

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

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

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

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

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

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

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

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

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

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

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

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

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

**DESIGN REVIEW FINDINGS:**

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

**USE PERMIT FINDINGS**

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

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

3. **The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity and will not have deleterious effects on existing business districts or the local economy.** The proposed ground floor offices will not be located along the Park Street frontage, and will be located along Blanding Avenue. Viable commercial frontage along Park Street will be utilized as retail establishments. The outdoor seating area is shielded from the public right-of-way by buildings, and there are no sensitive land uses within the vicinity that would be impacted by such a use.
4. **The proposed use relates favorably to the General Plan.** General Plan guiding policy 2.5.e discourages offices from occupying ground floor space suitable for retail within the Community Commercial business districts. The use permit ensures that the proposed ground office use does not occupy ground floor space suitable for retail. The ground floor office of this project will be located along the secondary frontage of Blanding Avenue and not the main Park Street frontage. Retail space is still provided along Park Street, and the office uses are reserved for Blanding Avenue which better accommodates such ground floor uses.

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

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

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

**Community Development Department Conditions:**

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

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

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

### **Landscaping**

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

### **Public Works Conditions**

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

17. Construction activities shall not occur during windy periods.
18. All project related grading, trenching, backfilling, and compaction shall be conducted in accordance with City of Alameda Standards and Specifications.
19. Approved backflow prevention devices shall be installed on all new and existing domestic, commercial, irrigation and fire water services and as required by the East Bay Municipal Utility District (EBMUD). These devices must be tested by an AWWA certified tester from a list of testers provided by EBMUD.
20. Construction activities shall be subject to the requirements of the Alameda Municipal Code, which restricts construction to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturday or Sunday.

**Stormwater, Wastewater and Water**

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

26. Improvement Plan design of all external enclosures for solid waste, recycling and organics containers shall be approved by the Public Works Department. These facilities shall be designed to prevent water run-on to the area, runoff from the area, and to contain litter, trash and other pollutants, so that these materials are not dispersed by the wind or otherwise discharged to the storm drain system. Any trash enclosure facility with a water supply shall also drain to the sanitary sewer.

### **Traffic and Transportation**

27. If required by Public Works, the applicant/developer shall submit a traffic striping and signage plan for all on- and off-site improvements. The plans shall be prepared by a registered civil engineer or traffic engineer licensed in the State of California.

28. Final bicycle parking plan shall be consistent with AMC-30.7.15 Bicycle Parking. The facility, location, and type shall be approved by the Community Development Department prior to approval of the improvements plans or building permit, whichever comes first. Bike racks are to be placed outside of the center of the courtyard but still near a building entrance. The Community Development Department shall inspect the location, type, and number of facilities to ensure they are in accordance with the approved plans prior to acceptance of the work or issuance of any occupancy permit, including temporary occupancy permit, whichever comes first. "Wave"-style bicycle racks are prohibited.

29. At least three weeks prior to the commencement of work within the public right-of-way that affects access for pedestrian, bicyclist, and vehicular traffic, the applicant/developer shall provide a Traffic Control Plan (TCP) to the Public Works Department for review and approval. The TCP shall be prepared by a registered civil engineer or traffic engineer licensed in the State of California, and be in accordance with the California MUTCD standards. In general, any vehicular, transit, bicyclist, and pedestrian access through and/or adjacent to the project site shall remain unobstructed during project construction or an ADA compliant alternative route established.

30. Applicant/developer shall replace any damaged curb, gutter, and sidewalk along street frontages to the satisfaction of the Public Works Director, in accordance with the Public Works Department's Standard Plans and Specifications prior to acceptance of the project or issuance of any occupancy permit, including a temporary occupancy permit, whichever comes first.

