to AMP the sum of Six Dollars (\$6.00 as adjusted no more than annually for inflation) per streetlight per month, or portion of a month, for the streetlight energy costs until the applicable improvements are accepted for maintenance by City.

56. The Applicant shall be required to furnish two streetlight poles and LED fixtures of each type installed, at no cost, to AMP as a stock for future pole/fixture replacement on public street. If AMP agrees to maintain private streetlights, the Applicant/Developer shall also be required to furnish two additional streetlight assemblies (e.g. pole, fixture, arm, shroud, etc) of each type.
57. All public streets shall be lit with LED lighting. Streetlight layout shall be staggered for a more uniform light distribution. Applicant/Developer can provide alternate design if a better efficient light distribution is met. Applicant/Developer shall use AMP LED standard fixtures. LED streetlight fixtures shall offer tri-level lighting with the mid-level setting meeting IES RP-8-14.
58. 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. Existing Alameda Point electric substructures will NOT be re-used.
59. The Applicant shall provide an easement for electric utility vehicle access to AMP's Cartwright Station. The easement shall encompass the entire perimeter of the substation, including buildings and exterior yards with a 25-foot minimum clearance from any structure (above or below grade), wall and fence. Applicant shall avoid planting any trees that will grow in fullness to the point they may encroach into the perimeter easement.
60. The Applicant/Developer 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 Project Engineer in writing.
61. Applicant/Developer will be required to provide an oil containment facility for all AMP owned pad-mount distribution switches and/or transformers installed within 100-feet of any body of water or in other critical locations. Applicant/Contractor shall contact AMP to verify all dimensions, elevations, and orientation before commencing work.
62. The Applicant shall furnish and install code-size service cables in code-size conduit from each customer electric meter switchgear 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.
63. The improvement plans and all subdivision maps shall show all necessary easements

and access to all electrical utility facilities that are in the private properties, at no charge to AMP.

64. 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.
65. 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 under grounding 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.
66. The Applicant/developer 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.
67. The Applicant/developer shall submit, with the site improvement plans, detailed drawings showing the required site electric utility facilities.

HOLD HARMLESS. The applicant shall defend (with counsel reasonably 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 Community Development 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.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 24th day of October, 2016, by the following vote to wit:

AYES: (5) Mitchell, Burton, Curtis, Knox White, Sullivan, and Zuppan

NOES: (0)

ABSENT: (1) Köster

ABSTENTION: (1) Burton

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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**CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-16-32**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING THE REVISED CORNICE DESIGN FOR DESIGN REVIEW APPLICATION NO. PLN14-0517 FOR A NEW 7,100 SQUARE FOOT RESIDENTIAL/COMMERICAL MIXED-USE BUILDING ON AN APPROXIMATELY 20,000 SQUARE FOOT SITE LOCATED AT 712 LINCOLN AVENUE

WHEREAS, an application was made on April 20, 2014 by Simon Kwan for Kevin Lam for Design Review Application No. PLN14-0517 to permit the construction of a 7,100 square foot mixed-use building with two residential units above 3,324 square feet of ground floor retail, and associated parking, landscaping and other improvements, located at 712 Lincoln Avenue, and;

WHEREAS, the application was accepted as complete on March 14, 2016; and

WHEREAS, the subject property is designated as Community Commercial by the General Plan; and

WHEREAS, the subject property is located in a C-C, Community Commercial Zoning District; and

WHEREAS, the Board held a study session on April 11, 2016 for this application; and

WHEREAS, the Board held a public hearing on July 25, 2016, for this application, and examined pertinent maps, drawings, and documents and conditionally approved Design Review Application No. PLN14-0517 with conditions to return to the Planning Board for review of the final cornice design and provide a report from staff on the rehabilitation and relocation plan for the Southern Pacific Railroad waiting room; and

WHEREAS, the Planning Board held a public hearing on July 25, 2016, and found this project exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 – Infill Development Projects; and

WHEREAS, the Board held a public hearing on November 14, 2016, to consider project revisions to satisfy conditions of approval for Design Review Approval No. PLN14-0517, and examined all pertinent maps, drawings, and documents; and

WHEREAS, the Board received a report from staff on the rehabilitation and relocation plan for the Southern Pacific Railroad waiting room.

