

CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-15-01

UPHOLDING ZONING ADMINISTRATOR APPROVAL OF ADMINISTRATIVE USE PERMIT NO. PLN14-0757 AND DETERMINATION OF PUBLIC CONVENIENCE TO ALLOW THE WALGREENS STORE AT 1600 PARK STREET TO SELL ALCOHOLIC BEVERAGES FOR OFF-SITE CONSUMPTION.

WHEREAS, the project site is located within a NP-G, North Park Street Gateway Zoning District; and

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

WHEREAS, on February 3, 2015, the Zoning Administrator held a public hearing and conditionally approved Walgreens application for an administrative use permit to allow sale of alcoholic beverages for off-site consumption; and

WHEREAS, on February 10, 2015, O Hwan Kwon, of 1601 Park Street, appealed the Zoning Administrator approval of the application; and

WHEREAS, the Planning Board held a de novo public hearing on March 9, 2015 on the use permit application at which all materials submitted and all comments made by all parties, including staff, regarding this application were considered; and

NOW, THEREFORE BE IT RESOLVED THAT, the Planning Board considered the appeal, the public testimony, and all pertinent maps and reports and made the following findings concerning the project:

Appeal Finding:

The Appellant has failed to demonstrate that the Zoning Administrator'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.

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 sale of alcoholic beverages for off-site consumption is compatible with the commercial and shopping nature of the area, and this accessory use at an existing

pharmacy and general retail establishment will not adversely affect surrounding development. The North Park Street Gateway District is intended to provide a variety of neighborhood serving establishments along Park Street. This proposal to expand the selection of goods at an existing retail establishment is consistent with that goal.

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

The existing establishment is already served by adequate transportation facilities, and the addition of alcoholic beverage sales will not generate significant traffic. Given the limited nature of the proposed accessory use, it is unlikely that there will be a large influx of additional customers. Rather, it is anticipated that many of the same customers who currently shop at Walgreens will continue to shop there, with the added benefit of "one stop" shopping. Therefore, the limited selection of alcoholic beverages, confined to 74 square feet of retail display, will not materially increase the number of truck deliveries or vehicles, and any additional traffic generated by the addition of alcoholic beverages will be negligible.

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 business operates daily from 7:00 a.m. to 10:00 p.m., with shorter hours on weekends. There are no operational changes being proposed other than to devote approximately seventy-four (74) square feet of retail display to alcohol sales. The ancillary sale of alcoholic beverages will be conducted in compliance with all conditions upon which approval is made contingent, and the activity will not adversely affect properties in the vicinity. The Alameda Police Department also did not express public safety concerns with this proposal.

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

The site is located within an area designated by the General Plan as Community Commercial. The proposed use is consistent with this land use designation and Guiding Policy 2.5.a, which calls for "providing enough retail services to enable Alameda to realize its full retail sales potential and provide residents with the full range of business and services.

5. The issuance of the Public Convenience or Necessity determination to allow a license to sell beer, wine and distilled spirits at the proposed location will not be detrimental to the surrounding area and will serve a public convenience by providing one-stop shopping opportunity to customers of the business.

The existing Walgreens is located along the Park Street commercial corridor, which is regarded as a primary destination for Alameda residents for goods and services. While many businesses along Park Street hold liquor licenses, the majority are restaurants that provide alcoholic beverages for on-site consumption. By adding alcoholic beverages to its inventory, Walgreens will provide a "one-stop" shopping experience for its customers. This convenience will result in increased efficiency for shoppers, and the sale of alcoholic beverages is typical for such a national retail pharmacy as well as

other convenience retailers in the vicinity of the Park Street commercial district. The negative effects normally associated with the over-concentration of businesses selling alcohol within a particular geographic area, including increased crime, loitering, etc., are not evident along the Park Street commercial district. Moreover, the City's General Plan and Zoning Ordinance encourage a concentration of such uses within the commercial districts in order to minimize potential impacts to other neighborhoods. Therefore, issuance of the requested alcoholic beverage license will serve public convenience but not prove detrimental to public health and safety or welfare.

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT, the Planning Board finds that the project is a Class 1 Categorical Exemption and no additional environmental review is necessary pursuant to CEQA Guidelines Section 15301, which exempts permitting of existing facilities involving negligible or no expansion of use from environmental review.

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT the Planning Board of the City of Alameda hereby upholds Zoning Administrator Administrative Use Permit PLN14-0757 to allow sale of alcoholic beverages for off-site consumption at 1600 Park Street, subject to compliance with the following conditions:

PLANNING

1. **Compliance with Conditions:** The applicant shall ensure compliance with all of the following conditions. Failure to comply with any condition may result in the business operation being stopped, issuance of a citation, and/or modification or revocation of the permit.
2. **Approved Plans:** The amount of shelving space devoted to the display of alcoholic beverages shall be limited to 74 square feet of display area, which is equivalent to approximately 18 linear feet of shelf space and six feet of cooler space, as depicted in the floor plan titled "Beer, Wine & Spirits Area" consisting of one sheet, stamped received on December 30, 2014, and shall consist of the use characteristics as indicated in the application supplements, both on file in the Community Development Department offices.
3. **Limitations of this Permit:** The sale of the following types are alcoholic beverage products are excluded from this permit:
 - a. Distilled spirits in sizes smaller than 200ml,
 - b. Malt liquors or ice beers,
 - c. Beer, malt beverages, and wine coolers of 16 oz. or less in single containers (these beverages shall be sold in manufacturers' pre-packaged multi-unit quantities),
 - d. Any wine with alcoholic content of greater than 15% by volume except for "Dinner Wines," as defined by the California Department of Alcoholic Beverage

Control (ABC), which have been aged two years or more and maintained in corked bottles,

e. Wine in bottles or containers smaller than 750ml.

4. **Alcohol Sales:** The permittee and all employees selling alcohol, or directly supervising such sales, shall complete a course in Responsible Beverage Sales and Service (RBSS) through the ABC within six months of employment at the establishment. Employees who have completed the course within the last five (5) years shall be exempt from this requirement. The applicant shall obtain all required permits from the ABC prior to operating the component of their business that includes alcohol.
5. **Signs:** All signage on the premises shall comply with the City Sign Regulations and permitting requirements set forth in AMC Section 30-6.
6. **Vesting:** The Use Permit approval shall expire two (2) years after the date of approval or by March 9, 2017, unless authorized 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.
7. **Expiration:** This Use Permit allows for ancillary sales of beer, wine, and/or spirits for off-site consumption at the existing Walgreens at 1600 Park Street. **This Use Permit shall expire and terminate immediately upon a change of use on the property where the premises no longer operates as a pharmacy and general retailer.**
8. **Use Permit Review:** Upon six months after the sale of alcoholic beverages has begun on the premises, the applicant shall request the Zoning Administrator to schedule a meeting before the Planning Board to report on any public safety issues related to the sale of alcoholic beverages. To facilitate a timely review, the applicant shall immediately inform the Zoning Administrator upon receiving an ABC license to sell alcohol on the premises and the date upon which the sale of alcoholic beverages will commence.
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. **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, Zoning Administrator 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, Zoning Administrator 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 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.

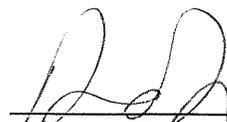
I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 9th day of March, 2015, by the following vote to wit:

AYES: (4) Henneberry, Alvarez, Burton, and Tang

NOES: (2) Knox White, and Köster

ABSENT: (1) Zuppan

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

* * * * *

CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-15-02

DECLARING A STATEMENT OF COMPLIANCE UNDER PERIODIC REVIEW FOR DEVELOPMENT AGREEMENTS FOR THE ALAMEDA LANDING MIXED USE RESIDENTIAL AND COMMERCIAL PROJECTS, FOR THE PERIOD FROM APRIL 2014 THROUGH JANUARY 2015

WHEREAS, Catellus Alameda Development, LLC has initiated a Periodic Review of two Development Agreements 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 March 9, 2015, and examined pertinent documents; and

WHEREAS, the Board finds that Catellus Alameda Development, LLC has complied with the terms and conditions of the Development Agreements for the Alameda Landing Mixed Use Residential and Commercial Projects, for the period from April 2014 through March 2015, as summarized in the Annual Report Letter submitted by Catellus Alameda Development, LLC dated February 26, 2015 and has demonstrated a continuing good faith effort to implement the terms and conditions as set forth in said Development Agreements.

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 Catellus Alameda Development, LLC, Catellus Alameda Retail, LLC, Target Corporation, and TRI Pointe Homes, Inc., have demonstrated good faith compliance with the terms and conditions of the Alameda Landing Development Agreements, with the exception of the Transportation Demand Management (TDM) Program Annual Report which does not meet the requirements of the Alameda Landing TDM program.

BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby finds that the Annual Report shall be revised and submitted for final approval to the Transportation Commission and City Council as required by the adopted Transportation Demand Management Program.

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 9th day of March, 2015, by the following vote to wit:

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 9th day of March, 2015, by the following vote to wit:

AYES: (6) Henneberry, Alvarez, Burton, Knox White, Köster and Tang

NOES: (0)

ABSENT: (1) Zuppan

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-15-03

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING DESIGN REVIEW APPLICATION NO. PLN14-0729 FOR THE INSTALLATION OF A TELECOMMUNICATIONS FACILITY AT 1538 SAINT CHARLES STREET

WHEREAS, an application was made on December 8, 2014, by Cortel Inc. representing AT&T requesting Design Review approval to install wireless telecommunication facilities on the rooftop of a residential building at 1538 Saint Charles Street; and

WHEREAS, the application was accepted as complete on February 10, 2015; and

WHEREAS, the project site is located within the R-4 (Neighborhood Residential) zoning district; and

WHEREAS, AMC Section 30-4.3 allows above ground utility installations as a permitted use; and

WHEREAS, AMC Section 30-37.2 requires Design Review for new structures such as a proposed telecommunications facility; and

WHEREAS, AMC Section 30-5.8 allows antenna and utility structures up to a height of 25 feet beyond the building height limit of the zoning district, thereby allowing such structures to extend to a height of 60 feet; and

WHEREAS, local government authority over the review and approval of wireless communications antenna applications is established by the Federal Telecommunications Act of 1996, and the Middle Class Tax Relief Act of 2012.

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Board of the City of Alameda finds this project exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 -- minor alterations to existing public or private structures involving negligible or no expansion of use beyond that which exists. The proposed installation is a negligible expansion of the residential use and is in compliance with all applicable zoning regulations. Approval of the project would not result in any significant environmental impacts.

BE IT FURTHER RESOLVED THAT, the Planning Board held a public hearing on this Design Review application on April 13, 2015, and has examined pertinent plans and documents; and

BE IT FURTHER RESOLVED THAT, pursuant to AMC Section 30-37.2, the Planning Board has made the following findings relative to the proposed Design Review application (PLN14-0729):

1. The proposed design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual, in that the design of the installation is visually consistent with the building on which it will be located and has a harmonious relationship with the surrounding area.
2. The project will be compatible and harmonious with the design and use of the surrounding area. The design and dimensions of the stealth enclosure (15'0" by 14'6" by 10' tall) are appropriate to the site, compatible with adjacent or neighboring buildings or surroundings, and promotes harmonious transitions in scale and character in areas between different designated land uses, in that the facilities will be located at the rear of the property and away from public view from the street, and will blend in with the apartment complex.
3. The proposed design of the structure and exterior materials are visually compatible with the surrounding development, and design elements have been incorporated to ensure the compatibility of the facility with the character and uses of adjacent development in that the antennas are screened from view by a stealthing structure that will be painted to match the building color, exterior cables will be boxed in and painted to match the building color, and the cabinet boxes will be located inside of the ground floor parking garage.

BE IT FURTHER RESOLVED THAT the Planning Board hereby approves Design Review Application PLN14-0729, subject to the following conditions:

1. **Building Permit Plans:** The plans submitted for the Building Permit shall include printed copies of these conditions and shall be in substantial compliance with plans prepared by Cortel dated February 2, 2015, and on file in the office of the City of Alameda Community Development Department, except as modified in these conditions of approval specified by the Planning Board:
 - a. This Planning Board resolution and conditions of approval shall be printed on the first sheet of the building permit plan set.
 - b. The final plans, submitted for building permit approval, shall conform to all applicable codes, regulations, and guidelines.
 - c. The final plans, submitted for building permit approval, shall note that exterior surfaces of the stealthing structure and the exterior cable boxing are to be painted in the matching color(s) as the building.
2. **Permit Expiration.** The Design Review approval shall terminate two years from April 13, 2015, unless actual construction under valid building permits has commenced, or the applicant applies for, and is granted by the Community Development Director or his/her designee, a one-time twenty-four month extension prior to the expiration of the Design Review.

3. **Discontinuation of Wireless Use.** Upon discontinuation of the use of the subject antennas, the property owner and/or permittee shall remove all antenna improvements and related equipment/enclosures associated with this Permit within 30 days.
4. **Co-location.** The owner(s) and operators of the proposed telecommunications facility shall fully cooperate and allow the co-location of antennas for other providers once a mutual agreement between the providers is established. Other wireless providers shall also be allowed to add on to existing at-grade equipment enclosures. Co-location proposals shall be subject to Design Review.
5. **Compliance with FCC Standards.** The proposed wireless communication facility shall comply with all applicable Federal Communications Commission (FCC) radio frequency emissions safety standards.
6. **Subsequent Changes to Approved Plans.** The approved design and dimensions of the stealth enclosure (15'0" by 14'6" by 10' tall) are appropriate to the site, compatible with adjacent or neighboring buildings, and promotes harmonious transitions in scale and character in the surrounding areas. Any subsequent exterior changes shall be submitted to the Community Development Department for review and approval prior to construction. Minor project design details requested by the applicant may be established, modified, and approved by the Community Development Director or his/her designee provided that the findings can be made that the proposed changes are consistent in character and quality to the design review plans approved by the Planning Board.
7. **Construction and Maintenance Hours.** Except in the case of emergency, construction and maintenance on the roof shall be limited to the hours of 8:00 AM to 5:00 PM, Mondays through Fridays.
8. **Radio Frequency Emission Safety.**
 - a. The roof access door shall be locked and fitted with an alarmed "panic bar" so that the antennas on the roof are not accessible to unauthorized persons.
 - b. RF safety training shall be provided to all authorized personnel who have access to the roof, including employees and contractors of the wireless carriers, and the property owner.
 - c. No access shall be allowed within 10 feet directly in front of the antennas while the base stations are in operation, unless other measures can be demonstrated to ensure that occupational protection requirements are met.
 - d. Yellow demarcation lines shall be painted on the roof to identify areas calculated to exceed the FCC occupational limit.

- e. Explanatory signs shall be posted at the roof access door that comply with OET-65 color, symbol, and content recommendations. Contact information shall be included to arrange for access to restricted areas.
 - f. All residents within the building, and property management and maintenance personnel, shall be notified of the location of rooftop antennas and their associated safety issues. The notification shall state that access to the roof is for authorized personnel only. It shall be the responsibility of the property owner/management to notify future tenants of the building.
9. **Nuisance.** This use shall be operated in a manner which does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City.
10. **Noise.** Maximum noise levels emanating from any of the facilities operating on the subject site shall comply with the City's Noise Ordinance requirements.
11. **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.
12. **Indemnification.** The applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda 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 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 Planning Board or City Council relating to this project. The City shall 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 protect 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 13th day of April, 2015, by the following vote to wit:

- AYES: (7) Henneberry, Alvarez, Burton, Knox White, Köster, Tang, and Zuppan
- NOES: (0)
- ABSENT: (0)

ATTEST:


Andrew Thomas, Secretary
City of Alameda Planning Board

CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-15-04

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING DESIGN REVIEW APPLICATION NO. PLN14-0731 FOR THE INSTALLATION OF A TELECOMMUNICATIONS FACILITY AT 1777 SHORELINE DRIVE

WHEREAS, an application was made on December 9, 2014, by Cortel Inc. representing AT&T requesting Design Review approval to install wireless telecommunication facilities on the rooftop of a residential building at 1777 Shoreline Drive; and

WHEREAS, the application was accepted as complete on February 10, 2015; and

WHEREAS, the project site is located within a R-3-PD (Garden Residential Planned Development) zoning district; and

WHEREAS, AMC Section 30-4.3 allows above ground utility installations as a permitted use; and

WHEREAS, AMC Section 30-37.2 requires Design Review for new structures such as a proposed telecommunications facility; and

WHEREAS, AMC Section 30-5.8 allows antenna and utility structures up to a height of 25 feet beyond the building height limit of the zoning district, thereby allowing such structures to extend to a height of 60 feet; and

WHEREAS, local government authority over the review and approval of wireless communications antenna applications is established by the Federal Telecommunications Act of 1996, and the Middle Class Tax Relief Act of 2012.