### **Environmental**

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

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

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

- 32. Design of all external enclosures for solid waste, recycling, and organics shall be approved by the Public Works Director concurrent with the approval of the improvements plans. These facilities are to be designed to prevent water run-on to the area, runoff from the area, and to contain litter, trash, and other pollutants, so that these materials are not dispersed by the wind or discharged to the storm drain system. External enclosures are to be roofed and/or enclosed. Any enclosures containing food waste shall have floor drains connected to the sanitary sewer system. If the enclosures are attached to buildings they shall have fire sprinklers. Internal collection and storage area(s) and the individual bins and containers provided, shall be adequate in capacity, number, and distribution to serve the anticipated demand for trash, recycling, and organics as determined by the Public Works Director.
- 33. Applicant must comply with the following minimum storage requirements for solid waste, recyclable and compostable materials:

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

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

- 23. Exterior solid waste and recyclable material storage shall be adjacent or combined and may only be located on the outside of a structure, in a designated interior courtyard with appropriate access, or in rear or side yards. External storage area(s) shall not be located in any required front yard, street side yard, required parking, landscaped, or open space, or any areas required by the AMC to be maintained as unencumbered.
- 24. The storage area(s) shall be accessible to employees.
- 25. The storage area(s) and the individual bins and containers provided within shall be adequate in capacity, number and distribution to serve the anticipated demand as

determined by the Public Works Director.

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

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

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

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

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

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

### **FIRE SAFETY**

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

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

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

### **ALAMEDA MUNICIPAL POWER (AMP)**

34. Concurrent with submittal of Improvement Plans, the Applicant shall coordinate with the AMP regarding power requirements. All submittals shall refer to AMP's "Material and Installation Criteria for Underground Electrical Systems" for minimum clearances of street trees/shrubs from electrical transformers and other utility electrical equipment.
35. The Applicant shall provide all necessary on-site underground substructures, including conduits, pull boxes, transformer pads, etc. per the AMP specifications. AMP will require easements for all transformers, primary and secondary boxes, and conduits. AMP will furnish and install all required transformers, high voltage distribution cables, and secondary cables. The Applicant shall be reimbursed for improvements pursuant to the standard AMP agreement.
36. The improvement plans shall show all necessary easements and access to all electrical utility facilities that are on the private property, at no charge to AMP.
37. The Applicant/developer shall be responsible for all expenses involved in the on-site duct/joint trench system including engineering design, plan check, and electrical construction inspection.
38. The Applicant/developer shall submit, with the on-site improvement plans, detailed drawings showing the required on-site electric utility facilities.

**HOLD HARMLESS.** The applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda City Planning Board and their respective agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Alameda, Alameda City Planning Board and their respective agents, officers or employees to attack, set aside, void or annul, an approval by the City of Alameda, the Community Department, Alameda City Planning Board, the City of Alameda City Council relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.

NOTICE. No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision plus extensions authorized by California Code of Civil Procedure Section 1094.6.

NOTICE. The conditions of project approval set forth herein include certain fees and other exactions. Pursuant to Government Code section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and exactions. The applicant is hereby further notified that the 90-day appeal period, in which the applicant may protect these fees and other exactions, pursuant to Government Code section 66-2-(a) has begun. If the applicant fails to file a protest within this 90-day period complying with all requirements of section 66020, the applicant will be legally barred from later challenging such fees or exactions.

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

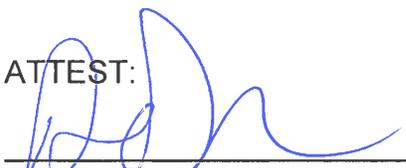
I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 25th day of July, 2016, by the following vote to wit:

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

NOES: (0)

ABSENT: (2) Mitchell, and Zuppan

ATTEST:

  
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Andrew Thomas, Secretary  
City of Alameda Planning Board

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, State law provides that once such an application is made the tentative map expiration on July 19, 2016 is automatically extended for 60 days, accordingly Tentative Map #8060 has been automatically extended until September 19, 2016; and