NOW, THEREFORE BE IT RESOLVED, that the Board makes the following findings relative to the Design Review approval:

- A. The proposed project design is consistent with the General Plan, Zoning Ordinance, and City of Alameda Design Review Manual. The proposed design complies with General Plan policies and Zoning Ordinance requirements. The proposed cornice design is consistent with the Webster Street Design Manual because the proposed new construction is compatible in design and use of materials with the surrounding neighborhood and the adjacent commercial building.
- B. The proposed project design is compatible with the adjacent or neighboring buildings and promotes harmonious transitions in scale and character with surrounding land uses. The project utilizes a solid cornice overhang with a decorative metal fascia to complement the horizontal elements of the surrounding commercial buildings. The proposed design satisfies the Planning Board's condition of approval and is consistent with the Webster Street Design Manual. The overall project design is harmonious with the neighborhood, and it complements the Webster Street Business District.
- C. The proposed design of the structures and exterior materials and landscaping are visually compatible with the surrounding development. Design elements have been incorporated to ensure the compatibility of the structures with the character and uses of adjacent development. The proposed design utilizes a solid cornice overhang with black metal fascia to complement the black metal overhangs on the ground floor. Overall, the design and materials are compatible with the surrounding residential development and the Webster Street commercial district.
- D. The Board received a report from staff for the rehabilitation and relocation plan for the Southern Pacific Railroad waiting room on the site.

BE IT FURTHER RESOLVED, that the Planning Board of the City of Alameda hereby approves the cornice design to satisfy the condition of approval for Design Review Approval No. PLN14-0517 subject to the following conditions:

COMMUNITY DEVELOPMENT DEPARTMENT

- 1. Conditions relating to the Planning Board Resolution No. PB-16-25 for Design Review Approval No. PLN14-0517 are incorporated by reference, except where modified in the conditions of approval herein.
- 2. These conditions shall be printed on the first page of all building plans and improvement plans.
- 3. Building Permit Plans: The plans submitted for building permits shall be in substantial compliance with the plans prepared by Kwan Design Architects, dated September 9, 2016, and on file in the office of the City of Alameda Community Development Department, except as modified by the conditions below.
- 4. The Design Review approval for the 7,100 square foot two-story mixed-use building shall expire and become void unless substantial construction under valid permits has been commenced within two years after this approval. A one-time extension for

an additional two years may be granted by the Community Development Director upon written request and payment of permit extension fees.

5. 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 or Sunday.
6. The City of Alameda requires as a condition of this approval that the applicant, or its successors in interest, shall defend (with counsel reasonably 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 against the City of Alameda, Alameda City Planning Board and their respective agents, officers or employees to attack, set aside, void or annul, any approval or related decision to this project. This indemnification shall include, but is not limited to, all damages, costs, expenses, attorney fees or expert witness fees arising out of or in connection with the 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.
7. All Time and Material charges for this application shall be paid in full prior to the issuance of building permits.

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.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 14th day of November, 2016, by the following vote to wit:

AYES: (7) Köster, Burton, Curtis, Knox White, Mitchell, Sullivan and Zuppan

NOES: (0)

ABSENT: (0)

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

* * * * *

**CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-16-33**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING THE SIX MONTH REVIEW OF CONDITIONAL USE PERMIT PLN12-0230 TO ALLOW A SMOG SERVICE AT 1928 HIGH STREET AND AMENDING THE USE PERMIT TO APPROVE SATURDAY SMOG SERVICE HOURS FROM 9:00 A.M. TO 5:00 P.M.

WHEREAS, an application was made on July 5, 2012, by Irman Taranovic for European Auto Repair, requesting a conditional use permit and design review to add a smog test facility to the existing business, remove one window facing Fernside Boulevard and replace it with a garage door; and

WHEREAS, the application was accepted as complete on August 20, 2012; and

WHEREAS, the project site is located within a C-1, Neighborhood Business District; and

WHEREAS, the project site is designated Neighborhood Business on the General Plan; and

WHEREAS, Zoning Administrator held a public hearing on this application on October 16, 2012; and continued the item for review by the Planning Board; and

WHEREAS, Planning Board held a public hearing on this application on January 15, 2013 and approved the use permit; and

WHEREAS, the Planning Board required a review of the use permit six months after smog testing activities commenced at the property and other site improvements to be made as part of a separate Design Review action; and

WHEREAS, the Planning Board held a public hearing and approved the design review for various site improvements on October 24, 2014; and

WHEREAS, in April 2016, the applicant began offering smog service to the public after completing the various site improvements approved under Design Review and acquired the necessary state licenses to operate a smog check business;

WHEREAS, on December 12, 2016, the Planning Board held a public hearing to review the use permit for compliance with conditions of approval and to consider amending the use permit to allow Saturday business hours, and has examined pertinent documents associated with the review and proposed hours; and

NOW THEREFORE BE IT RESOLVED THAT, the Planning Board has found the

smog check use at 1928 High Street operating in compliance with all conditions of approval set forth in Use Permit PLN12-0230.