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Board of the City of Alameda finds this project exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 -- minor alterations to existing public or private structures involving negligible or no expansion of use beyond that which exists. The proposed installation is a negligible expansion of the residential use and is in compliance with all applicable zoning regulations. Approval of the project would not result in any significant environmental impacts.

BE IT FURTHER RESOLVED THAT the Planning Board held a public hearing on this Design Review application on April 13, 2015, and has examined pertinent plans and documents; and

BE IT FURTHER RESOLVED THAT pursuant to AMC Section 30-37.2, the Planning Board has made the following findings relative to the proposed Design Review application (PLN14-0731):

1. The proposed design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual, in that the design of the installation is visually consistent with the building on which it will be located and has a harmonious relationship with the surrounding area.
2. The project will be compatible and harmonious with the design and use of the surrounding area. The design and dimensions of the stealth enclosure (17'6" by 17'6" by 11' tall) are appropriate to the site, compatible with adjacent or neighboring buildings or surroundings, and promotes harmonious transitions in scale and character in areas between different designated land uses, in that the facilities will be located at the rear of the property and away from public view from the street, and will blend in with the apartment complex.
3. The proposed design of the structure and exterior materials are visually compatible with the surrounding development, and design elements have been incorporated to ensure the compatibility of the facility with the character and uses of adjacent development in that the antennas are screened from view by a stealthing structure that will be painted to match the building color, exterior cables will be boxed in and painted to match the building color, and the cabinet boxes will be located adjacent to the ground floor parking garage and will be concealed behind a door that will be painted to match the building.

BE IT FURTHER RESOLVED THAT the Planning Board hereby approves Design Review Application PLN14-0731, subject to the following conditions:

1. **Building Permit Plans:** The plans submitted for the Building Permit shall include printed copies of these conditions and shall be in substantial compliance with plans prepared by Cortel dated February 2, 2015, and on file in the office of the City of Alameda Community Development Department, except as modified in these conditions of approval specified by the Planning Board:
 - a. This Planning Board resolution and conditions of approval shall be printed on the first sheet of the building permit plan set.
 - b. The final plans, submitted for building permit approval, shall conform to all applicable codes, regulations, and guidelines.
 - c. The final plans, submitted for building permit approval, shall note that exterior surfaces of the stealthing structure, exterior cable boxing and door to equipment cabinets are to be painted in the matching color(s) as the building.

2. **Permit Expiration:** The Design Review approval shall terminate two years from April 13, 2015, unless actual construction under valid building permits has commenced, or the applicant applies for, and is granted by the Community Development Director or his/her designee, a one-time twenty-four month extension prior to the expiration of the Design Review.
3. **Discontinuation of Wireless Use.** Upon discontinuation of the use of the subject antennas, the property owner and/or permittee shall remove all antenna improvements and related equipment/enclosures associated with this Permit within 30 days.
4. **Co-location.** The owner(s) and operators of the proposed telecommunications facility shall fully cooperate and allow the co-location of antennas for other providers once a mutual agreement between the providers is established. Other wireless providers shall also be allowed to add on to existing at-grade equipment enclosures. Co-locations proposals shall be subject to Design Review.
5. **Compliance with FCC Standards.** The proposed wireless communication facility shall comply with all applicable Federal Communications Commission (FCC) radio frequency emissions safety standards.
6. **Subsequent Changes to Approved Plans.** The approved design and dimensions of the stealth enclosure (17'6" wide by 17'6" long by 11' tall) are appropriate to the site, compatible with adjacent or neighboring buildings, and promotes harmonious transitions in scale and character in the surrounding areas. Any subsequent exterior changes shall be submitted to the Community Development Department for review and approval prior to construction. Minor project design details requested by the applicant may be established, modified, and approved by the Community Development Director or his/her designee provided that the findings can be made that the proposed changes are consistent in character and quality to the design review plans approved by the Planning Board.
7. **Construction and Maintenance Hours.** Except in the case of emergency, construction and maintenance on the roof shall be limited to the hours of 8:00 AM to 5:00 PM, Mondays through Fridays.
8. **Radio Frequency Emission Safety.**
 - a. The roof access door shall be locked and fitted with an alarmed "panic bar" so that the antennas on the roof are not accessible to unauthorized persons.
 - b. RF safety training shall be provided to all authorized personnel who have access to the roof, including employees and contractors of the wireless carriers, and the property owner.

- c. No access shall be allowed within 10 feet directly in front of the antennas while the base stations are in operation, unless other measures can be demonstrated to ensure that occupational protection requirements are met.
 - d. Yellow demarcation lines shall be painted on the roof to identify areas calculated to exceed the FCC occupational limit.
 - e. Explanatory signs shall be posted at the roof access door that comply with OET-65 color, symbol, and content recommendations. Contact information shall be included to arrange for access to restricted areas.
 - f. All residents within the building, and property management and maintenance personnel, shall be notified of the location of rooftop antennas and their associated safety issues. The notification shall state that access to the roof is for authorized personnel only. It shall be the responsibility of the property owner/management to notify future tenants of the building.
9. **Nuisance.** This use shall be operated in a manner which does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City.
10. **Noise.** Maximum noise levels emanating from any of the facilities operating on the subject site shall comply with the City's Noise Ordinance requirements.
11. **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.
12. **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, Zoning Administrator 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, Zoning Administrator 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 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.

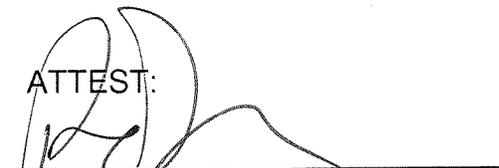
NOTICE. The conditions of project approval set forth herein include certain fees and other exactions. Pursuant to Government Code section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and exactions. The applicant is hereby further notified that the 90-day appeal period, in which the applicant may protect 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 13th day of April, 2015, by the following vote to wit:

- AYES: (5) Henneberry, Alvarez, Burton, Knox White, and Tang
- NOES: (2) Köster, and Zuppan
- ABSENT: (0)

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

**CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-15-05**

DECLARING A STATEMENT OF COMPLIANCE UNDER PERIODIC REVIEW FOR DEVELOPMENT AGREEMENT, DA-89-1, FOR THE PERIOD APRIL 5, 2014 THROUGH APRIL 4, 2015

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 April 27, 2015, 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, 2015 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, 2015.

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 27th day of April, 2015, by the following vote to wit:

AYES: (6) Alvarez, Burton, Knox White, Köster, Tang, and Zuppan
NOES: (0)
ABSENT: (1) Henneberry

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

* * * * *

**CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-15-06**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING PLN15-0078 – AMENDMENT TO MARINA VILLAGE SHOPPING CENTER MASTER SIGN PROGRAM TO ALLOW TWO NEW FREESTANDING SIGNS

WHEREAS, on January 28, 2015, the applicant, Arrow Sign Company for Westwood Financial Corporation, submitted a request to amend the Sign Program to allow two new freestanding signs; and

WHEREAS, the Planning Board considered the amendment on April 27, 2015.

NOW, THEREFORE BE IT RESOLVED THAT the Planning Board determines that the proposed amendment to the Sign Program is:

1. Consistent with General Plan policies to promote economic development and ensure an attractive and well design commercial environment in business districts.
2. Consistent with the original intent and spirit of the previously approved Master Sign Program, and
3. Categorically exempt from further review under the California Environmental Quality Act pursuant to CEQA Section 15311 – construction of minor structures accessory to existing commercial facilities including signs.

NOW THEREFORE, BE IT FURTHER RESOLVED THAT the Planning Board of the City of Alameda hereby approves PLN15-0078 to amend the Marina Village Master Sign Program to allow two new freestanding signs, subject to compliance with the following conditions:

1. The plans submitted for building permit and construction shall be in substantial compliance with plans prepared by Arrow Sign Company, received on January 28, 2015, and on file in the office of the City of Alameda Community Development Department.
2. 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.
3. Prior to issuance of building permits for the new monument signs, the applicant shall reformat, to the satisfaction of the Community Development Director, the original Marina Village Shopping Center Sign Program and all subsequent amendments into a single, cohesive reference document.
4. Prior to issuance of building permits for the freestanding signs, all prohibited temporary signage and flags shall be removed to the satisfaction of the Community Development Director.

5. The internal lighting for the freestanding signs shall utilize an energy efficient light source, such as Light Emitting Diodes (LED), to the satisfaction of the Community Development Director.

6. HOLD HARMLESS. The applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, the 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, 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, 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.

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 27th day of April, 2015, by the following vote to wit:

AYES: (6) Alvarez, Burton, Knox White, Köster, Tang, and Zuppan

NOES: (0)

ABSENT: (1) Henneberry

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

* * * * *

CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-15-07

APPROVING DESIGN REVIEW AND USE PERMIT FOR PLN15-0043 FOR THE CENTRAL BAY OPERATIONS AND MAINTENANCE FACILITY AND EMERGENCY OPERATIONS CENTER FOR THE WATER EMERGENCY TRANSPORTATION AUTHORITY (WETA) AT 670 WEST HORNET AVENUE

WHEREAS, an application was made on February 2, 2015, by Water Emergency Transportation Authority (WETA), for Design Review approval to construct the Central Bay Operations and Maintenance Facility and use permit approval for outdoor storage of materials and extended hours of operation; and

WHEREAS, the subject property is designated as Mixed Use in the General Plan; and

WHEREAS, the subject property is located in the Alameda Point Enterprise 4 Zoning District; and

WHEREAS, the Alameda Point Enterprise 4 Zoning District requires Planning Board approval of Design Review applications, prior to redevelopment and reuse of the property and use permit approval for outdoor storage and extended hours of operation;

WHEREAS, the City Council of the City of Alameda certified the Alameda Point Environmental Impact Report for the redevelopment and reuse of the former Naval Air Station at Alameda Point; and

WHEREAS, the Board of Directors of the Water Emergency Transportation Authority approved a Mitigated Negative Declaration for the project under the California Environmental Quality Act (CEQA) on June 2, 2011; and

WHEREAS, the Planning Board held a public hearing on March 23, 2015, for this Design Review application, and examined pertinent maps, drawings, and documents.

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

DESIGN REVIEW FINDINGS:

The project will have no significant adverse effects on the persons or properties in the vicinity. The proposed facility is consistent with the General Plan and Zoning designations for the property as well as the Public Trust Exchange Agreement (i.e. State Tidelands). The proposed project is also compatible with the adjacent MARAD fleet uses, the Hornet Museum, and the adjacent public open spaces. Further, the project will significantly improve the City of Alameda's ability to respond to a major natural or transportation disaster by providing water transport services to the region in the event that automobile access across the estuary is disrupted. In addition, the project will result in significant public benefits including the following:

- The proposed project is a permanent facility that will provide job opportunities at Alameda Point to help replace the jobs lost in Alameda when the Navy departed.
- The plans include permanent improvements and investment in the adjacent public park and the Bay Trail.
- The project includes improvements to roadway, sidewalks, landscaping and lighting along West Hornet Avenue adjacent to the project area. In addition, the project will contribute to the improvement of the water utility service to this area and relocate or extend other utility services as required to facilitate development.
- The project will improve the visual appearance and protection of the shoreline within the project boundaries and provide sea level rise protection.

The project will be compatible and harmonious with the design and use of the surrounding area. The 12 boats will be docked immediately adjacent to Piers 1, 2 and 3 which provide space for the MARAD fleet and USS Hornet Museum. The proposed roadway and bicycle improvements will improve access to the museum and improve access for Bay Trail users. The proposed improvements to the adjacent public park will improve conditions for public park users and enhance the experience and public enjoyment of the bay.

The project is consistent with the City of Alameda's Design Review Guidelines. The proposal includes landscape and building improvements that are compatible with uses in the area and appropriate for a waterfront maritime location. The architectural design reflects a well-crafted industrial aesthetic, appropriate to the functions of the facility and the maritime context. The project utilizes high quality, visually interesting and durable exterior materials that provide visual interest. Canopies, sun shading devices and glazing, as well as landscaping along the street front will differentiate the building facades in response to solar orientation and the environmental setting. The building is shaped to vertically accentuate the transition between the public spaces to the east and the more maritime and industrial uses to the west. Sustainable design is an important attribute of the project, which is pursuing LEED Silver designation through the US Green Building Council.

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 facility is consistent with the General Plan and Zoning designations for the property as well as the Public Trust Exchange Agreement (i.e. State Tidelands) and permitted by the zoning. The outdoor storage of fuel in the enclosed and screed area and the extended hours of operations require use permit approval. The exterior storage and extended hours of operation are compatible with the adjacent MARAD fleet uses and the adjacent public open spaces and will enable the City and the region to respond to a natural disaster in the future.

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

The facility includes roadway, bicycle and pedestrian improvements within the vicinity of the

project. The site will be served by the Alameda Point transportation plan. In addition, the facility includes parking for the employees of the facility as well as on-site bicycle parking. Furthermore, this facility is an important step towards ensuring a strong partnership between the community of Alameda and WETA, the regional ferry provider. Although this facility is not a day-to-day ferry terminal, a strong partnership between WETA and the City will improve the City's ability to meet its ferry transportation goals.

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 outdoor storage and extended hours will not impact the adjacent maritime uses or the adjacent open space uses. The facility will not compete with any other Alameda businesses and will be a beneficial addition to the area. The type of business proposed is compatible with the existing environment and would complement activities on the waterfront and users of the public shoreline trail. The operations, patronage and operating hours of the facility will not adversely affect neighboring uses due to noise, traffic, light or excessive parking demands.

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

This property is designated as located within the MU Specified Mixed Use Area on the General Plan Diagram. The General Plan policies support employment generating and maritime oriented facilities at Alameda Point. The proposed project would activate a vacant waterfront site with activities consistent with this General Plan objective

BE IT FURTHER RESOLVED, that the Planning Board finds this proposal was adequately considered by the Central Bay Operations and Maintenance Facility Mitigated Negative Declaration and the Alameda Point Environmental Impact Report and no further review is required under the California Environmental Quality Act (CEQA).

BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby approves Design Review and Use Permit Applications PLN 15-0043, subject to the following conditions:

1. Building Permit Plans: The plans submitted for the Building Permit shall be in substantial compliance with the plans prepared by ROMA Design Group for WETA dated March 2015, consisting of 17 sheets numbered SA101 through EX1 on file in the office of the City of Alameda Community Development Department, as modified by the following Planning Board conditions:
 - Bay Trail: The portion of the Bay Trail in the improved portion of Enterprise Park from the eastern edge of the facility to the eastern edge of the improved park area shall be expanded to provide 12 feet of paved surface and 4 feet of decomposed granite for joggers.
 - Parking Spaces: The total number of parking spaces provided shall be capped at 75 spaces, and shall not be expanded. Upon initiation of regular transit services to the site that accommodates employee work schedules, the Planning Board shall hold a

public hearing to reconsider the need for 75 parking spaces and may at that time amend this use permit to reduce the total number of spaces.

- Street Lights: The improvement plans shall replace the proposed cobra head lights with Alameda Municipal Power-specified attractive pedestrian scaled street lights along the improved portions of West Hornet Avenue.
- Lane Striping: The improvement plans shall show West Hornet striped with 10 foot travel lanes.
- North and East Elevations: The Building Permit plans shall include architectural enhancements such as canopies over the doorways on the north elevation to improve the visual interest of the design from the public right of way and revisions to the east elevation to increase the height of the doorway to match the height of the adjacent window.

