



**ADMINISTRATION AND ENFORCEMENT**

The City of Alameda will administer the provisions of the Alameda Point Waterfront Town Center Precise Plan in accordance with the City of Alameda's General Plan, including the Alameda Point Community Plan, and state and federal law.

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**APPLICABILITY**

The Precise Plan implements the General Plan objective and policies for the area, and the Precise Plan fulfills the content requirements of a Specific Plan under Government Code Section 65450-65457. The Plan serves as a regulatory document for the development of the Plan Area and provides guidance for the City, developers and builders for Plan Area development. All private and public investment and improvements in the Plan Area will be required to be consistent with the regulations, standards and guidelines in this Plan.

**ADMINISTRATION**

The City of Alameda will administer the provisions of the Alameda Point Waterfront Town Center Precise Plan in accordance with the City of Alameda's General Plan, including the Alameda Point Community Plan, and state and federal law. This Precise Plan's chapters, procedures, regulations, standards and specifications shall supersede the relevant provisions of the Alameda Municipal Code (AMC) as they currently exist or may be amended in the future. Topics not covered by the Precise Plan are regulated by the AMC. Where the Precise Plan and the AMC are inconsistent, the Precise Plan shall prevail.

Subsequent to the approval of this Precise Plan, applicants shall submit applications and plans for a Development Plan for each phase of the Project for consideration and approval by the City subject to Section 30-4.13 (j) . Such Development Plans require Planning Board action and shall be reviewed by the Community Development Director to ensure that subsequent phases are designed to substantially conform with the Precise Plan and, as applicable, the AMC. The Development Plan process shall provide for review of detailed site plans, building and landscape treatments as well as compliance with the Precise Plan and CEQA requirements. The Development Plan submitted for approval shall include the final site layout, street design, building design and landscaping. Each building site or combination of sites shall be subject to Design Review. The Design Review process provides for review of architectural design and building facades, building materials, colors, etc. The Development Plan and Design Review process may occur concurrently.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Subsequent discretionary project approvals required by this Precise Plan will require appropriate environmental review under CEQA. Exemptions from CEQA may be applicable to future development in the Plan Area. For example, the Plan Area is subject to Public Resources Code section 21083.3 and CEQA guidelines Section 65457, which provides an additional exemption for certain projects consistent with a Specific Plan for which an environmental impact report has been certified.

**REGULATIONS**

The regulations in this section are applicable to all properties within the Alameda Point Waterfront Town Center Plan Area. In addition to these regulations, all new construction, alterations, and land use within the Waterfront Town Center plan area must comply with the following permit requirements.

*Alameda Municipal Code:*

Regulations in the AMC not covered by this section remain applicable to the Plan Area. When the content of this section conflicts with the AMC, this section shall govern.

*Development Plan Required for All New Development:*

Any proposal that includes construction of new buildings or modifications to the location of an existing building, landscape area, parking area or other physical feature shall include a Development Plan that meets the requirements of AMC 30-4.13 (j) Planned Developments.

Development Plans will be evaluated by their ability to meet the goal of achieving residential and commercial densities that support convenient and frequent transit service.

*Design Review Required for Exterior Alteration and New Buildings:*

All improvements requiring building permits shall be subject to the requirements of AMC 30-36 Design Review Procedures and AMC 30-37 Design Review Regulations. All design review applications shall be reviewed for conformance with the submittal requirements for a Development Plan as required by AMC 4.13 (j), the regulations of this Section and the applicable sections of the Citywide Design Review Manual.

*Biological Regulations and On-Site Lighting:* All new construction projects, alterations to existing buildings and new uses shall comply with the conditions set forth in the Declaration of Restrictions for the Former Naval Air Station (Declaration) consistent with the Biological Opinion issued by the U.S. Fish and Wildlife and Exhibit C (Alameda Point Lighting Mitigation Measures) of the Memorandum of Agreement between the City of Alameda and Department of Veteran's Affairs.

*NAS Alameda Historic District Guidelines:* All new construction and modifications to existing buildings within the NAS Alameda Historic District should be consistent with the Guide to Preserving the Character of the Naval Air Station Alameda Historic District, as amended, and AMC Section 13-21(Preservation of Historical and Cultural Resources).