BE IT FURTHER RESOLVED THAT, the Planning Board has made the following findings with regard to new Saturday business hours from 9:00 a.m. to 5:00 p.m.:

1. **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 existing commercial property at 1928 High Street is located at the corner of High Street and Fernside Boulevard. This site has been used for automotive services since 1951. The business is closed on Sunday and neighbors describe the business as a good neighbor. The addition of smog services at this location has been subtle, and the smog testing activities have not been found to be a nuisance to the neighborhood. The City has not received any complaints since smog operations began in April 2016. Due to new state smog check requirements, the use of a dynamometer and tailpipe emissions tests for 1999 and older model year vehicles is anticipated to be phased out. Currently, only 30% of cars, or 3 cars per day, require testing on the dynamometer where the dyno runs for approximately 90 seconds. The majority of smog tests will only involve a computer, which generates minimum noise. Therefore, adding Saturday hours from 9:00 a.m. to 5:00 p.m. will be compatible with the surrounding neighborhood.
2. **The proposed use will be served by adequate transportation and service facilities, including pedestrian, bicycle and transit facilities.** The site is located at High Street and Fernside Boulevard, an important access point to Alameda. As an auto-oriented business, it is inherent that customers will drive to the site. Off-street parking is available and has been improved by new striping on the pavement performed as a requirement under the 2014 Design Review approval. During a site visit conducted by staff on November 23, 2016, ample street parking was available and the rest home parking lot was not full and on-street parking was not impacted. The smog business, which is servicing up to 10 cars per day is not currently impacting traffic at this location, and the additional Saturday hours from 9:00 a.m. to 5:00 p.m. is only anticipated to generate 15 to 20 cars, or two to three cars per hour. Therefore, the current business and extended hours will not generate a significant increase in traffic to the site.
3. **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.** Automotive uses have been in operation at this site since 1951. The site formerly included a gasoline station. There is no history of building code violations other than complaints regarding graffiti on the building in 2001. In the past six months, the smog business has not resulted in a substantial intensification of use or

create significant impacts to the surrounding properties. The subject site faces Fernside Boulevard and has sufficient space between it and the neighboring residential properties. Smog test customers are typically served immediately and do not leave their cars at the site. Under the current smog check program implemented by the California Bureau of Automotive Repair, the entire process takes an estimated 10 minutes or less, with 70% of the test not requiring use of a dynamometer. The applicant anticipates that the new service on Saturday may generate up to 15 customers per day. Currently there are approximately 10 smog check customers per day. Approval of the extended hours will help an established family-owned business remain competitive and successful.

4. **The proposed use relates favorably to the General Plan.** The proposed project is in conformance with General Plan goals and policies for this area. The site is located in the East End and is designated as Neighborhood Business under the General Plan. This land use classification is intended to serve residential areas with convenient shopping and service facilities. Allowing an established business to expand its services to remain competitive is consistent with General Plan Guiding Policy 2.5.a, which is to provide enough retail business and services space to enable Alameda to realize its full retail sales potential and provide Alameda residents with the full range of retail business and services.

BE IT FURTHER RESOLVED THAT, the Planning Board finds this project Categorically Exempt from additional environmental review pursuant to CEQA Guidelines Section 15301 – Existing Facilities.

BE IT FURTHER RESOLVED THAT, the Planning Board of the City of Alameda hereby approves amending Use Permit PLN12-0230 to allow Saturday smog service from 9:00 a.m. to 5:00 p.m., subject to the following conditions:

1. **Use Permit Amendment:** Use Permit PLN12-0230 is hereby amended to allow Saturday smog check between the hours of 9:00 a.m. and 5:00 p.m. These hours are in addition to existing hours for smog check occurring from 8:00 a.m. to 6:00 p.m. Monday through Friday. This resolution supersedes Planning Board resolution PB-13-02 and applicable conditions of approval from that resolution are incorporated below.
2. **Compliance with Conditions:** The applicant/property owner shall ensure compliance with all conditions of approval. Failure to comply with any condition may result in issuance of citations, and/or modification or revocation of the use permit.