2. Vesting: This Design Review and use permit approval shall expire and become void unless actual construction under valid permits has commenced within a period of time consistent with the lease agreement.
3. CEQA: Prior to issuance of a building permit or site improvement permit, the applicant shall submit a Mitigation Measure Compliance Checklist confirming compliance with all required environmental mitigation measures contained in the Mitigation Monitoring Reporting Program (MMRP) adopted by the WETA Board of Directors on June 2, 2011, and the Alameda City Council on February 4, 2014, for the redevelopment and reuse of Alameda Point.
4. Infrastructure Improvement Plans: Prior to issuance of a building permit or site improvement permit, the applicant shall submit an infrastructure improvement plan for the improvement of the on-site and adjacent off-site streets, open space, waste water, storm water, potable water, recycled water (if available), power, natural gas and communications facilities. The improvement plan shall be reviewed for consistency with the Alameda Point Master Infrastructure Plan and City of Alameda Municipal Code requirements. 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 and Public Works Department standards and shall include curbs, gutters, sidewalks, street trees, landscaping and irrigation, and streetlights.
5. Building Permits: Prior to issuance of any building permit or site improvement permit in preparation of vertical development, the applicant shall submit an application for final Design Review approval by the Community Development Department. All building plans and site improvement plans submitted for permits shall be reviewed for compliance with the

Planning Board Design Review findings and conditions of approval contained within this resolution, and the final Design Review submittal shall include, but not be limited to:

- a. LEED or Green Point Rating: A description of all design elements to be included for compliance with AMC Section 13-19 requiring either: a minimum LEED™ Certified rating and be so certified by the US Green Building Council or equivalent threshold of sustainability, such as a minimum Green Point Rated score of fifty (50) and be so verified by Build It Green. The project shall also have a LEED™-Accredited Professional or a Certified Green Building Professional as a principal member of the design team from the beginning of the project. The project shall meet as many LEED credits, or Green Point Rated measures as practicable and is required to complete and submit the LEED or Green Point checklist as a way of documenting the green building practices that have been incorporated into the project.
 - b. Bicycle Parking. Five on-site bicycle parking spaces will be provided within the project for employee parking and ten spaces will be provided adjacent to the facility and the park for visitor bicycle parking, as required by AMC-7.15 Bicycle Parking.
6. Parks and Open Space Plans: Final parks and open space plans shall be consistent with the Alameda Recreation and Parks Design Specifications. The landscape, hardscape, and irrigation plans for improvements in open space and parks that will be maintained by the City, shall be prepared, signed and stamped as approved by a licensed landscape architect. All design for construction or improvements to parks and open space require final approval by the Recreation and Parks Director.
 7. Biology Regulations and On-site Lighting: Prior to issuance of a building permit or site improvement permit, the applicant shall submit a Biological Opinion Compliance Checklist confirming compliance with all required conditions set forth in the Declaration of Restrictions for the Former Naval Air Station consistent with the Biological Opinion issued by the U.S. Department of Fish and Wildlife, including Exhibit C Alameda Point Lighting Mitigation Measures.
 8. Transportation Demand Management Compliance: Prior to issuance of a building permit, the applicant shall submit a Transportation Demand Management Plan Compliance Strategy to ensure compliance with the Alameda Point Transportation Demand Management Plan.
 9. Sea Level Rise: The applicant shall ensure that all new improvements are constructed at a minimum elevation of 24 inches above the 100-year tidal flood plan elevation.
 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 application or these conditions shall be subject to review and approval of the Planning Board.

General Conditions

1. The applicant shall comply with all applicable policies and requirements of the current approved Alameda Point Master Infrastructure Plan, specifically, the applicant shall undertake the following off-site infrastructure improvements, as depicted in Exhibit 1, that the City will retain under its ownership and maintenance following construction completion:
 - Enhance public access to the Bay by removing existing fencing and derelict facilities in the Bay and along the shoreline and improve and expand the existing Bay Trail facilities and construct a new viewing platform with benches, pathways, interpretative information, and landscaping for a total of approximately 35,000 square feet of public access and circulation improvements, including improvements along West Hornet Avenue.
 - Immediately adjacent to the project, West Hornet Avenue will be improved to include a 26-foot wide roadway with a 15-foot sidewalk on the south and an 11-foot sidewalk on the north. Street trees, lighting, and bio-swales will be incorporated into the improvements.
 - On the southeast side of the leasehold area, an approximately one-half acre of City-owned land will be improved for a rerouted Bay Trail and for public access, park and open space purposes.
 - The open space areas will include a rerouted 16-foot wide multiuse Bay Trail, including an approximate 1,500 square foot elevated terrace for seating, viewing and enjoyment of the bay. Two five-foot pathways will connect the viewing terrace to the Bay Trail.
 - Landscape improvements, including trees, shrubs, and ground cover, will be included with irrigation in the open space areas in keeping with the Bay Friendly Landscape Guidelines or LEED Silver certification standards.
 - Construct a new water main extending from Main Street to the project site, consistent with the City's Master Infrastructure Plan for Alameda Point. Other utilities to serve the project site, including sanitary sewer, stormwater drainage, power, and communications will be made available through connections to existing infrastructure as depicted in Exhibit 1, with minor repairs and upgrade to facilities made on an as needed basis to ensure the reliable provision of utilities to the project site consistent with the MIP.

Engineering

1. 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 Subdivision Specifications and Design Criteria. 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.

2. The landscape and irrigation plans for the improvements in the public right-of-way shall be prepared, signed and stamped as approved by a licensed landscape architect and shall be in accordance with the City's Bay Friendly Landscaping requirements or LEED Silver certification standards, the AMC, conditions of approval by the Planning Board, and other regional jurisdictions requirements, as applicable. Final landscape plans should 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. As appropriate, 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 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.

3. The landscape and irrigation plans for the improvements in the public right of way and on-site improvements shall be prepared, and signed and stamped as approved, by a licensed landscape architect. The plans shall be in accordance with the most recent version of the "Bay-Friendly Landscape Guidelines" developed by StopWaste.Org and the Bay Friendly Coalition, the AMC, 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:
 - a. have plans prepared by a qualified BFL design professional;
 - b. 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;
 - c. 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;
 - d. 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
 - e. pay the required BFL application and final submittal fees via the BFL Rater to the Bay Friendly Coalition
 - f. 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. Alternatively, this condition may be full filled by proof of LEED Silver certification.

4. Consistent with General Condition #1, a sanitary sewage flow analysis identifying the total peak sanitary sewage flow quantities to be generated by the proposed development shall be prepared by a registered civil engineer licensed in the State of California and submitted as part of the construction improvement plans. The City will provide this data to an independent consultant who will assess the impact of the proposed development on the City's sanitary sewer system using a hydraulic model and determine the required improvements, if any, to ensure sufficient sewage capacity for this project in the associated sewer sub-area consistent with Condition #1. 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 improvement plans or the building permit, whichever comes first.
5. Consistent with General Condition #1, a sanitary sewage treatment capacity analysis for wet weather flows 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 treatment capacities associated with the development. The developer will include the recommended improvements consistent with Condition #1 into the project's improvements plans prior to approval of the improvements plans or the building permit, whichever comes first.
6. Consistent with General Condition #1, 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 in the associated drainage basin. The developer will pay for the cost of the modeling study. The developer will include the recommended improvements consistent with Condition #1 into the project's improvements plans prior to approval of the improvements plans or the building permit, whichever comes first.
7. The applicant/developer shall submit a soils investigation and geotechnical report, including for the deck and piers, prepared by Langan Treadwell Rollo or other registered geotechnical engineer licensed in the State of California. 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.

8. Consistent with the project Plans referenced in Condition #1, applicant/developer shall rebuild the existing Hornet Street, sidewalk, and Bay Trail in accordance with recommendation of the Geotechnical Engineer, the AMC, and the City of Alameda Standard Plans and Specifications. 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 ditches and reconstruction of any potholed and/or alligatored areas adjacent to the project.
9. Any retaining walls, shall be masonry, metal or concrete. Wood retaining walls are not acceptable.
10. 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).
11. 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.
12. No permanent structures shall be placed over existing or proposed easements.
13. New improvements shall not conflict with existing facilities that are remaining.
14. The applicant 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 improvement plans or grading permit, whichever comes first.
15. 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.
16. The applicant shall submit the improvement plans to BCDC for approval. The final improvement plans shall incorporate all BCDC comments.
17. The applicant/developer shall provide GIS SHP files for the as-built sanitary sewer and storm drain lines.

18. The applicant/developer shall provide CAD files and a Mylar copy of the as-built plans.
19. 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

1. 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. Exceptions for demolition or other preliminary work may be granted by the Public Works Director if necessary to ensure project completion on schedule. Accumulated wastewater must be drained to the sanitary sewer.
2. For any project with a total disturbed area of one acre or greater, 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
3. In compliance with the submittals to the SWRCB, the developer of any project with a total disturbed area of one acre or greater 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.
4. In compliance with the SWPPP, the developer of any project with a total disturbed area of one acre or greater 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.
5. The applicant/developer of any construction project resulting in the potential for soils, construction materials and fluids, waste, and trash to blow or wash into a storm drain, gutter or street 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.

6. The on-site 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.
7. 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.
8. 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.
9. 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.
10. 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.

11. 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. WETA O&M responsibilities shall be limited to stormwater LID and treatment measures provided within its leased premises. 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.

12. 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. 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.

13. Fire sprinkler system test water discharges shall be directed to the sanitary sewer system or to appropriately-sized onsite vegetated area(s).
14. 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

1. 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 plans or building permit, whichever comes first.
2. 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.
3. Pedestrian and vehicular lighting at all intersections and project driveways shall meet Alameda Municipal Power standards for crosswalks, sidewalks, and intersections.
4. 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

1. All projects within the City of Alameda, including City-sponsored projects, which the City reasonably determines will cost one hundred thousand dollars (\$100,000.00) or more to demolish and/or construct 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.

- 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.

- c. 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).

2. 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.

3. 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.
4. Prior to issuance of a building permit, the applicant shall submit a plan for the storage facilities for solid waste, recyclable and compostable materials, for review and approval by the Public Works Director. 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. Such plans shall also comply with the following requirements:
 - 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.
 - The storage area(s) shall be accessible to employees.
 - 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.
 - 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.
 - 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.

Fire Safety:

1. 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.
2. 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.

3. 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).
4. 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.
5. 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.
6. 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. 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.

ALAMEDA MUNICIPAL POWER (AMP)

1. 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.
2. 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.
3. 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.

4. The Applicant shall furnish and install code-sized service cables in code-sized conduit from each house to the nearest secondary pullbox. AMP will connect the service to the secondary distribution system.
5. 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.
6. Concurrent with acceptance of work by the City, 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.
7. 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.
8. 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 23rd day of March, 2015, by the following vote to wit:

AYES: (7) Henneberry, Alvarez, Burton, Knox White, Köster, Tang, and Zuppan

NOES: (0)

ABSENT: (0)

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

* * * * *

CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-15-08

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING A TRANSPORTATION DEMAND MANAGEMENT PLAN FOR THE MARINA SHORES 89-UNIT RESIDENTIAL DEVELOPMENT LOCATED AT 1551 BUENA VISTA AVENUE

WHEREAS, the Planning Board held hearings on the Marina Cove II (now known as Marina Shores) Tentative Map on October 22, 2012, and November 26, 2012. On January 2, 2013, the City Council approved the Tentative Map and environmental documents for 52 single-family homes and 37 multi-family condominium units on the property at 1551 Buena Vista; and

WHEREAS, an Initial Study and Mitigated Negative Declaration was prepared for the Marina Cove II Tentative Map in 2012, the Mitigated Negative Declaration was adopted by the City Council on January 2, 2013, pursuant to California Environmental Quality Act, and the conditions of approval and the Mitigated Negative Declaration for the Tentative Map require preparation, adoption and implementation of a Transportation Demand Management Plan; and

WHEREAS, Lennar Homes, the applicant, has prepared a Marina Shores Transportation Demand Management Plan that includes mandatory and continuous funding by the Community Association, with escalation according to annual changes to the Bay Area Consumer Price Index, membership in a Transportation Management Association, provision of transit services and program marketing, and annual monitoring and an Annual Report.

WHEREAS, the Planning Board held a duly noticed public hearing on April 13, 2015 to receive public testimony on the Transportation Demand Management Plan for Marina Shores, and considered the testimony and written comments received.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves the Marina Shores Transportation Demand Management Plan, as amended is attached hereto as Exhibit 1.

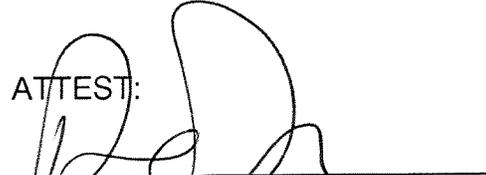
I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 13th day of April, 2015, by the following vote to wit:

AYES: (7) Henneberry, Alvarez, Burton, Knox White, Köster, Tang, and Zuppan

NOES: (0)

ABSENT: (0)

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

* * * * *

Planning Board Approved
Marina Shores Transportation Demand Management Program

Marina Shores is a residential development by Lennar Homes of California, Inc. (“Lennar”) that will provide 89 new residential units in eight (8) phases at 1551 Buena Vista Avenue in the City of Alameda (the “Project”).

Implementation of a Transportation Demand Management (TDM) program is a requirement of the Project’s Mitigation Monitoring and Reporting Program and land use entitlements with the City of Alameda.

- 1. Program Goal:** The goal of the Marina Shores TDM Program (the “MSTDM”) is to implement, on a permanently funded basis, programs and measures intended to reduce weekday peak hour vehicle trips by 10%, reduce weekday total trips and vehicle emissions, and increase awareness and use of alternative modes of transportation (the “Program Goal”).
- 2. Program Objectives:** Specific objectives to implement this goal include:
 - Provide additional transportation options for Marina Shores residents.
 - Increase transportation services and ridership
 - Increase bicycle and pedestrian options as viable commute options
 - Improve connections to regional transportation services and destinations
 - Expand partnerships between public and private sector stakeholders to create regional transportation solutions along the northern waterfront and Oakland Alameda Estuary
 - Plan and implement permanently funded programs and measures intended to minimize weekday, peak hour, single occupancy vehicle (SOV) trips;
 - Reduce greenhouse emissions;
 - Reduce demand for on-street parking; and
 - Increase public awareness and use of alternative modes of transportation to encourage long-term mode change from SOV trips.
- 3. Program Schedule and Duration:** This Marina Shores TDM Program will be implemented before or concurrent with the first occupancy permit and shall continue for the life of the project or until such time that the program is amended by the Transportation Commission or City Council.
- 4. TDM Program Annual Funding:** The Marina Shores Community Association (“Community Association”) shall provide funding on an annual basis to support the Marina Shores TDM program. The Project is subject to the Declaration of Covenants, Conditions and Restrictions for Marina Shores, a Planned Development (the “Declaration”), to which this Marina Shores TDM Program shall be attached as an Exhibit. The provisions of this Declaration provide a requirement and mechanism of annual funding by the Community Association of its obligations under this Marina Shores TDM Program and to ensure that the Community Association will fund its TDM obligations to the City or a TMA or similar organization. The funding shall be provided on a permanent basis as a Common Expense of

the Community Association through the Community Association's assessments on the Lots and Units in the Project as established under the Declaration for the Project.

The Community Association's participation and funding for program services under this Marina Shores TDM Program is mandatory and shall be considered an obligation and requirement of the Community Association under the Declaration. The obligations, requirements and provisions under this Marina Shores TDM Program cannot be amended, revised, deleted or rescinded by the Community Association or its membership without the prior written approval of the City's Transportation Committee or City Council, based on findings consistent with the original Tentative Map approval, mitigation measures and conditions of approval.

In 2015, each of the Lots or Units in Phases of the Project shall be assessed an initial amount of \$550 per year for the required transportation services to be provided under this Marina Shores TDM Program. To ensure adequate funding for "Day One" services, the project developer and home builder, (Lennar) shall pre-fund the first 2 year's assessment fees for each member of the Community Association at first certificate of occupancy.

The initial annual assessment fee of \$550 per Lot/Unit per year shall be subject to being annually increased according to the annual changes in the Bay Area Consumer Price Index. The assessment amounts shall be subject to re-evaluation by the City's Transportation Commission and City Council as part of the annual monitoring program established under the Marina Shores TDM Program regarding the 10% trip reduction goals for the Project. The Transportation Commission or City Council may require an increase in the annual fees in the event that the annual reports reveal that the program is not achieving its goal for a 10% reduction in peak hour traffic, subject to the increase limitations contained in Paragraph 11 hereof.

5. TDM Program Transit Service Providers: The Marina Shores Community Association ("Community Association"), which is the owner's association for the Project, shall coordinate with transit service providers to ensure that the TDM Program services are provided to the Marina Shores residents utilizing the funds provided by the assessment fees.

For the "Day One" services, the Community Association will enter into an agreement with the existing Estuary Crossing Shuttle program (currently operated by the City of Alameda), which shall provide the initial "day one" shuttle services to BART and AC Transit, which shall provide Transit Passes.

As other developments in the Northern Waterfront Priority Development Area (PDA) begin their "day one" services, the Marina Shores community will join the Northern Waterfront Transportation Demand Management Association (TMA) or join the existing West Alameda TMA, which will provide BART Peak Hour Shuttle services to all the projects in the Northern Waterfront PDA. Any such consolidated TMA may provide consolidated reporting.

6. BART Peak Hour Shuttle Service: Each Marina Shores household shall have free access to a shuttle or bus service from the site, with sufficient bike racks, that provides a minimum 20 minute head-way, peak hour (3.5 hours in the AM and 3.5 hours in the PM), weekday direct service to BART.