*Public Trust Exchange Act and Agreement:* All use of land and existing buildings and new construction shall be reviewed for consistency with Naval Air Station Alameda Public Trust Exchange Act, Chapter 734, Statutes of 2000, as amended by Chapter 429, Statutes of 2011 and Naval Air Station Alameda Exchange Agreement regarding

Public Trust Lands at Alameda Point.

*Alameda Point Environmental Impact Report Mitigation Monitoring Program:* All new development and uses shall be reviewed for consistency with the 2014 Alameda Point Environmental Impact Report adopted Mitigation Monitoring and Reporting Program.

*Alameda Point Master Infrastructure Plan:* All new development and uses shall be reviewed for consistency with the approved Alameda Point Master Infrastructure Plan.

*Alameda Point Master Transportation Demand Management Plan:* All new development and uses shall be reviewed for consistency with the approved Alameda Point Transportation Demand Management Plan.

*Sustainable Design and Bay Friendly Landscape:* All new building or renovation projects within Alameda Point shall comply with Section 13-19 (Green Building Requirements for City Building Projects, Capital Improvement Projects, and Public-Private Partnerships) of the AMC. Documentation shall be submitted with applicable permits

that demonstrates how the development proposal will acquire the required points to achieve a minimum of LEED certification or equivalent threshold of sustainability. LEED certification is not required. All new landscaping and renovation projects within Alameda Point shall comply with Section 30-58 (Water Conservation and Bay Friendly Landscaping Requirements).

*Subdivision Ordinance:*

Except as set forth in this Precise Plan, the provisions of the AMC Section 30-73 shall govern the processing and approval of subdivision maps.

Land within the Plan Area may be subdivided and developed pursuant to a tentative map or vesting tentative map for any purpose that is consistent with the California Subdivision Map Act. As used in this section, a “vesting tentative map” shall mean a tentative map for subdivision that shall have printed conspicuously on its face the words “Vesting Tentative Map” at the time it is filed in accordance with the Subdivision Map Act. Maps will be processed in accordance with applicable provisions of the AMC and the Subdivision Map Act at the time the subdivision application is submitted, subject to the terms of any Development Agreement entered between the applicant and the City.

*Use Permits:*

Any new use of land or existing buildings shall be reviewed for consistency with Table 1: Permitted Use. Table 1 indicates the land uses that are permitted “by right” (P), by conditional use permit (C), or not permitted (-), according to each Land Use category designated on the Land Use Plan, above. The location of these uses is described on the Proposed Town Center Land Use Plan on page 108. Conditional use permits may be granted pursuant to the procedures and standards of AMC-Sections 30-21.3 and .4. Maximum off-street parking ratios are noted.

If a proposed use is not listed in the Permitted and Conditional Use Table it shall not be permitted, unless the Community Development Director or the Planning Board determines that the proposed use is substantially similar to a use specified as a permitted or conditionally permitted. Such determination shall not permit the establishment of any use that would be inconsistent with the statement of purpose for the Waterfront Town Center in the Alameda Point Zoning District and the Precise Plan Framework presented in Chapter 1, and no interpretation shall have the effect of amending, abrogating, or waiving any other standard or requirement established in AP-WTC regulations. Accessory uses customarily incidental to any of the above

permitted uses when on the same lot are permitted. Accessory uses customarily incidental to any of the above conditional uses when located on the same lot are conditionally permitted with the granting of a Conditional Use Permit pursuant to AMC, Sections 30-21.4 or .4.

*Interim Uses:*

Use permits may be issued for interim uses that may not be permitted or conditionally permitted as set out in Table B, provided that Interim Use Permits provide opportunities for short-term uses and activities for a defined period of time, not to exceed five (5) years that are not intended to be permanent uses but are transitional in nature, generally allowing for emergency situations, construction, and remediation activities, or the cultivation and establishment of small, low-overhead businesses and their eventual relocation into permanent structures.

*Multifamily Housing:*

Proposals to construct multifamily housing or adaptively reuse a non-residential building for multifamily housing shall be accompanied by an application for Density Bonus and a waiver of the multifamily prohibition in AMC 30-53.