3. **Compliance with Noise Ordinance:** Operating noise levels of the smog test services shall not exceed noise level standards listed in Section 4-10 of the Alameda Municipal Code.
4. **Exterior lighting:** All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
5. **Landscaping and Irrigation:** Functioning irrigation systems shall be maintained for at the landscaping on the site, including the existing planter areas and the galvanized planters.
6. **Use of public street prohibited:** No vehicles waiting to be serviced or retrieved by customers shall be parked or stored on any public street at any time.
7. **Revocation:** This Use Permit may be modified or revoked by the Planning Board, pursuant to Alameda Municipal Code Section 30-21.3d should the Planning Board, determine that: 1) the use or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity; 2) the property is operated or maintained so as to constitute a public nuisance or a violation of the City of Alameda Noise Ordinance; or 3) the use is operated in violation of the conditions of the Use Permit.
8. **Vesting:** This Use Permit approval to allow Saturday hours shall expire two (2) years after the date of approval or by **December 12, 2018** unless authorized construction or use of the property has commenced. The applicant may apply for a time extension, not to exceed two (2) years. An extension request will be subject to approval by the Community Development Department Director and must be filed prior to the date of expiration.
9. **HOLD HARMLESS.** The applicant, or its successors in interest, shall defend (with counsel reasonably 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 against the City of Alameda, Alameda City Planning Board and their respective agents, officers or employees to attack, set aside, void or annul, any approval or related decision to this project. This indemnification shall include, but is not limited to, all damages, costs, expenses, attorney fees or expert witness fees arising out of or in connection with the 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.

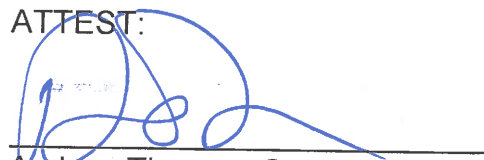
I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 12th day of December, 2016, by the following vote to wit:

AYES: (7) Köster, Burton, Curtis, Knox White, Mitchell, Sullivan and Zuppan

NOES: (0)

ABSENT: (0)

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-16-34

DECLARING A STATEMENT OF COMPLIANCE UNDER PERIODIC REVIEW FOR A DEVELOPMENT AGREEMENT FOR THE ALAMEDA POINT SITE A PROJECT, FOR THE PERIOD FROM AUGUST 2015 THROUGH AUGUST 30, 2016

WHEREAS, Alameda Point Partners, LLC (APP) has initiated a Periodic Review of a Development Agreement with the City of Alameda, as required under Zoning Ordinance Section 30-95.1; and

WHEREAS, the Board held a public hearing on this request on October 24, 2016, and examined pertinent documents; and

WHEREAS, the Board finds that APP has complied with the terms and conditions of the Development Agreement for the Site A Development Project, for the period from August 2015, through August 30, 2016, as summarized in the Annual Report Letter submitted by APP for Planning Board review, and has demonstrated a continuing good faith effort to implement the terms and conditions as set forth in said Development Agreement.

WHEREAS, the Annual Review and reporting is exempt from the California Environmental Quality Act.

THEREFORE BE IT RESOLVED that the Planning Board of the City of Alameda hereby declares that APP has demonstrated good faith compliance with the terms and conditions of the Development Agreement.

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 or decision on any appeal plus extensions authorized by California Code of Civil Procedure Section 1094.6.

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 and Building Department a written notice of appeal stating the basis of appeal and paying the required fees.

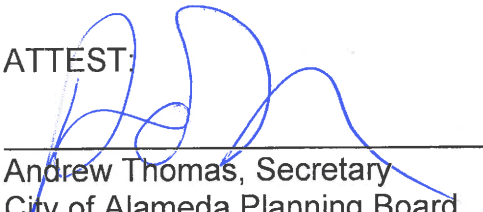
I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 24th day of October, 2016, by the following vote to wit:

AYES: (6) Mitchell, Burton, Curtis, Knox White, Sullivan, and Zuppan

NOES: (0)

ABSENT: (1) Köster

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board