- 7. AC Transit Passes:** Each Marina Shores household shall be provided with AC Transit Fast Passes for use on all AC Transit services including San Francisco Express Services. AC Transit Passes shall be provided for each household and additional passes may be purchased at the discounted rate.
- 8. TDM Services Coordinator:** A TDM Coordinator shall develop, market and implement the Marina Shores TDM Plan and implement the following activities on an ongoing basis:
- Coordinate adjustments to the initial shuttle service route and schedule based on monitoring, driver and riders concerns;
 - Work closely with shuttle operations management and staff;
 - Receive and reply to resident complaints and concerns;
 - Conduct New Member transportation alternatives presentation for homeowners associations;
 - Draft all MOU's and proposals for service and membership expansion;
 - Maintain and build working relations with Marina Shores Community Association residents to increase TDM program awareness and participation;
 - Maintain working relations with BART, Water Emergency Transit Authority (WETA), and AC Transit, City of Oakland; and City of Alameda.
 - Conduct the annual survey and prepare and provide the Annual Reports required for the TMA Program.
- 9. TDM Program Marketing:** The Community Association shall provide Marina Shores residents with information on transportation options through printed material (provided by Lennar when sales commence at the project open house) and through a regularly updated website, which may include some or all of the following:
- A Welcome package with an overview and information on the TDM Program
 - Information on shuttle program with map and schedule;
 - Information on AC Transit options to/from the Marina Shores area; link to AC Transit site;
 - Information on Alameda ferry service, link to WETA site;
 - Information on BART; link to BART trip planning site;
 - Information and map of bicycle and pedestrian routes; link to Bike/Walk Alameda site;
 - Information on Guaranteed Ride Home program; link to GRH sign-up site;
 - Information and links to 511.org for ride matching services.
- 10. Guaranteed Ride Home Program:** The Community Association shall undertake and use reasonable efforts to register all residents with the Guaranteed Ride Home Program, which is a free program offered to residents or employees of Alameda County that use alternative (to SOV) commute strategies to/from work and have occasional personalized commute needs. The Community Association shall provide all residents with information regarding the Guaranteed Ride Home Program and information as to how the residents can register in the Guaranteed Ride Home Program.

11. Annual Report and Monitoring

The Community Association shall fund preparation of an Annual Report for the Marina Shores TDM Program to be presented every year following the first full year that this Marina Shores Exhibit 1

TDM Program is in operation. The Annual Report will be presented to the City of Alameda Transportation Commission and City Council. The Marina Shores Annual Report will provide the following information:

- An evaluation of the TDM Program's effectiveness in achieving the 10% trip reduction goal.
- A Goal Attainment Plan if the 10% goal not reached. The Goal Attainment Plan (GAP) will explain how existing resources may be re-allocated to improve performance or if an increase in annual funds are necessary to achieve the 10% goal. In the event that the Project, after implementation of its GAP, fails to meet the 10% goal for a second consecutive year, the City Council may determine that the Community Association shall increase annual fees by an amount no greater than five percent (5%) to fund additional services for other projects or areas of the City to off-set the vehicle trips being generated by the Marina Shores residents.
- A list of program elements that are planned to be initiated and/or discontinued in the upcoming year.
- A summary of revenues and expenditures.

The 10% residential reduction goal will be measured against the projected peak hour trip generation for the project as documented in the Marina Cove II Mitigated Negative Declaration. The September 2012 Marina Cove II Subdivision Mitigated Negative Declaration projected that the project would generate 49 AM Peak hour trips and 65 PM Peak Hour Trips.

If the Annual Report documents through the monitoring program that the Marina Shores development is generating 44 or fewer AM peak hour vehicle trips and 58 or fewer PM peak hour vehicle trips, the TDM Program shall be found to be in compliance and no GAP shall be required.

To determine the actual number of trips being generated by the project, the Annual Report shall include resident survey results and vehicle counts which shall be conducted by industry accepted techniques and methodology. The Community Association shall conduct and complete a resident survey each year. All residents will be asked to participate in the survey. The purpose of the survey is to allow residents to describe their AM and PM peak hour travel habits and solicit ideas about potential improvements to the TDM Program that might improve effectiveness. A sample survey is attached and may be used by the Association. The Community Association shall conduct and complete peak hour vehicle counts conducted during the school year on two or three weekdays to enumerate actual vehicle trips generated by the project during peak commute periods and validate the information from the surveys. Data collection times and methods should be consistent to allow for easy comparisons across years. Tubes, videos or other industry accepted methods will be used for vehicle count collection.

Notwithstanding anything contained herein to the contrary, should the Program Goal be achieved for five (5) consecutive years, the requirements to survey, monitor and report may be eliminated by the City Council.

<p style="text-align: center;">Sample Resident Transportation Survey</p> <p style="text-align: center;">Survey #x of y.</p> <p style="text-align: center;">Please complete this survey describing your commute to and from work during the week of Monday _____ through Friday _____.</p> <p style="text-align: center;">Please return the completed form to _____ by _____.</p> <p style="text-align: center;">Marina Shores thanks you for your help.</p>
--

Exhibit 1

1. Resident name (Optional) _____
2. Do you commute from Alameda on a regular basis? _____
3. How many days per week do you commute? _____
4. What are your normal commute times? _____
5. What is the (City) destination of your commute? _____
6. What is your normal commute mode?
 Drive Alone Transit (type of transit _____) Motorcycle/moped
 Walk Dropped-Off/Picked-Up Bicycle Other
7. Do you drive to the Ferry Terminal, BART, or an AC Transit line? _____. If yes, which? _____
8. Are you aware of the transportation programs offered through the neighborhood association? _____ (info available @ _____)
9. If you commute by driving alone, what factors would encourage you to try some type of commute alternative? _____
10. Would you be interested in receiving a list of other residents (with similar commute times and patterns) that are interested in carpools? _____
11. How did you hear about this TDM Program?
 Web search Interoffice TDM Manager
 TDM Program Event Home Builder Other _____

11. Comments:

Please return completed survey in the stamped, self addressed envelope enclosed.
 (Also available through Survey Monkey at: XXXXXX)

CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-15-09

APPROVING DEVELOPMENT PLAN AND DENSITY BONUS WAIVER (PLN 15-0017)
FOR A 68 ACRE MIXED USE DEVELOPMENT PLAN IN THE WATERFRONT TOWN
CENTER PLAN AREA REFERED TO AS "SITE A" AT ALAMEDA POINT

WHEREAS, an application was made on March 17, 2015 by Alameda Point Partners (APP), for a Development Plan for 68 acres at Alameda Point referred to as "Site A," which is within the Town Center Plan area of the Alameda Point Project; 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, the proposed Development Plan for Site A consists of 800 multi-family 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; and

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

WHEREAS, the 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;

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

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 Town Center Plan requires an application for Density Bonus and a waiver of the multifamily prohibition in AMC 30-53 for proposals to construct multi-family housing;

WHEREAS, the City Council having certified the FEIR for the Alameda Point Project and the Town Center Plan containing Site A, staff has prepared an Environmental Checklist for Streamlined Review, which documents the application of the criteria for streamlining in Public

Resources Code Section 21083.3 and CEQA Guidelines Section 15183 and concludes, based on substantial evidence, that no further review under CEQA is required; and

WHEREAS, the Planning Board held a public hearing on March 23rd, April 27th, and May 11th, 2015, for this Development Plan and Density Bonus waiver 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 Development Plan:

1. **The development is an effective use of the site.** The Development Plan provides for the construction of new public infrastructure improvements, including mainline underground utilities, street surface and circulation, open space and park landscape and hardscape improvements, which create a network of bicycle and pedestrian paths that extend the Bay Trail, create public transit to help mitigate traffic impacts. The Development Plan provides effective redevelopment and reuse of Site A, which has been substantially vacant since the departure of the United States Navy (Navy) from the site in 1996. The Development Plan achieves City policy goals and objectives to create a mixed use, transit oriented development supported by new infrastructure, streets, parks and public open spaces.
2. **The proposed use is consistent with the General Plan.** The Development Plan supports General Plan policies for the development of Alameda Point and helps balance jobs and housing through the provision of rental, for sale, affordable housing options, retail, commercial, office, hotel development, R&D and live/work opportunities that help create an economically balanced mixed-use project. The Development Plan also provides for new public parks and open spaces, including the core of the Town Center to be used for public gatherings and events and the creation of passive and active outdoor recreational opportunities. It includes a mix of uses including affordable housing, mixed use residential uses with ground floor retail uses public waterfront parks, and job generating businesses to replace the jobs lost with the departure of the Navy and. The Development Plan also supports the General Plan policy objectives to replace deteriorating infrastructure and streets with transit oriented complete streets and public transportation facilities and services.
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 mix of uses and physical improvements will support a transit oriented mixed use community that is designed to minimize transportation impacts on the Alameda community, eliminate existing blighted conditions and buildings on the site, and replace substandard storm water, potable water, fire water, wastewater, and other essential utility and other facilities that do not meet current State or local codes, are not able to be owned and maintained by the local utility companies in their current form, and contribute to ongoing pollution in the San Francisco Bay. The proposed Development Plan is designed to be compatible with adjacent future uses by providing attractive improvements and pedestrian and bicycle amenities and with transit services contemplated in the approved Alameda Point Transportation Demand Management

Plan (TDM Plan). The Development Plan is also subject to the environmental protections and mitigations imposed by the FEIR, federal biological requirements stemming out of the U.S. Fish and Wildlife Service Biological Opinion, and coordination with the historic preservation requirements stemming out of the NAS Alameda Historic District designation.

4. **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 Development Plan is designed to provide compatible residential land uses with the adjacent existing Bayport residential neighborhood; compatible mixed-use development adjacent to the mix of commercial uses within the NAS Alameda Historic District; open spaces, transit infrastructure and parks to support the Alameda Point Collaborative and future residents within the adjacent Main Street neighborhood to the north and the surrounding Alameda community; and essential infrastructure, ferry terminal improvements, and commercial services to support the existing and future businesses and employers within the Enterprise Sub-district to the south of the site.
5. **The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.** The Development Plan provides for a comprehensive network of complete streets to support a transit oriented mixed use district and planned transit connections between downtown Oakland and BART, and a future ferry terminal at the foot of Pacific Avenue immediately to the south of the project site and the existing ferry terminal at the northern edge of Alameda Point. The Development Plan is also conditioned to require that property owners will provide dedicated financial support to expand transit services to users of the property and other transportation demand management services and programs consistent with the TDM Plan.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Planning Board finds that the following findings can be made in support of the Density Bonus Waiver:

1. **The proposal qualifies for density bonuses, concessions and incentives and waivers pursuant to State of California Government Code 65915 and Alameda Municipal Code Section 30-17.** The proposed development plan includes 200 affordable units, including 48 very low income units (6%), 80 low income units (10%) and 72 moderate income units (9%), which qualifies the proposal under California Government Code and AMC section 30-17 for waivers from development standards that physically preclude the development of the property with the number of units proposed for the property.
2. **Pursuant to the Density Bonus Ordinance (AMC 30-17.12), the proposal is consistent with, and qualifies for, a requested waiver from AMC Sections 30-50 thru 30-53 Multiple Dwelling Units Prohibited.** AMC Section 30-53 prohibits multifamily housing in Alameda, including Site A. Section 30-53 therefore prohibits the applicant from developing a mixed use transit oriented development plan consistent with the Town Center Plan, and physically precludes the construction of 800 multifamily

units on the site consistent with the requirements of the Town Center Plan. 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, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without increasing the potential impact of the project on the historic resource. Finally, the requested development standard waiver would not be contrary to state or federal law.

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. The Site A project is consistent with the General Plan, Zoning Ordinance, and Town Center Plan; and
2. 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
3. There are no environmental impacts peculiar to Site A 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
4. There are no significant effects of the Site A project that were not analyzed as significant effects in the FEIR; and
5. There are no potentially significant off-site impacts of the proposed Site A project and there are no cumulative impacts to which the proposed Site A project makes a considerable contribution which were not discussed in the FEIR; and
6. There are no previously identified significant impacts of the proposed Site A 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 Development Plan is required;

BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby approves Development Plan PLN 15-0117, subject to the following conditions:

1. Building Permit Plans: The plans submitted for the Building Permit shall be in substantial compliance with the plans prepared by BAR Architects dated May 11, 2015, on file in the office of the City of Alameda Community Development Department.

2. Vesting: This Development Plan approval shall expire and become void unless actual construction under valid permits has commenced within two years after this approval or unless this Development Plan is vested for a longer period than two years by a Development Agreement or other vesting document.
3. CEQA: Prior to issuance of a building permit or site improvement permit, 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.
4. Phase Zero Plan. The conditions included in this resolution are not designed for, and shall not apply to, Phase Zero Plan activities. Phase Zero Plan activities shall be reviewed and approved as set forth in the Disposition and Development Agreement (DDA), which provides that prior to issuance of building permits for new construction or approval of the infrastructure improvement plans, the City Council will review, approve and impose applicable conditions on Phase Zero Plan activities.
5. 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 each phase of development 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.
6. Infrastructure Improvement Plans: Prior to issuance of a building permit or site improvement permit, the applicant shall submit an infrastructure improvement plan for the improvement of the on-site and adjacent off-site streets, open space, waste water, storm water, potable water, recycled water, power, natural gas, and communications facilities for each phase of development. The improvement plans shall be reviewed for consistency with the DDA, and subject to the requirements of the MIP and AMC. 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 Subdivision 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.
7. Affordable Housing: Prior to the issuance of the first building permit for vertical improvements for new construction, the project applicant shall execute an Affordable

Housing Agreement with the City of Alameda. The Affordable Housing Agreement will require, in part, phased construction of 200 residential units affordable to very low-, low- and moderate-income households. The project will provide 72 moderate-income units and 128 low-income and very-low income units.

8. Commercial Uses. All commercial land uses within Site A shall be consistent with the land use requirements of the Alameda Point Town Center and Waterfront Plan, except that: a) any hotel proposed for Site A must be a full-service hotel, which shall be defined as a hotel with a minimum of one hundred (100) sleeping rooms, containing a full service restaurant providing three meals per day and room service, and including at least one indoor and one outdoor recreational amenity. Hotels not meeting the definition of full service shall not be permitted in Site A; and b) commercial uses proposed on blocks number 10, 15, 16, and 17 shall be subject to the commercial mixed use (CMU) requirements of the Town Center and Waterfront Plan.
9. Parks and Open Space Plans. Final parks and open space plans shall be consistent with the Alameda Recreation and Parks Design Specifications. The landscape, hardscape, and irrigation plans for improvements in open space and parks that will be maintained by the City, shall be prepared, signed and stamped as approved by a licensed landscape architect. All design for construction or improvements to parks and open space, including shoreline flood and sea-level rise protection improvements, require review by the Recreation and Park Commission, approval by the Recreation and Parks Director, and design review by the Planning Board.
10. Architectural Design Diversity: The applicant/developer shall ensure a diversity of design within Site A. The same architectural firm shall not be responsible for the design review plans of any two facing blocks, but the same architectural firm may prepare the construction level drawings, except that the same architectural firm may be responsible for the design development of all commercial/retail buildings on Block 10, the two new buildings on Parcels 12a and 13, and/or the rehabilitation of the two existing warehouse buildings on blocks 15 and 16.
11. Neighborhood Collaboration: Development of Site A shall include features that provide cohesion and promote comfortable access between Site A and the Main Street Planning Area while respecting each individual neighborhood. The project applicant shall work with the "Collaborating Partners" for Alameda Point (Alameda Point Collaborative, Operation Dignity, and Building Futures for Women and Children) on identifying features to be incorporated into the Tower Avenue edge of Site A to achieve the above objectives.
12. Design Review Approval: Prior to issuance of any building permit or site improvement permit in preparation of vertical development, the applicant shall submit an application for Design Review and approval by the Planning Board. The Design Review application shall include any buildings, landscape improvements, open spaces and parks, and/or parking lots proposed for the area to be improved. All building plans and site improvement plans submitted for permits shall be reviewed for compliance with the Design Review findings of AMC Section 30-36 and 37 by the City of Alameda Planning Board.

13. Residential Design Review Applications: The Design Review submittals for residential buildings shall include, but not be limited to:

- a. Density Bonus Waivers Submittal: A submittal of floor plans, elevations, and other documents required pursuant to the Density Bonus Ordinance.
- b. Universal Design Submittal: A detailed description of all universal design elements to be included to accommodate future residents and visitors with mobility issues and/or disabilities consistent with the description provided in the Development Plan.
- c. Automobile Parking: Drawings and text adequate to determine consistency with the maximum permitted parking ratios described in AMC 30-4.24 G.xi. Table B Allowed Land Uses and Off-Street Parking Requirements and ensure that all residential uses will not result in more than 1,200 private parking spaces for residential uses within the project. The applicant/developer shall submit the improvement plans for the on-site parking facilities to the Public Works Department and Fire Department with the submission of the Design Review application. The Design Review plans shall specify the number of parking spaces to be equipped with electric charging stations. All parking garage structures shall allow for cost-effective expansion of electric car charging stations to additional stalls as demand warrants. Residential structures shall meet the latest applicable codes as they relate to electric car charging. Townhome garages shall be easily adaptable to provide a 240VAC outlet for electric vehicle charging.