*Certificate of Approval:*

The Historic Preservation Ordinance

requires a certificate of approval by the City of Alameda’s Historic Advisory Board (HAB) for modifications to contributors and resources within the Historic District. As part of the certificate of approval process, project sponsors shall provide:

- a. An analysis of the proposal’s conformity with the Guide to Preserving the Character of the Naval Air Station Alameda Historic District as adopted and amended by the City Council;
- b. An analysis of the proposal’s conformity with general management and design guidelines contained within the NAS Alameda Cultural Landscape Report (JRP, 2012), including application of the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes. These include special treatments organized by functional area for such topics as spatial organization, topography, vegetation, views and vistas, circulation, as well as structures, furnishings and objects; and
- c. An analysis of impacts to the integrity of the Historic District, as a whole, and an analysis of alternatives to avoid potential impacts on the District as a whole, on an individual resource.

*Additional Permits Required:*

Depending on the scope and location of the proposed development, one or more of the following permits and approvals may be required for future investments in the Plan Area.

*City of Alameda*

- Improvement Plans and Subdivision Maps, and Agreements
- Excavation Permits, including Marsh Crust Excavation Permits
- Demolition, Grading and Building Permits
- Electricity Agreements (Alameda Municipal Power)
- Approval of improvement to facilities for distribution of electricity and connection permits (and possibly cable connection)
- Project Financing Districts or other funding mechanism
- Alameda Point Development Impact/Infrastructure Fee Program

*San Francisco Bay Conservation and Development Commission (BCDC)*

- Approval of any development located within 100 feet of the shoreline

*East Bay Municipal Utility District (EBMUD)*

- Approval of water line extensions, water hookups and review of water needs
- Approval for sewer treatment capacity

*California Regional Water Quality Control Board, San Francisco Bay Region (RWQCB)*

- National Pollutant Discharge Elimination System (NPDES) permit for storm water discharge
- Approval and oversight of remediation of soil or groundwater contamination
- Clean Water Act Section 401 Certification, if needed

*California Department of Toxic Substances Control (DTSC)*

- Approval and oversight of hazardous materials remediation

*Bay Area Quality Management District (BAAQMD)*

- Permitting of asbestos abatement activities
- Authority to construct
- Permit to operate

*US Army Corps of Engineers*

- Clean Water Act Section 404 Authorization, if needed

*US Environmental Protection Agency*

- Approval and oversight of remediation of National Priority List (NPL) hazardous substances sites.

*Matters of Determination*

Every effort has been made to provide policies and regulations that are clear;

however, interpretations will be necessary when specific and unusual circumstances arise. Conformance Determinations may be requested by an applicant and subject to approval by the City's Community Development Director, Planning Board or City Council, as described below.

If any situation arises in the implementation of the Precise Plan that is not addressed by specific site development regulations, or, if an issue, condition, or situation arises that is not clearly addressed in the Precise Plan, the Community Development Director shall provide an interpretation based on such City goals, policies, plans, ordinances and requirements as are most closely related to the subject matter of the issue or situation to be interpreted.

The approved Precise Plan is intended to be interpreted and applied in favor of the purposes and intent of this Precise Plan. If the City nevertheless determines that a conflict exists between the Precise Plan and the AMC, the provisions of the Precise Plan shall take precedence. Administrative interpretations may be appealed by the applicant to the Planning Board.

*Amendments to the Precise Plan and Conformance Determinations:*

This Precise Plan is being adopted by the City of Alameda. This Precise Plan shall be amended in accordance with the AMC. Conformance Determinations are not amendments.

*Hearing Notice:*

Any public hearing required by this Chapter shall be noticed in the manner provided in the City's Zoning Ordinance.

**SEVERABILITY**

If any provision of this Precise Plan is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions of this Precise Plan which can be implemented without the invalid provision, and, to this end, the provisions of this Precise Plan are declared to be severable.

**PRECISE PLAN COMPLIANCE AND ENFORCEMENT**

No building permit, grading permit, land use discretionary permit, or other permit for a land use subject to the provisions of the Precise Plan may be approved if it is found to be inconsistent with the Precise Plan. The regulatory elements of the Precise Plan are enforceable pursuant to the enforcement requirements of the AMC.