WHEREAS, the applicant has not made a good faith effort to complete the conditions on Tentative Map #8060 prior to its expiration date. Of the approximately 33 conditions that must be fulfilled prior to approval of a Final Map, the applicant has partially completed three conditions, and those three submittals were for a different project that was not in conformance with Tentative Map #8060; and

WHEREAS, in five years (July 2011 to June 2016), the applicant has not taken steps to comply with key conditions of the Tentative Map; for instance, the applicant has not:

- Prepared and submitted a Final Map for City Council consideration. (Condition #3)
- Prepared and submitted Improvement Plans to support Tentative Map 8060 for City consideration. (Condition #30)
- Executed a subdivision improvement agreement and provided adequate security for the completion of the improvements. (Condition #35)
- Acquired San Francisco Bay Conservation and Development Commission (BCDC) approval of the open space plan proposed in Tentative Map 8060. (Condition #8)
- Acquired Army Corps of Engineers approval for the improvements along the waterfront proposed on Tentative Map 8060. (Condition #8)
- Acquired East Bay Municipal Utility District approval of the yet to be designed storm water and waste water systems to support the subdivision (Condition #36)
- Created the necessary easements for the public open space and infrastructure. (Condition #37)
- Prepared and submitted a Storm Water Treatment Operations and Maintenance Plan. (#66)
- Executed a Storm Water Maintenance Agreement. (#67)
- Established a maintenance finance mechanism for the park. (Condition #9)
- Established a maintenance finance mechanism for the streets and public areas. (#60)
- Executed an Affordable Housing Agreement. (Condition #10); and

WHEREAS, in order to final the map, all the conditions of approval attached to the map must be satisfied and there are conditions that cannot be met due to inherent conflicts between the map and BCDC policies on bay fill, rendering a potential extension of the map futile; and

WHEREAS, the City of Alameda's Inclusionary Housing Requirements for Residential Projects are delineated in AMC 30-16, the intent of which is to implement the goals and objectives of the Housing Element of the City of Alameda's General Plan and to mitigate the impacts caused by new residential development, and also to meet the need for housing affordable to persons of low-, very low- and moderate-income; and

WHEREAS, lack of access to affordable housing has a direct impact upon the health, safety and welfare of the residents of Alameda and the City will not be able to contribute to the attainment of State housing goals or to retain a healthy environment without affordable housing in all income levels; and

WHEREAS, the Tentative Map #8060 does not conform to the City's General Plan Goals of the Housing Element and does not meet the inclusionary requirements and in AMC 30-16; and

WHEREAS, Tentative Map #8060 doesn't comply with requirements for road widths.

NOW THEREFORE, BE IT RESOLVED that the Planning Board of the City of Alameda hereby determines that Tentative Map #8060 does not reflect or support the intended or feasible future development of the site. Neither the applicant's 2015 Development Plan and Design Review Application nor its prior development plan applications substantially conform to Tentative Map #8060 because they propose changing all of the lot lines depicted on Tentative Map #8060. These changes reflect the fact that the applicant cannot satisfy the condition of map approval requiring BCDC approval of the project as depicted on the map, and thus is pursuing development of a different project that is consistent with BCDC policies and has a different arrangement of lots; and

BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby determines that Tentative Map #8060 is not consistent with AMC 30-16 Inclusionary Housing Requirements. Here, there is a base project of 140 units and the applicant seeks a 30% density bonus in return for 13 very-low income units. AMC 30-16 requires an additional 16 affordable units in the low- and moderate-income categories, for a total of 29 affordable units. The 2011 Map provides only 21 affordable units. The recommended Development Plan corrects this problem and is consistent with AMC 30-16; and

BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby determines that the 2011 Map is not consistent with the applicable Fire Code, which requires a 26-foot fire access lane. The 2011 Map provides 22-foot-wide lanes. The recommended Development Plan corrects this problem and is consistent with the Fire Code; and

BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby determines that AMC Section 30-81.1 states that the City may grant a one-year extension for a Tentative Map, but that "extensions shall not exceed one (1) year in aggregate." The applicant has already been granted a one-year extension; and

THEREFORE, BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby recommends that the City Council deny the request for a two-year extension on Tentative Map #8060.