14. All Design Review Applications: All Design Review submittals shall include, but not be limited to:

- a. Final Building Footprint: The design review plans for each building shall establish the final building footprint for each building, which shall be reviewed for consistency with the Town Center Plan.
- b. LEED or Green Point Rating: A description of all design elements to be included to ensure compliance with AMC Section 13-19 and the Town Center Plan requiring either: a minimum LEED™ Certified rating and be so certified by the US Green Building Council or a minimum Green Point Rated score of fifty (50) and be so verified by Build It Green. The project shall also have a LEED™-Accredited Professional or a Certified Green Building Professional as a principal member of the design team from the beginning of the project. The project shall meet as many LEED credits, or Green Point Rated measures as practicable and is required to complete and submit the LEED or Green Point checklist as a way of documenting the green building practices that have been incorporated into the project.
- c. Sea Level Rise: A description of the improvements to shall ensure that any new habitable buildings be constructed at a minimum elevation of 24 inches above the 100-year tidal flood plan elevation.
- d. Solar Ready: A description of all improvements to ensure that all structures shall be designed to be “solar ready” and meet the latest Title 24 Building Standards and all applicable codes as they relate to Solar PV. At a minimum, Solar PV wiring conduit, required penetrations and a solar zone on the roof shall be provided.
- e. Automobile Parking: Drawings and text adequate to determine consistency with the maximum permitted parking ratios described in AMC 30-4.24 G.xi. Table B Allowed

Land Uses and Off-Street Parking Requirements. The applicant/developer shall submit the improvement plans for the on-site parking facilities to the Public Works Department and Fire Department for review prior to submission of the Design Review application. The Design Review plans shall specify the number of parking spaces to be equipped with electric charging stations. All parking garage structures shall allow for cost-effective expansion of electric car charging stations to additional stalls as demand warrants.

- f. Bicycle Parking: Final bicycle parking plan consistent with AMC-7.15 Bicycle Parking.
- g. Landscape Plans: Final landscape plans shall be consistent with the Cultural Landscape Guidelines for those portions of Site A within or directly adjacent to the NAS Alameda Historic District, and AMC Section 30-58 Water Conservation and Bay Friendly Landscaping Requirements. The landscape and irrigation plans for improvements in the public right-of-way shall include all shoreline flood protection and sea-level rise protection improvements, as required by the MIP, be prepared, signed and stamped as approved by a licensed landscape architect and civil engineer for flood and sea-level rise protection improvements, and shall be in accordance with the City's Bay Friendly Landscaping requirements, the Master Street Tree Plan, the AMC, conditions of approval by the Planning Board, and other regional jurisdictions requirements, as applicable.

15. The first Design Review application for town homes on Blocks 6 or 7 shall include alternative design concepts for Planning Board review and approval for:

- a. The entry monuments, public art, and/or gateway structures proposed for the Main Street entry consistent with the character images shown in the Development Plan that relate to the history of the former Naval Air Station Alameda.
- b. The north-south paseos, which should include at least one alternative that would allow for automobile access for guest parking or delivery truck access through the blocks.
- c. Alternative design concepts for the east-west pedestrian corridor shown through Blocks 6, 7, and 8 such that there is not a single linear corridor extending across all three blocks.

16. The Design Review application for Block 11 shall ensure that the south west corner of the block provides an attractive, pedestrian friendly elevation facing the public waterfront park and Historic District.

17. NAS Alameda Historic District Certificate of Approval: Prior to issuance of a building permit or site improvement permit, for any portion of the 68-acre site within or immediately adjacent to the NAS Alameda Historic District, 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 NAS Historic District shall be reviewed for compliance with the NAS Alameda 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.

18. Biological Regulations and On-Site Lighting: Prior to issuance of a design review, building

or site improvement permit, the applicant shall submit a Biological Opinion Compliance Checklist confirming compliance 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).

19. 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.
20. Parking Management Plan: Unless completed as part of the TDM Compliance Strategy, prior to issuance of the first Occupancy Permit, the project applicant and/or property owner shall submit 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.
21. 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.
22. 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 (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.

Subdivision

23. Subdivision Improvement Agreement: To guarantee completion of the required on-site and off-site improvements consistent with the MIP 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 parcel/final map for each phase of development.

In addition, the following is required as part of the Parcel or Final Map approval: a refundable cashier's check in the amount of \$400 to guarantee a Mylar copy of the recorded Parcel or Final Map; payment for all reasonable office and engineering costs, including overhead, in conjunction with reviewing the Parcel or Final Map 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.

Improvement Plans

24. 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 Alameda Point Master Infrastructure Plan (MIP). 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.
25. 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.
26. Easements: The improvement plans and Parcel or 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 Parcel or Final Map.
27. Potable Water: 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.

28. 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 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 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.
29. 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 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.
30. 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.
31. 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.

32. 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.
33. 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.
34. Fire Sprinklers: The improvement plans and building permit plans shall include fire sprinkler systems within each residential unit including the garage and attic spaces.
35. 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.
36. 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.
37. 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

38. Maintenance: Maintenance of improvements not within the public ROW shall be the responsibility of the new development.
39. 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.
40. 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.

Water Quality

41. 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, 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>.
42. 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.
43. 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.
44. Storm Water Quality Management Plan: The applicant/developer shall submit a stormwater quality management plan, 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 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.

45. 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.
46. 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.
47. 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.
48. 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.

49. 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 and 401 Certification Conditions
50. 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

51. 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 and access points. 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 Parcel 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.
52. 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 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.
53. 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.

54. 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.

Solid Waste

55. 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.

56. 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.

57. 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, parcel/final map(s), or the building permit, whichever comes first. 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.

58. 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.

59. 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

60. 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.

61. 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.

62. 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.

63. 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.

64. 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.
65. 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.
66. 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

67. 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.

Alameda Municipal Power (AMP)

68. 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.
69. 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.

70. 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.
71. 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.
72. 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.
73. 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.
74. 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.
75. 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.
76. 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.

77. 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.
78. 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.
79. 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.
80. 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.
81. 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.
82. 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.
83. 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.
84. 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 May, 2015, by the following vote to wit:

- AYES: (7) Henneberry, Alvarez, Burton, Knox White, Köster, Tang and Zuppan
- NOES: (0)
- ABSENT: (0)

ATTEST: 

Andrew Thomas, Secretary
City of Alameda Planning Board

* * * * *

CITY OF ALAMEDA PLANNING BOARD

RESOLUTION NO. PB-15-10

RECOMMENDING APPROVAL OF THE ALAMEDA POINT SITE A DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF ALAMEDA AND ALAMEDA POINT PARTNERS REGARDING 68 ACRES AT ALAMEDA POINT REFERRED TO AS THE ALAMEDA POINT SITE A PROJECT

WHEREAS, in order to strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic costs and risk of development, the Legislature of the State of California enacted Section 65864 et seq. of the Government Code (the "Development Agreement Legislation") which authorizes a City and a developer having a legal or equitable interest in real property to enter into a binding, long-term development agreement, establishing certain development rights in the property; and

WHEREAS, pursuant to Government Code Section 65864, the City has adopted rules and regulations establishing procedures and requirements for consideration of development agreements, which procedures and requirements are contained in Alameda Municipal Code Chapter XXX, Article VII, Code Sections 30-91 thru 30-95 (the "City Development Agreement Regulations"); and

WHEREAS, the City and Alameda Point Partners, a Delaware limited partnership ("the Developer") have entered into a Disposition and Development Agreement dated _____, 2015 approved by the City Council by Ordinance No. _____ (the "DDA"), whereby the Developer intends to acquire from the City a 68-acre portion of the former Naval Air Station Alameda ("NAS Alameda") (the "Property"); and

WHEREAS, in accordance with the Development Agreement Legislation and the City Development Agreement Regulations, the Developer filed an application requesting the approval of a development agreement for the Property. A draft of the proposed development agreement was prepared and submitted as Exhibit 1, attached hereto; and

WHEREAS, the City is desirous of advancing the socioeconomic interests of City and its residents by promoting the productive use of the former NAS Alameda consistent with the NAS Alameda Community Reuse Plan (the "Reuse Plan") adopted by the Alameda Reuse and Redevelopment Authority in 1996 and subsequently amended in 1997, and by encouraging quality development and economic growth, thereby enhancing employment opportunities for residents and expanding City's property tax base; and

WHEREAS, the Project, as more fully described in the Development Plan, which was approved by the Planning Board on May 11, 2015, and subject to the Development Agreement, includes the following components:

- a. Approximately 800 residential units, of which 25% will be affordable units as more specifically defined in the DDA;
- b. Up to 600,000 rentable square feet of permitted and conditionally permitted non-residential uses (including but not limited to, retail, commercial, civic and other commercial space) and, which may include the adaptive reuse of some of the existing structures on the Property;
- c. New and/or upgraded public utilities, including water distribution system, wastewater collection system, recycled water storage and distribution system, storm water collection and Stormwater Management Control System and other improvements as more particularly described in the Infrastructure Package attached to the DDA;
- d. Up to approximately 15 acres of parks and open space;
- e. New and/or upgraded streets and public ways as more particularly described in the Infrastructure Package;
- f. Bicycle, transit, and pedestrian facilities as more particularly described in the Infrastructure Package; and
- g. Such additional improvements and contributions set forth in the Infrastructure Package and required under the DDA, including obligations related to the Major Alameda Point Amenities; and

WHEREAS, the development of the Property in accordance with this proposed Development Agreement will accrue clear public benefits to the public that are in addition to those dedications, conditions and exactions required by existing City ordinances, regulations or policies, and which advance the planning objectives of the City and include the following "Public Benefits:" the construction of significant amounts of new affordable housing, increased public access and open space, transportation improvements, extensive infrastructure improvements that serve not only the Project, but also deliver the necessary gateway infrastructure to the job-producing center that will be occurring south of Ralph Appezato Memorial Parkway, new recreational and retail opportunities, new jobs and monetary assistance to help facilitate construction of an initial phase of the Sports Complex and the Ferry Terminal; and

WHEREAS, the development of the Project would be required to comply with the Transportation Demand Management Plan for Alameda Point ("TDM Plan"), the Reuse Plan, General Plan amendments, Zoning Ordinance amendments, including the creation of the Alameda Point District (Alameda Municipal Code 30-4.24), and a Master Infrastructure Plan ("MIP"), Town Center Plan, (collectively, the "Planning Documents"); and

WHEREAS, after hearing all qualified and interested persons and receiving and considering all relevant evidence, the Planning Board finds and determines as follows:

- a. The notice of the public hearing was given for the time and in the manner as prescribed by law.
- b. As proposed, the DA will not be detrimental to the health, safety and general welfare and is consistent with the objectives, policies, general land uses, and programs specified in the Reuse Plan, the General Plan, the Town Center Plan and the Alameda Point Zoning Ordinance and will promote the redevelopment and revitalization of the Property.
- c. The DA is consistent with the General Plan and the other land use regulations because it ensures that the Development Plan for Site A is implemented and completed in appropriate phases over time.

WHEREAS, the terms and conditions of this Development Agreement have undergone extensive review by the City, the Developer and their respective legal counsel. The Planning Board at publicly noticed meetings found the Development Agreement to be in conformance with the General Plan, the Development Agreement Legislation, and the City Development Agreement Regulations; and

WHEREAS, the Planning Board finds that the economic interests of the City's residents and the public health, safety and welfare will be best served by entering into this Development Agreement; and

WHEREAS, by Resolution No. 14891 the City Council previously 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 which contains the project site; and

WHEREAS, Staff has prepared an Environmental Checklist for Streamlined Review, which documents the application of the criteria for streamlining in Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 and concludes, based on substantial evidence, that no further review under CEQA is required; and

WHEREAS, the City and Developer for reasons cited herein have determined that the Project is a transit-oriented destination development for which this Development Agreement is appropriate. This Development Agreement will eliminate uncertainty regarding Project Approvals for the 20-year term thereby encouraging planning for, investment in and commitment to use and development of the Property; and

WHEREAS, continued use and development of the Property in accordance with this Development Agreement is anticipated to, in turn, provide substantial benefits and contribute to the provision of needed infrastructure for area growth, thereby achieving the goals and purposes for which the Development Agreement Statute was enacted; and

**CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-15-11**

A RESOLUTION OF THE CITY OF ALAMEDA PLANNING BOARD RECOMMENDING THAT THE CITY COUNCIL AMEND ALAMEDA MUNICIPAL CODE TO IMPROVE CLARITY AND IMPLEMENTATION OF SECTION 30-17 DENSITY BONUS ORDINANCE AND AMEND THE ALAMEDA MUNICIPAL CODE ENSURE AND ZONING MAP TO ENSURE CONSISTENCY BETWEEN THE NAS ALAMEDA COMMUNITY REUSE PLAN AND THE CITY OF ALAMEDA MUNICIPAL CODE AND ZONING MAP FOR THE 36.36 ACRES OF FEDERAL PROPERTY LOCATED ON SINGLETON AVENUE ON THE FORMER NAVAL AIR STATION IN ALAMEDA

WHEREAS, the City Council requested revisions to the Density Bonus Ordinance to improve clarity and understanding of the Density Bonus application process,

WHEREAS, the City Council requested potential zoning amendments to reduce the housing capacity in the Northern Waterfront,

WHEREAS, the 2014 Housing Element has a 522 unit surplus for the 2015-2023 planning period.

WHEREAS, in December 2014, the City Council approved 380 units on the Del Monte site even though the Housing Element projected 200 units on the Del Monte site. The December approval effectively increased the surplus by 180 units for a total surplus of 702 units.

WHEREAS, the North Housing site is identified in the Housing Element as a site with a "realistic capacity" of 806 units for RHNA accounting purposes. The proposed rezoning would reduce the realistic capacity to 435 units and reduce the surplus units in the Housing Element;

WHEREAS, the Planning Board approved 800 new housing units on Site A on May 11, 2015, which were not counted in the Housing Element and will serve to replenish the surplus;

WHEREAS, the Housing Element will retain a surplus in both the very low and low income category and the moderate and above moderate category after the proposed rezoning;

WHEREAS, the Planning Board held a public hearing on May 11, 2015 and considered all the relevant documents, public comments, and maps,

NOW THEREFORE BE IT RESOLVED that the Planning Board makes the following findings in regards to the proposed amendments shown in the attached draft Ordinance,

1. **The amendments maintain the integrity of the General Plan.** The proposed Density Bonus Ordinance Amendments implement General Plan policies to ensure effective community participation in land use and development decisions. The proposed zoning text and zoning

map amendments are necessary to ensure consistency between the NAS Alameda Community Reuse Plan, the General Plan Land Use Element, and the Alameda Municipal Code. The zoning text and map amendments ensure that the property is developed in a manner and at a density that is consistent with the U.S Navy's Environmental Impact Statement for conveyance of the property to a private entity and that the conveyance and ultimate development of the property is consistent with the Community Reuse Plan for the property.

2. **The amendments will support the general welfare of the community.** The proposed zoning text and map amendments will support the general welfare of the community by establishing clear standards for a variety of housing types and densities consistent with State Government Code requirements and the Community Reuse Plan.
3. **The amendments are equitable.** The proposed zoning amendment is equitable in that it establishes appropriate processes and procedures for the review of future residential development proposals and ensures equal access to all income groups and household types consistent with the Community Reuse Plan.
4. **California Environmental Quality Act (CEQA).** The proposed Zoning Amendments would not result in any new environmental impacts or more severe environmental impacts than those previously identified with the adoption of the Community Reuse Plan Environmental Impact Report (EIR) and 2009 Addendum or the Housing Element 2012 Addendum to the Transportation Element EIR.

NOW THEREFORE BE IT FURTHER RESOLVED that the Planning Board recommends that the City Council adopt the following amendments:

Section 1. Section 30-17.4 Density Bonus Application shall be amended as follows:

30-17.4 - Density Bonus Application.

- a. In order to receive concessions and/or incentives, or waivers under this section 30-17, an Applicant must submit to the City a Density Bonus Application which will be treated as part of the Development Application. At any time during the review process, the Planning and Building Director may require from the Applicant additional information reasonably necessary to clarify and supplement the Application or to determine the Development's consistency with the requirements of this section.
- b. The Density Bonus Application shall include the following:
 1. A development plan illustrating that the "base" project meets all existing general plan and zoning development standards.
 2. A description of the Development, including the total number of proposed Affordable Housing Units, senior housing units, or age-restricted mobile home park units; a description of any land the Applicant proposes to donate for low income housing units; and any child care facilities the Applicant proposes to construct as part of the qualifying housing development premises or on an adjacent property;
 3. The zoning and General Plan designations and assessor's parcel number(s) of the project site;
 4. A vicinity map showing the location of the proposed project.

5. A set of preliminary project plans that include a site plan showing all building and structure footprints or locations, drive aisles and parking layout; floor plans of all structures and buildings; and architectural elevations of all buildings and structures, all drawn to scale.
 6. A request for a concession or incentive shall include evidence to justify why it is necessary to provide for affordable housing costs. Specifically, the application shall include a financial report or pro forma demonstrating : i) whether the concessions or incentives sought would result in identifiable, financially sufficient, and actual cost reductions; ii) whether the concessions or incentives sought are necessary to reduce the cost of the housing project sufficiently to make feasible the provision of the Affordable Housing Units; and iii) how any additional concession or incentive would contribute significantly to the economic feasibility of the construction of the Child Care Facility if a Child Care Facility is proposed;.
 7. A request for a waiver shall include evidence to justify why it is necessary to allow construction of the development on the site. Specifically, any applicant requesting a waiver of development standards that physically preclude construction at the densities and/or concessions and incentives permitted shall submit evidence in the form of a site plan, drawing or written explanation describing why the waiver is needed to permit the project. A financial report or pro forma is not required to justify a waiver.
 8. The Affordable Housing Unit Plan including: described in subsection 30-17.15 below.
 - a) The location, structure (attached, semi-attached, or detached), proposed tenure (sale or rental), and size of proposed market-rate, and Affordable Housing Units and the proposed tenure and size of non-residential uses included in the Development;
 - b) The income level to which each Affordable Housing Unit will be made affordable;
 - c) For phased Developments, a phasing plan that provides for the timely development of Affordable Housing Units in proportion to other housing units in each proposed phase of development as required by this section;
 9. Any other information reasonably requested by the Planning and Building Director to aid in the implementation of this section 30-17
- c. In the event that construction of a project is to be: 1) phased over more than two years, and those entitlements are vested by instruments such as a Development Agreement or other similar instrument, and 2) the vesting document(s) allows for the phased submittal of Design Review plans including the floor plans and elevations of proposed buildings, then the applicant may be allowed to phase submittal of the floor plans and elevations required by subsection 30-17.4.5. of all planned residential buildings until such time that the Design Review plans are submitted pursuant to the vesting documents.
- d.e. A project with a Density Bonus Application, including a request for concessions, incentives or waivers, shall be reviewed for approval by the Planning Board; provided, however, that if a Development involves another permit or entitlement requiring City Council approval, then the Planning Board may deny the development project or recommend its approval to the City Council.
- e. d. A requested concession, incentive, or waiver shall be approved unless the findings for denial listed in subsection 30.17.9 a., "Requests for Incentives or Concessions," or 30-17.12 a., "Waivers of Development Standards the Physically Preclude Construction," are made in writing.

- f. e. Decisions of the Planning Board may be appealed to or reviewed by the City Council as provided in section 30-25 of this code, "Appeals or Calls for Review."

Section 2. Section 30-17.5 Density Bonus Standards subsection f. shall be amended as follows to conform to recent changes in State law:

- f. An applicant shall agree and the City shall ensure continued affordability of all low- and very-low-income units that qualified an Applicant for the award of the Density Bonus for 30 years for "for sale" units, and 55 years for rental units, or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.

Section 3. Section 30-17.13 Requests for Reduced Parking Ratio shall be amended as follows:

30-17.13 - Requests for Reduced Parking Ratio.

- a. Any application meeting the criteria of subsection 30-17.7 shall provide on-site parking consistent with Section 30-7 Off-Street Parking and Loading Space Regulation. In the event that applicant is unable to meet the requirements of Section 30-7, the applicant may request a reduction in the required on-site parking consistent with ~~Upon the request of the Applicant, a Development meeting the criteria of subsection 30-17.7 shall be subject to the following~~ on-site parking ratios (inclusive of handicapped and guest parking):
1. Zero (0) to one (1) bedroom: one (1) on-site parking space.
 2. Two (2) to three (3) bedrooms: two (2) on-site parking spaces.
 3. Four (4) and more bedrooms: two and one-half (2½) parking spaces.
- b. If the total number of parking spaces required for a Development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subsection, a development may provide "onsite parking" through tandem parking or uncovered parking, but not through on-street parking.
- c. This subsection shall apply to a Development that meets the requirements of subsection 30-17.7 but only at the request of the Applicant. An Applicant may request parking incentives or concessions beyond those provided in this subsection.

Section 4. Section 30-17.15 shall be deleted.

~~30-17.15 Affordable Housing Unit Plan.~~

- ~~a. An Applicant shall submit an Affordable Housing Unit Plan as part of the Development Application.~~
- ~~b. The Affordable Housing Unit Plan shall include the following:~~
- ~~1. The location, structure (attached, semi-attached, or detached), proposed tenure (sale or rental), and size of proposed market rate, and Affordable Housing Units and the proposed tenure and size of non-residential uses included in the Development;~~
 - ~~2. A floor or site plan depicting the location of the Affordable Housing Units and a floor plan describing the size of the Affordable Housing Units in square feet;~~
 - ~~3. The income level to which each Affordable Housing Unit will be made affordable;~~

- ~~4. Drafts of the documents to be used to ensure that the units remain affordable for the required term, such as resale and rental restrictions, deeds of trust, and rights of first refusal;~~
- ~~5. For phased Developments, a phasing plan that provides for the timely development of Affordable Housing Units in proportion to other housing units in each proposed phase of development as required by this section;~~
- ~~6. A marketing plan that describes how the Applicant will inform the public, and those within the appropriate income groups, of the availability of Affordable Housing Units;~~
- ~~7. A financial report (pro forma) to evaluate: i) whether the concessions or incentives sought would result in identifiable, financially sufficient, and actual cost reductions; ii) whether the concessions or incentives sought are necessary to reduce the cost of the housing project sufficiently to make feasible the provision of the Affordable Housing Units; and iii) how any additional concession or incentive would contribute significantly to the economic feasibility of the construction of the Child Care Facility if a Child Care Facility is proposed; and~~
- ~~8. Any other information reasonably requested by the Planning and Building Director to assist evaluation of the Affordable Housing Unit Plan.~~

Section 5. Section 30-17.16 shall be amended as follows:

30-17.16 - Affordable Housing Unit Agreement.

- a. Each Development for which a Density Bonus and incentive or incentives is granted pursuant to this section 30-17 shall be the subject of an Affordable Housing Unit Agreement the provisions of which will vary depending on how a Development satisfies the provisions of this section 30-17. The Affordable Housing Unit Agreement shall be recorded as a restriction on the parcel or parcels on which the Affordable Housing units will be constructed. The Affordable Housing Unit Agreement shall be approved and recorded before final map approval, or, where a map is not requested, prior to issuance of building permits for market-rate units. The Affordable Housing Unit Agreement shall be binding on all future owners and successors in interest. An Affordable Housing Unit Agreement must include:
 1. A description of the Development, including the total number of units, and the number and tenure (sale or rental) of Affordable Housing Units.
 2. The size, in square feet, and location of Affordable Housing Units;
 3. A description of the income group to be accommodated by the Affordable Housing Units, and the formula for determining the Affordable Rent or sales price and Affordable Housing Cost for each Affordable Housing Unit;
 4. The duration of affordability for the Affordable Housing Units; and the provisions to ensure that the units remain affordable for the required term, such as resale and rental restrictions, deeds of trust, and rights of first refusal;
 5. A schedule for completion and occupancy of the Affordable Housing Units;
 6. Provisions and/or documents for resale restrictions, deeds of trust, rights of first refusal or rental restrictions or other appropriate means to maintain the affordability of the Affordable Housing Units;
 7. A Marketing Plan approved by the City for sale or rental of the Affordable Housing Units, which shall use an equitable method to select renters or purchasers of the Affordable

Housing Units and describe how the Applicant will inform the public, and those within the appropriate income groups, of the availability of Affordable Housing Units

8. Provisions for subletting units consistently with affordability restrictions;
9. Procedures for qualifying tenants and prospective purchasers of Affordable Housing Units.
10. Provisions for monitoring the ongoing affordability and habitability of Affordable Housing Units; and
11. A description of the concession(s) or incentive(s) provided by the City.

(Ord. No. 3012 N.S., § 1, 12-1-2009)

Section 6. Section 30-17.17 shall be deleted:

~~30-17.17 Affordable Housing Unit Agreements for Ownership Units.~~

~~a. In addition to the requirements of subsection 30-17.16, an Affordable Housing Unit Agreement for an ownership Development must provide the following conditions governing the sale and use of Affordable Housing Units during the use restriction period:~~

- ~~1. Affordable Housing Units shall be sold to Very Low Income households, Low Income households or Moderate Income households in a common interest development, at an affordable sales price and Affordable Housing Cost as defined by this section 30-17 and Government Code section 65915 as it exists when a complete Application for the Development is submitted to the City.~~
- ~~2. The Affordable Housing Units shall be owner occupied by Very Low or Low Income households or by Moderate Income households within common interest developments.~~
- ~~3. With the exception of Moderate Income housing units, the resale price of any affordable unit shall not exceed the purchase price paid by the owner of that unit with the following exceptions:
 - ~~(i) Customary closing costs and costs of sale,~~
 - ~~(ii) Cost of real estate commissions paid by the seller if a licensed real estate salesperson is employed, and~~
 - ~~(iii) Consideration for permanent capital improvements installed by the seller.~~~~
- ~~4. Upon resale of Moderate Income housing units, the seller of the unit shall retain the value of any improvements installed by the seller, his or her down payment, and the seller's proportionate share of appreciation. The City shall recapture any initial subsidy and its proportionate share of appreciation, which shall then be used within five years for the purposes of increasing, improving, and preserving the City's supply of Low and Moderate Income housing available at affordable housing cost. The City's proportionate share of appreciation is the ratio of the initial subsidy to the fair market value of the home at the time of initial sale. The initial subsidy is the fair market value of the home at the time of initial sale minus the initial sale price to the moderate income household, including any down payment assistance or mortgage assistance. If upon resale, the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value thereafter.~~
- ~~5. The purchaser of each Affordable Housing Unit shall execute an instrument or agreement approved by the City restricting the sale of the Affordable Housing Unit in~~

~~accordance with this subsection 30-17.17 during the use restriction period. Such instrument or agreement shall be recorded against the parcel containing the Affordable Housing Unit and shall contain such provisions as the City may require ensuring continued compliance with this subsection 30-17.17 and with Government Code section 65915. With respect to Moderate Income Affordable Housing Units, the instrument or agreement shall provide for equity sharing as set forth in Government Code section 65915 and paragraph d. of this subsection 30-17.17~~

6. ~~Any additional obligations relevant to the compliance with this subsection 30-17.17~~

SECTION 7. Section 30-4.17 shall be amended to include new subsection c as shown below:

30-4.17 - G, Special Government Combining District.

a. *General.* The G District classification shall be combined with the district classifications applied to all lands in the ownership of the U.S. Government or the State of California.

b. Prior to the use of any lands by any private or public entity other than the United States or State of California, through purchase or pursuant to lease from the U.S. Government or State of California, rezoning procedures shall be completed to remove the G classifications and to consider further appropriate district classification changes.

c. The 36.36 acre U.S Government property identified by assessor's parcel numbers APN74090501002 and APN 74090501202 shall be developed consistent with the Community Reuse Plan Amendment (2009), and any use of the property by a private or public entity shall limit the number of housing units on the property to a maximum of 435 units, unless an affordable housing density bonus is granted pursuant to Section 30-17, in which case the maximum number of units may be increased consistent with Section 30-17..

d e. Notwithstanding the provisions in subsection (b) herein, interim uses by private or public entities other than the United States or State of California of lands owned by the U.S. Government or State of California may be allowed, subject to a Use Permit, pursuant to subsection 30-21.3, if the following additional findings can be made:

1. The interim use is approved for a limited time, not to exceed the maximum time frame set forth in the interim leasing program criteria;
2. The interim use utilizes existing facilities and does not require substantial new development;
3. The interim use will not disrupt on-going operations of the governmental entity should the interim use occur concurrent with continuing operations by a governmental entity;
4. The interim use will not be detrimental to the ultimate redevelopment of the property or the potential resumption of use of the property by the governmental agency; and
5. The interim use is consistent with an interim leasing program adopted by the City.

e d. An interim leasing program shall be adopted by the City prior to interim use, as provided in subsection (c) herein. The interim leasing program shall be for a specific parcel or parcels, shall specify permitted land uses, consistent with the underlying zoning district, and shall specify the maximum time frame for which a Use Permit may be granted. In the absence of an adopted interim leasing program, all interim leases shall require rezoning.

Section 8. The Citywide Zoning Map shall be amended to add the G, Special Government Combining District designation to the 36.36 acres of land identified by Assessor's Parcel Numbers (APN) 74090501002 and APN 74090501202) and shown below.

Section 9. Severability Clause. It is the declared intent of the City Council of Alameda that if any section, subsection, sentence, clause, phrase, or provision of this ordinance is held invalid or

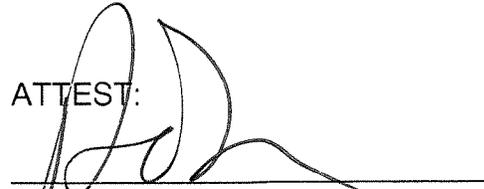
unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provision of this ordinance.

Section 10. This ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

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 May, 2015, by the following vote to wit:

AYES: (7) Henneberry, Alvarez, Burton, Knox White, Köster, Tang and Zuppan
NOES: (0)
ABSENT: (0)

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

* * * * *

CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-15-12

APPROVING PUBLIC ART APPLICATION (PLN13-0380) FOR THE MARINA SHORES RESIDENTIAL DEVELOPMENT AT 1551 BUENA VISTA AVENUE

WHEREAS, an application was submitted by Ken Parnell for Lennar pursuant to the City of Alameda public art ordinance (Alameda Municipal Code Section 30-65) on January 8, 2015, to provide public art at the Marina Shores residential development project; and

WHEREAS, the proposed art project consists of the installation of three humanoid figures dressed in Ohlone ceremonial attire and three tule balsa rafts, all made of recycled and corten steel; and

WHEREAS, the Community Development Department found the application to be in compliance the Public Art Ordinance; and

WHEREAS, the City Council authorizes the Planning Board to act on behalf of the Public Art Commission when the Commission is unable to meet due to a lack of quorum; and

WHEREAS, the Planning Board has been advised that, subject to meeting City standards and requirements, the proposed use would conform to the public art ordinance; and

WHEREAS, the Planning Board held a public meeting on this application on May 11, 2015, and has examined all pertinent submittals and documents.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board finds that the project is Categorically Exempt from the California Environmental Quality Act, under Section 15303 of the CEQA Guidelines – New Construction or Conversion of Small Structures; and

BE IT FURTHER RESOLVED that the Planning Board finds the proposed art proposal compliant with the following criteria pursuant to the Alameda Public Art Ordinance:

Inherent Artistic Quality - The artistic or conceptual merit of the public art proposals, independent of other considerations. The proposal exhibits inherent artistic quality and is consistent with the objectives and goals of the public art ordinance.

Context - Works of art must be compatible in scale, material, form and content with its surroundings. Consideration should be given to the architectural, historical, geographical and social/cultural context of the site. The proposed public art concept is inspired by local Native American history. The theme is appropriate given the context established by Planning Board's approval to name new streets at Marina Shores as Balsa and Sakas, which are Native American words for tule rafts. The proposed art is also

unique and different from the art proposals in recent years, which have been predominantly portrayals of Alameda's modern history. The sculptures of tule rafts also fit within the context of the project location near the waterfront. Furthermore, the locations of the installation are also appropriate for the site and will enhance the two street intersections. The placement of the sculptures at Entrance Road anticipates both future pedestrian and automobile traffic along Buena Vista Avenue and the extension of Clement Avenue. The proposal is well-conceived and compatible with the surrounding environment.

Media - All forms of public art may be considered. Works may be either portable or permanently attached. The high quality, recycled metal and corten steel pieces are appropriate and consistent with the intent of the public art ordinance criteria. Given that the development project is a residential development, the expression of art in the form of permanent sculptures is appropriate. The proposed concept and placement of the art also relate to the physical environment and maximize public enjoyment.

Permanence: Due consideration shall be given to the structural and surface soundness, and to inherent resistance to theft, vandalism and weathering. The use of durable metals in the sculptures is intended for long-term durability. The recycled metals and corten steel can be easily cleaned using paint thinners, a non-alkaline stripper or wooden scrapers. The mesh-woven composition of the sculptures also deters graffiti. The installation's placement along the public right-of-way allows for easy maintenance.

Ability to Maintain - Significant consideration shall be given to the cost of on-going maintenance and repair anticipated, and the applicant's ability to provide adequate maintenance. The proposed artwork will be maintained and protected by the Marina Shores Community Association, as required by the conditions of approval. The recycled metals and corten steel are extremely durable, resistant to scratches, and require only minimal maintenance. If the artwork is vandalized with paint, it can easily be cleaned. Dirt and grime can be easily removed with laundry soap, a low-pressure wash and/or proprietary cleaning materials such as car wash.

Public Safety and Accessibility - Each work shall be evaluated to ensure that it does not present a hazard to public safety and complies with all applicable building codes and accessibility requirements. As proposed, the project will not present a hazard to public safety. Installation of the artwork will require issuance of building permits, and the building permit plan check process will ensure that the final construction details of the project will comply with all codes and safety regulations. Final lighting plans will be required as part of the permit review to ensure energy efficient lighting will be used and to prevent glare into adjacent residential units.

Diversity - The City is committed to acquiring public art that reflects its diverse cultural communities and perspectives. Innovative work as well as established art forms shall be encouraged. The diverse interests of the art project are reflected in its Native American theme and the historic Ohlone settlements in Alameda and the greater East Bay region. The artist, Jennifer (Johnson) Riley, also focuses on art representing the human form and diverse topics and backgrounds. The proposed sculptures represent an established art form.

Feasibility - Proposed works shall be evaluated for feasibility and factors to be considered include, but are not limited to: project budget, timeline, artist's experience, soundness of materials, City approval requirements, and level of community support. The project is feasible and achievable within the project timeline to be completed prior to occupancy of the last residential unit. Staff anticipates the public art to be well-received by the community because it will reinforce the local street names Balsa and Sakas, as well as highlight Native American history in Alameda. The tule raft sculptures also relate well to the project's proximity to the waterfront.

Duplication - To assure that the public art is a fine art product, the artist will be asked to warrant that the work is unique. The proposed artwork is unique and qualifies as a fine art product. While similar art forms depicting Ohlone people and tule rafts may exist, the final sculptures will be individually made, unique works of art.

BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby approves the Public Art Application No. PLN13-0380, pursuant to Alameda Municipal Code Section 30-65, subject to the conditions listed below:

1. Building Permits: The plans submitted for building permits and construction shall be in substantial compliance with the public art proposal prepared by Jennifer Riley, titled "Jennifer Riley Proposal for Public Art," and on file in the office of the City of Alameda Community Development Department, except as modified by the conditions listed in this resolution. Plans submitted for building permits shall show dimensions of the sculptures, construction detail of the pedestals, and any necessary structural and electrical lighting details as required by the Building Official. The base pedestals and installation methods shall be designed to co-exist with any bio-swales intended to treat stormwater runoff.
2. Installation: The final Certificate of Occupancy for the last residential building shall not be issued until the public art requirements have been satisfied. Satisfaction shall mean construction of the art installation with all public art standards and conditions imposed by the City of Alameda.
3. Notice of Completion: The applicant shall inform the City of the approximate date the project will be installed or completed in compliance with sections 30-65.8 (f) and 30-65.9 of the public art ordinance.
4. Final Budget Reconciliation: Upon final installation of the art, and prior to issuance of the final certificate of occupancy for the development project, the applicant shall provide City staff copies of final receipts to be reconciled with the approved public art budget. The applicant shall pay any unused amount in the budget as a monetary contribution into the Public Art Fund. Such payment shall be made prior to issuance of the final certificate of occupancy for the development project.
5. Notice of Ceremonies: The applicant shall notify the Community Development Department regarding any unveiling or dedication ceremonies for the public art project. An unveiling or dedication is strictly optional. In the event the applicant chooses to

conduct an unveiling or dedication, City staff shall provide the applicant with an invitation list of City Council members, Public Art Commission members and other appropriate guests. City staff shall work with the applicant to promote press opportunities and public interest in the public art project.

6. Maintenance Agreement: The property owner is responsible for maintaining the art installation, including repairs, should it be damaged, destroyed, or become inaccessible. The maintenance and long-term management of the art installation is not the responsibility of the City. The property owner shall maintain, or cause to be maintained, in good condition the Public Art continuously after its installation and shall perform necessary repairs and maintenance to the satisfaction of the City. The maintenance obligations of the property owner shall be contained in an agreement approved by the City and recorded against the property by the applicant.
7. Removal: The permanent removal of public art requires approval by the Public Art Commission. Should the property owner wish to remove the subject art, the City must be notified in advance by way of submitting a Public Art Application and payment of processing fees required by the City. The property owner shall replace the Public Art with public art of equal or greater value, as defined by the public art ordinance.
8. Identification signage: Applicant shall be required to obtain approval from the Community Development Department of identification signage that shall be developed in compliance with the Public Art Identification Signage Guidelines.
9. Hold Harmless. The City of Alameda requires that the applicant, or its successors in interest, defend, indemnify, and hold harmless the City of Alameda or its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, and employees to attack, set aside, void, or annul, an approval of the City concerning this approval, which action is brought within the time period provide for in Government Code Section 66499.37. The City of Alameda shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not hereafter be responsible to defend, indemnify, or hold harmless the City.

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 completing and submitting an appeal form paying the required fee.

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 final action on any appeals 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 other exactions. You are hereby further notified that the 90

day appeal period in which you may protest these fees and other exactions, pursuant to Government Code Section 66020(a) has begun. If you fail to file a protest within this 90-day period complying with all the requirements of Section 66020, you will be legally barred from later challenging such fees or exactions.

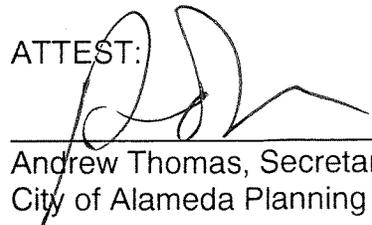
I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 11th day of May, 2015, by the following vote to wit:

AYES: (6) Henneberry, Alvarez, Knox White, Köster, Tang and Zuppan

NOES: (1) Burton

ABSENT: (0)

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

* * * * *

CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-15-13

APPROVING AN AMENDMENT TO FINAL DEVELOPMENT PLAN AND DESIGN REVIEW PLN15-0092 AT 2810 HARBOR BAY PARKWAY

WHEREAS, an application was made on February 25, 2015 by FME Architecture & Design for an amendment to a Final Development Plan and Design Review No. PLN07-0061 to permit the construction of a 22,868 square foot building and associated parking, landscaping and other improvements, located at 2810 Harbor Bay Parkway, and;

WHEREAS, the proposal was accepted as complete on April 15, 2015; 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, and PLN07-061; and

WHEREAS, the Board held a public hearing on May 26, 2015, for this application, and examined pertinent maps, drawings, and documents; and

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 Business Park General Plan designation and the use of the building as a corporate office is a permitted use in the C-M-PD zoning district. The project also complies with all applicable development regulations for the C-M-PD zoning district and the Harbor Bay Business Park.
- 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 Harbor Bay Business Park, an urban commercial office park, and the project site parcel is approximately 2.05 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. The vacant site has no habitat value for any endangered, rare, or threatened wildlife species because while ground squirrels were present, mammal burrows were not identified in the project footprint.

In the adjacent vacant lot a few ground squirrel burrows were identified but were not of sufficient size to support burrowing owls and no owl sign was observed and found no evidence of owl habitat. (A Burrowing Owl Survey was conducted at the project site by ESA on April 14, 2015). The site is also subject to high levels of disturbance from foot traffic on the public trail and vehicle use on Adelphian Way such that it would not be viable habitat for endangered, rare, or threatened 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 proposed project will not result in any significant traffic, noise, air quality or water quality impacts because the project combines previously approved development floor area into a single building and a negligible difference in development capacity is proposed. Moreover, the project will maintain the originally approved parking ratio of 3.51 parking spaces per 1,000 square feet, and therefore represents no substantial change in the project traffic generation and parking demand from the previous approval. All prior conditions of approval from PLN07-0061 in regards to minimizing project environmental impacts will be incorporated into this project.

e) The site can be adequately served by all required utilities and public services. The project site is located within an urban business park 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 Amendment to the Final Development Plan:

1. Condition #2 of Resolution No. 1203 which approved the Business Park requires that for each development proposal within the Business Park, a Final Development Plan be reviewed by Staff for compliance with the conditions of Resolution No. 1203 and then be brought before the Planning Board. This requirement has been fulfilled for this proposal.
2. The proposed amendment supersedes the Esplanade Final Development Plan PLN07-0061 (Resolution No. PB-08-06). Conditions of approval from Planning Board Resolutions No. 1203 and PB-08-06 that are not modified by the conditions of approval herein are incorporated by reference.

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

1. As conditioned, 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 adjacent Stacy & Witbeck building and VF Outdoor campus. The project is compatible with the adjacent residential development and the shoreline park because it provides adequate open space, pedestrian access, and screening of parking.

2. As conditioned, the project will be compatible with its site, adjacent or neighboring buildings or surroundings, and promote harmonious transitions in scale and character in areas between different designated land uses. The overall project design is harmonious with the neighborhood, and it complements the Harbor Bay Business Park. The design review approval for the overall Esplanade site is based on buildings with a horizontal profile that utilize high quality textures and building materials. The proposed building exterior incorporates proportions and materials that relate to the originally approved design and the Stacy & Witbeck building. Articulation of the façades, vertical elements and color variation, including a two-color masonry scheme between floors, achieves the original goal of breaking up the horizontal massing of the building. The corridor that separated the two previously approved buildings is now a glass atrium that maintains visual access to the waterfront.
3. As conditioned the building design is harmonious with the neighborhood, compliments the Harbor Bay Business Park, and has an appropriate theme and sense of scale, utilizing high quality textures and building materials. Consistent with the originally approved design for office buildings for the entire Esplanade development, the proposed building materials include reinforced structural masonry, steel and glass. Exterior materials continue to combine brick masonry construction with generous expanses of glass, incorporating large punch windows, and deep sunscreen elements that mitigate heat gain from the sun, and add dimension and detail to the facades. Corrugated metal provides mechanical screening and a horizontal element across the top of the building. The building's architectural design is well-suited to its location and context and will enhance the visual interest of the streetscape.

BE IT FURTHER RESOLVED, that the Board made the following findings relative to the specific design guidelines for the Business Park contained in Resolution No. 1203, which establishes development standards for the Harbor Bay Business Park:

1. The preliminary landscape plan is consistent with the required landscaping requirements of the Business Park.
2. The building is designed with a low horizontal profile which reduces the bulk of the building as required by the Architectural Guidelines contained in Resolution No. 1203.

BE IT FURTHER RESOLVED, that the Planning Board of the City of Alameda hereby approves Amendment to Final Development Plan and Design Review PLN15-0092 subject to the following conditions:

COMMUNITY DEVELOPMENT DEPARTMENT

1. Conditions relating to the Planning Board Resolution No. 1203 and PB-08-06 are incorporated by reference, except where modified in the conditions 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 Fee Munson Ebert Architects, date stamped April 15, 2015, titled "McGuire & Hester Development Plans" consisting of 15 sheets, on file in the office of the City of Alameda Community Development Department.
4. The Design Review approval for the two-story 22,868 square foot building 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 upon written request.
5. The plans submitted for building permit shall be consistent with the amended Final Development Plan and shall show details of the following for review and approval by the Community Development Director or his or her designee:
 - a. Final Planting and Irrigation Plans;
 - b. Final window and door details;
 - c. Sample color and material selections; and
 - d. Lighting Plan, including fixtures
6. 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.
7. Lighting: All new exterior lighting fixtures shall be directed downward and shielded to minimize offsite glare.
8. Mechanical Equipment: Any noise making mechanical equipment located on the ground, which generates noise exceeding ambient noise levels (prior to installation of the equipment) at the common property line with the adjacent residential neighborhoods shall be enclosed in a sound blocking enclosure meeting the noise standards established by the Alameda Municipal Code. The enclosure shall be built to the following minimum standards:
 - a) The barrier can be any thickness so long as its weight is 4lbs/ft² or greater.
 - b) The barrier must be nonporous, with a solid door.
 - c) The barrier must enclose the equipment on all sides. The building walls may serve as one or more of the sides.
 - d) The wall height should be a minimum of three feet (3') greater than the tallest piece of equipment.

9. Fencing: Perimeter fencing, if any, will exclude chain link fencing. Onsite storage or equipment enclosures, as required by the planned development guidelines for the Business Park, must include 8' high decorative black or dark green vinyl coated chain link fencing, with lockable gates, intended to blend the enclosure with the landscaping.
10. 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 Harbor Bay Business Park.
11. 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.
12. Area Reserved for Parking: The designated future parking area along the northern portion of the parking lot shall be reserved as landscaping. No permanent structures may be built in this reserved area.
13. The applicant shall provide a 60 foot wide view corridor between the McGuire and Hester building and the future building to the north. A deed restriction shall be filed to restrict the use of the 60 foot view corridor between the two buildings. Landscaping, parking, and small utility structures may be allowed in the 60 foot view corridor, but no structures with habitable or conditioned space may be constructed within the view corridor.
14. The final building plans shall show four interior and seven exterior bicycle parking spaces.

PUBLIC WORKS

Engineering

15. The applicant/developer shall submit construction improvement plans for all 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 improvements 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 all 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 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. 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 sanitary sewage flow analysis identifying the total peak sanitary sewage flow quantities to be generated by the proposed development shall be prepared by a registered civil engineer licensed in the State of California and submitted as part of the construction improvement plans. The City will provide this data to an independent consultant who will assess the impact of the proposed development on the City's sanitary sewer system using a hydraulic model and 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 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 improvement plans.
18. A sanitary sewage treatment capacity analysis for wet weather flows 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 treatment capacities associated with the development when compared to existing conditions. The developer will include the recommended improvements into the project's improvements plans prior to approval of the improvements plans.
19. 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.
20. 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. Additional soils information may be required during the plan check of individual house plans

21. 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.
22. All project related grading, trenching, backfilling, and compaction shall be conducted in accordance with City of Alameda Standards and Specifications.
23. Hydroseeding 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.
24. 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).
25. 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.
26. 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

27. Prior to issuance of building permits, 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) principles and techniques. As appropriate, landscaping shall be designed and operated to treat stormwater runoff.

28. Prior to issuance of building permits, the site plan, improvement plan and landscaping plan documents shall incorporate permanent low impact development (LID) measures and stormwater treatment controls and design techniques to manage the quantity and quality of stormwater runoff from the planned development. Measures shall be constructed and verified as 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. Conceptual site plans will need to identify sufficient areas to provide for the implementation of the necessary LID measures.
29. Prior to issuance of building permits and approval of the Improvement Plans, the applicant shall revise and re-submit for City engineering review and approval a stormwater quality management plan (Plan) to demonstrate and verify appropriate site stormwater treatment-LID design and sizing. This Plan shall include:
- a. The completed City of Alameda's Stormwater Requirements Checklist
 - b. The determination and identification of drainage management areas (DMAs) for all impervious surface areas on the proposed project site and the establishment and identification of Provision C3-compliant stormwater quality design and treatment measures for each DMA.
 - c. A site plan map and inventory identifying the location and area values (in square feet) of each DMA and corresponding C3-compliant measure
 - d. Signed, C3-LID sizing certification form for all DMAs and C3 measures, as described below.
30. Prior to the approval of the Improvement Plans and issuance of the grading, building, or combination permit, or whichever comes first, the applicant/developer shall 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. City qualification standards are listed below.
31. The applicant/developer shall provide the Public Works Department Clean Water Program, 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
32. Consistent with the submittals to the SWRCB, the applicant/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 Clean Water Program for conformance with the City's erosion and sediment control standards.

33. In compliance with the 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 SWPPP 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.
34. The finalized 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 consistent with the finalized stormwater quality management Plan. 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.
35. Prior to issuance of the building or grading permit, whichever comes first, the improvement plans shall be consistent with the stormwater quality management Plan submittals. Plan sheets shall include detail and cross-sectional drawings of the stormwater quality design and treatment measures, as relevant, consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual.
36. Prior to issuance of the building or grading permit, whichever comes first, the improvement plans shall indicate the stormwater 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 City's municipal stormwater 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 stormwater full trash capture device(s).

37. Prior to issuance of the occupancy permit, the applicant/developer shall submit for review and approval a Stormwater C3-LID Measures Operations and Maintenance (O&M) Plan, consistent with the City's checklist for preparing an O&M Plan, that provides a thorough discussion of the inspection, operations and maintenance requirements of all of the stormwater treatment and LID design measures at the site.
38. Prior to issuance of the occupancy permit, 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.
39. Prior to issuance of the occupancy permit, the property owner shall execute a C3-LID Treatment Measures Maintenance Agreement (Agreement) with the City, complete with an approved O&M Plan and annual reporting template.
40. If the project or the project parcel/property line adjustments will affect any drainage areas of the adjoining Stacy & Witbeck site (2800 Harbor Bay Parkway), the developer will be responsible for securing a re-execution of the Stormwater Treatment Measures Maintenance Agreement (April 2012) between the City of Alameda and the property owner of the 2800 Harbor Bay Parkway site, including any necessary engineering revisions to the Agreement exhibits.
41. Fire sprinkler system test water discharges shall be directed to the sanitary sewer system or to appropriately-sized onsite vegetated area(s).
42. 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

43. 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., applicable to the project, 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.

44. 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.
45. Final bicycle parking plan shall be consistent with AMC-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.
46. 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.
47. Pedestrian and vehicular lighting at all intersections and project driveways shall meet Alameda Municipal Power standards for crosswalks, sidewalks, and intersections.
48. 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

49. The applicant/developer is subject to the WMP requirement of section 21-24 of the Alameda Municipal Code, and must recycle at least 50% of total construction debris hauled from project.

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.

c. 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).

50. 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.

51. 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)
10,000-25,000	48	48	48	144

52. 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.

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

54. 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.

55. 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.

56. 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.
57. 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.
58. 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.
59. 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

- 60.45. 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.

61. 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.
62. The distribution transformer shall be placed at least 100 feet from any body of water unless a biodegradable oil transformer is used. If a biodegradable oil distribution transformer is utilized it must be enclosed in an oil retention berm to contain spillage.

FIRE DEPARTMENT

63. The applicant shall be responsible for a water main extension to serve the project, whose design shall be shown on the improvement plans to the satisfaction of the East Bay Municipal Utilities District, the Public Works Director, and the Fire Chief.
64. Prior to approval of the improvement plans, the applicant shall submit revised 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. Fire hydrant flow shall be a minimum of 1,500 G.P.M. from any one hydrant;
 - b. Provide adequate turn-around space or acceptable emergency vehicle through access for any street greater than 150 feet in length; and
 - c. Ensure that all roads have an adequate turning radii for fire apparatus (inside turning radius of 28" and outside turning radius of 44'8"); and
 - d. Minimum fire lane width shall be 20', and 26' for buildings over 30' in height.
65. All fire lanes within the development shall be marked as fire access roads to the satisfaction of the Fire Chief.

AIRPORT LAND USE COMMISSION

66. ALUC Airport Noise: The maximum aircraft-related interior noise levels for the building shall be mitigated to 50 dB CNEL.
67. 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.

68. 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.

69. 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, its Redevelopment Agency, the Alameda City Planning Board and their respective agents, officers, and employees from any claim, action, or proceeding against the City of Alameda, Alameda Redevelopment Agency, 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.

70. 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 26th day of May, 2015, by the following vote to wit:

- AYES: (6) Henneberry, Alvarez, Burton, Knox White, Köster, and Zuppan
- NOES: (0)
- ABSENT: (1) Tang

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-15-14

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING DEVELOPMENT PLAN AND DESIGN REVIEW APPLICATIONS TO CONSTRUCT 31 SENIOR AFFORDABLE, MULTIPLE FAMILY RESIDENTIAL UNITS, PARKING AND LANDSCAPING ON AN APPROXIMATELY .81 ACRE SITE LOCATED ON THE NORTHEAST CORNER OF BUENA VISTA AVENUE AND SHERMAN STREET

WHEREAS, on December 16, 2014, the City Council approved the Del Monte Master Plan, Density Bonus Application and Development Agreement; and

WHEREAS, TL Partners I, LP and the City of Alameda Housing Authority made an application on April 30, 2015, for a Development Plan and Design Review proposing to construct 31 affordable, multiple-family rental residential units, parking and landscaping on an approximately .81 acre site within the MX Zoning District located on the northeast corner of Buena Vista Avenue and Sherman Street and commonly known as the "Del Monte Affordable Housing Project"; and

WHEREAS, the application was deemed complete on May 14, 2015; and

WHEREAS, the General Plan designation of the site is Mixed Use; and

WHEREAS, the proposed Development Plan and Design Review application is required by, and implements, the Del Monte Master Plan and Development Agreement; and

WHEREAS, the Planning Board held a public hearing and examined all pertinent materials on May 26, 2015.

NOW THEREFORE BE IT RESOLVED, that pursuant to AMC Section 30-4.20(g), the Board has made the following findings relative to the Development Plan and Design Review Applications:

- A. **The development is an effective use of the site.** The Development Plan provides for affordable housing, parking, landscaping and open spaces, and pedestrian, transit and bicycle facilities designed to provide a neighborhood that is pedestrian, bicycle and transit-friendly. The Development Plan utilizes landscaping, building placement and orientation to create an effective and successful residential development to support affordable housing with a compatible interface with the adjacent properties and uses.
- B. **The proposed use relates favorably to the General Plan and Draft Master Plan.** The proposed development supports General Plan policies, Housing Element policies, and Master Plan policies to increase affordable housing and senior housing opportunities in Alameda.

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

UPHOLDING CITY PLANNER APPROVAL OF DESIGN REVIEW PLN15-0083 AT 2615 BUENA VISTA AVENUE

WHEREAS, an application was made on February 19, 2015 by Michael Hartigan for Design Review to permit the construction of an approximately 235 square foot second-story addition above an existing attached garage, an approximately 81 square foot first-story addition, and second-story deck located at 2615 Buena Vista Avenue; and

WHEREAS, the proposal was accepted as complete on March 26, 2015; and

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

WHEREAS, the subject property is located in a R-2, Two-Family Residence Zoning District; and

WHEREAS, the City Planner approved this application on April 22, 2015; and

WHEREAS, an appeal to the approval of Design Review Application PLN15-0083 was received on April 29, 2015; and

WHEREAS, the Planning Board held a public hearing on June 8, 2015, to consider the appeal; and

WHEREAS, the Planning Board held a de novo public hearing on June 8, 2015, 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, the Planning Board considered the appeal, the public testimony, and all pertinent maps and reports and made the following findings concerning the project:

Appeal Finding:

The Appellant has failed to demonstrate that the City Planner'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. As conditioned, 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 the surrounding neighborhood.

2. As conditioned, the proposed design is appropriate for the site, is compatible with adjacent or neighboring buildings or surroundings, and promotes harmonious transitions in scale and character in areas between different designated land uses. This project involves an approximately 235 square foot second-story addition and deck, and an approximately 81 square foot first-story addition. The second story addition is located above the existing attached garage, setback from the primary front elevation, and does not eliminate or compete with any character defining features, or loom over the street. The first story addition will result in a small expansion of the building footprint located behind the existing garage, minimizing visibility from the street. Furthermore, the height of the addition is significantly lower than the height of the existing home, and therefore maintains the existing character of the building. The windows of the proposed second story addition are located at least 11 feet 5 inches from the neighbor to the west and at least 30 feet from the neighbor to the rear. The windows are vertically offset with the neighbors' windows, and provide an indirect view into the adjacent homes. The second story is currently partially screened by vines growing above an existing six foot fence. The project proposes to provide a six foot high privacy screen on the proposed second story deck to minimize privacy concerns for the deck. A condition of approval will require the applicant to provide landscaping of sufficient height along the west and rear property lines to provide adequate screening and minimize privacy concerns from the adjacent neighbors. Therefore, the proposed project is compatible with the adjacent neighboring buildings.
3. As conditioned, the proposed design of the structure, 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 the adjacent development. The proposed addition is designed to match the existing building and it will utilize the same materials of the building which are also compatible with the design elements found on residential buildings in the neighborhood. The second story addition is also subordinate to the existing building and does not compete with the character defining features of the front elevation. Overall, the addition and improvements fit in with the size and appearance of the existing building.
4. Pursuant to AMC 30-5.7 (k) & (l), additions along existing nonconforming setbacks may be approved provided no adverse effects, such as shading or view blockage, would occur on the adjoining property. The proposed second-story addition is within the existing building footprint which is three feet from the side property line where a five foot minimum setback is required. There are no scenic vistas or resources near the proposed project. The proposed addition does not result in the loss of a scenic view. There are no adverse effects such as shading or view blockage that will occur on adjoining properties because the proposed second-story addition utilizes a shed roof to minimize the height of the addition and the effects of shading on the adjacent

neighbor. Furthermore, the height of the proposed addition is significantly lower than the height of the existing building, and the proposed addition is located approximately 11.5 feet from the neighboring residence to the west. The proposed addition is also approximately 30 feet from the property line of the neighbor to the rear.

A shadow study, submitted by the applicant on April 13, 2014, provided a shadow analysis for the project at 8:00 AM, 12:00 PM and 4:00 PM on June 21st and December 21st. The results indicate no adverse effects from the proposal and that the shadows were primarily a result of the existing home, or the neighbor's home casting shadows on the subject site. Only two results at 8:00 AM in late June, and 12:00 PM in late December, showed that a minor shadow from the proposed addition would be cast upon the side yard of the adjacent neighbor to the west. The small shadow from the proposed addition located three feet from the property line is not a substantial increase from a shadow produced by the addition meeting the five foot setback. The analysis of the neighboring home to the rear does not result in any adverse effects from shadows generated by the proposed addition. Therefore, the results of the shadow study show that due to the distance between the homes, the angles of the sun, and the height of the existing portions of the home, there is no substantially adverse shade impacts to the adjacent neighbors from the proposal.

5. As conditioned, the project complies with the Secretary of the Interior's Standards for the Treatment of Historic Properties. Finding consistency with the Secretary's Standards is not required for the design review approval; however, the proposed addition is compatible with the historic structure and can be found consistent with the Secretary's Standards. The proposed second story addition above the garage preserves the character of the building by locating the addition on the side elevation. The size, location and scale of the addition does not materially alter or compete with any character defining features on the front elevation. The first-story addition is located behind the existing garage minimizing its visibility from the street. The addition utilizes a shed roof to appear subordinate to the main structure. The project complies with the Secretary of the Interior's Standards in that all rehabilitation and exterior modifications are consistent and compatible with the existing building, and preserve its original architectural style, while distinguishing the old design from the new addition.

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 beyond that which exists. This exemption allows additions to existing structures up to 50% of the floor area or 10,000 square feet. The proposed addition is approximately 310 square feet.

BE IT FURTHER RESOLVED, that the Planning Board of the City of Alameda hereby upholds City Planner Design Review Approval Notice PLN15-0083 subject to the following conditions:

COMMUNITY DEVELOPMENT DEPARTMENT

1. This approval is valid for two years and will expire on June 8, 2017, unless construction has commenced under valid permits. Please note: The approval may be extended to June 8, 2019, upon submittal of an extension request and the associated fee.
2. The plans submitted for building permit and construction shall be in substantial compliance with plans prepared by Michael Hartigan, AIA, received on April 1, 2015, and on file in the office of the City of Alameda Community Development Department, except as modified by the conditions listed in this letter.
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. A copy of the project conditions shall be printed on the cover of the final Building Permit plans.
5. Building Permit plans shall incorporate the approved window schedule.
6. New exterior lighting fixtures shall be low intensity, directed downward, and shielded to minimize offsite glare. The lighting on the second-story deck shall only utilize motion sensor activated lighting with automatic shut-off. The lighting shall be installed on the interior of the privacy screening wall, directed away from the adjacent property in order to minimize effects of offsite glare. Lighting details shall be provided on the final building plans.
7. The applicant shall provide landscaping of sufficient height along the west and rear property lines deemed sufficient to provide adequate screening, to mitigate potential privacy impacts. The applicant shall submit a final landscaping plan, for review prior to issuance of the building permits.
8. A site inspection to determine compliance with this Design Review Approval is required prior to the final building inspection and/or to the issuance of a Certificate of Occupancy. The applicant shall notify the Community Development Department at least four days prior to the requested Planning Inspection dates.
9. The final plans submitted for Building Permit approval shall conform to all applicable codes and guidelines.
10. Any additional exterior changes shall be submitted to the Community Development Department for review and approval prior to construction.
11. 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 26th day of May, 2015, by the following vote to wit:

AYES: (5) Henneberry, Alvarez, Burton, Köster, and Zuppan

NOES: (1) Knox White

ABSENT: (1) Tang

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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

DENYING THE DEVELOPMENT PLAN AND DESIGN REVIEW APPLICATIONS AND RECOMMENDING THAT THE ALAMEDA CITY COUNCIL DENY TENTATIVE MAP AND DENSITY BONUS APPLICATION AMENDMENT FOR THE BOATWORKS PROJECT AT 2241 THROUGH 2243 CLEMENT AVENUE (PLN12-0729).

WHEREAS, Phil Banta, Architect for Boatworks, LLC , on behalf of the property owner, Mr. Francis Collins submitted an application requesting amendment to an approved Tentative Map, and Development Plan and Design Review to construct 182 dwelling units on property located at 2241 and 2243 Clement Avenue; and

WHEREAS, the proposed project site is within the Specified Mixed Use-5 (MU-5) General Plan designation; and

WHEREAS, the proposed project site is located in the R-2/PD, Two-Family Residence/Planned Development Combining Zoning District; and

WHEREAS, the City Council approved a Tentative Map for 182 housing units for the site in July 2011; and

WHEREAS, the City of Alameda General Plan Housing Element states that the City must ensure provision of affordable housing (Housing Element Goal #2) and that the City shall continue to implement and enforce the City's inclusionary housing ordinance (Policy HE-2, Program 2.1); and

WHEREAS, the Alameda Municipal Code requires that the Planning Board recommend denial of any Tentative Map, Development Plan or Design Review application that is not consistent with the Alameda Municipal Code; and

WHEREAS, the analysis of the application finds that the proposed Tentative Map Amendment and associated Development Plan and Design Review are not consistent with AMC Section 30-4.2 d. 9. Useable Open Space Requirements (the open space requirements for development in the R-2/PD zoning district), AMC Section 30-5.12 Definition of Required Open Space (citywide open space requirements), AMC Section 30-16.8 (Inclusionary Housing Ordinance), and AMC Section 30-17.8 (Density Bonus Ordinance) as described in the staff report; and

WHEREAS, the City of Alameda Planning Board held a public hearing on the proposed project on June 22, 2015, in compliance with the requirements of the Subdivision Map Act and AMC Section 30-73 Subdivision Regulations, and has examined pertinent maps, drawings, and documents;

THEREFORE BE IT RESOLVED that the Planning Board of the City of Alameda hereby finds that the proposed Tentative Map amendment and associated Development

Plan and Design Review applications are not consistent with AMC Section 30-4.2 d. 9. Useable Open Space Requirements (the open space requirements for development in the R-2/PD zoning district), AMC Section 30-5.12 Definition of Required Open Space (citywide open space requirements), AMC Section 30-16.8 (Inclusionary Housing Ordinance), and AMC Section 30-17.8 (Density Bonus Ordinance) as described in the staff report;

THEREFORE, BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby denies Planned Development and Design Review (PLN12-0729) based upon the following finding:

1. **The proposed Development Plan and Design Review applications are not consistent with the Alameda General Plan and Zoning Ordinance.** As described in the staff report and at the public hearings, the proposed Tentative Map amendment and associated Development Plan and Design Review applications are not consistent with General Plan Housing Element Goal #2 and Policy HE-2, program 2.1 and AMC Section 30-4.2 d. 9. Useable Open Space Requirements (the open space requirements for development in the R-2/PD zoning district), AMC Section 30-5.12 Definition of Required Open Space (citywide open space requirements), AMC Section 30-16.8 (Inclusionary Housing Ordinance), and AMC Section 30-17.8 (Density Bonus Ordinance) as described in the staff report.

THEREFORE, BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby recommends that the City Council deny Tentative Map Amendment, (PLN12-0729) based upon the following finding:

2. **The proposed Tentative Map Amendment application is not consistent with the Alameda General Plan and Zoning Ordinance.** As described in the staff report and at the public hearings, the proposed Tentative Map amendment and associated Development Plan and Design Review applications are not consistent with General Plan Housing Element Goal #2 and Policy HE-2, program 2.1 and AMC Section 30-4.2 d. 9. Useable Open Space Requirements (the open space requirements for development in the R-2/PD zoning district), AMC Section 30-5.12 Definition of Required Open Space (citywide open space requirements), AMC Section 30-16.8 (Inclusionary Housing Ordinance), and AMC Section 30-17.8 (Density Bonus Ordinance) as described in the staff report.

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, 2015, by the following vote to wit:

AYES: (7) Henneberry, Alvarez, Burton, Knox White, Köster, Tang and Zuppan

NOES: (0)

ABSENT: (0)

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

* * * * *