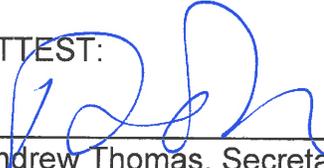
I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 25th day of July, 2016, by the following vote to wit:

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

NOES: (0)

ABSENT: (2) Mitchell, and Zuppan

ATTEST:



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Andrew Thomas, Secretary  
City of Alameda Planning Board

\* \* \* \* \*

CITY OF ALAMEDA PLANNING BOARD  
**RESOLUTION NO. PB-16-24**

APPROVING DEVELOPMENT PLAN AND DENSITY BONUS APPLICATION PLN15-0582 AND OPEN SPACE DESIGN REVIEW APPLICATION FOR 2229, 2235 AND 2241 CLEMENT STREET (APN 071 029000100 AND 071 028900500), ALSO KNOWN AS THE "BOATWORKS" PROPERTY;

WHEREAS, Mr. Phil Banta on behalf of Boatworks, LLC is requesting approval of a Development Plan for a 9.48 acre site for a proposed development of 182 residential units and associated public open space, parking, landscaping and other improvements at the property owned by Boatworks, LLC at 2229, 2235 and 2241 Clement Street (APN 071 029000100 and 071 028900500), also known as the "Boatworks" property;

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

WHEREAS, the subject property is located in a R-2/PD, Two Family Residential/Planned Development Zoning District and Open Space Zoning District; and

WHEREAS, the City of Alameda prepared and certified an Environmental Impact Report (EIR) evaluating the proposal as required by the California Environmental Quality Act (CEQA) in 2010 for a 242 unit proposal; and

WHEREAS, on September 21, 2010 the City of Alameda City Council certified the EIR; and

WHEREAS on July 19, 2011, the City Council approved a Tentative Map for a reduced density alternative with 182 units on the site; and

WHEREAS on December 15 2015, Mr. Banta for Mr. Collins submitted a revised plan for the site with a Development Plan and Density Bonus application for 182 residential units and on May 20, 2016 Mr. Banta submitted a Design Review application for the waterfront open space that was included in the

WHEREAS, the Density Bonus application includes a base project of 140 units with thirteen (13) housing units affordable to very low income households; and

WHEREAS, that project is eligible for a density bonus of 30% under California Government Code 65915 and City of Alameda Municipal Code Section 30-17; and

WHEREAS, Mr. Banta for Mr. Collins has requested the 30% density bonus for a total project size of 182 residential units; and

WHEREAS, Mr. Banta and Mr. Collins requested waivers from Alameda Municipal Code Section 30-52 (to allow multifamily housing), Section 30-7.6 (to allow one car garages in some attached townhomes and the multifamily buildings), and Section 30-4.2 (to allow lots less than 2,000 square feet in size); and

WHEREAS, the Planning Board held a public hearing and has examined pertinent maps, drawings, and documents on July 25, 2016; and made the following findings:

1. The proposal qualifies for a density bonus pursuant to Section 30-17. The applicant is proposing to provide 13 very low income units, which represents 9% of the base project of 140 units for very low-income households, which qualifies the project for a 30% density bonus for a total project size of 182 units.
2. The proposal qualifies for a certain waivers from City of Alameda Development Standards pursuant to Section 30-17. The applicant has requested certain waivers from certain development standards included in AMC Section 30-52 (to allow multifamily housing), AMC Section 30-4.2 (to allow parcels less than 2,000 square foot in size), and 30-7 (to allow some homes to have a one car garage) that physically preclude the construction of the development at the densities permitted.
3. The requested development standard waivers would not have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon health, safety, or physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
4. The requested development standard waivers would not be contrary to state or federal law.
5. The proposed development plan is in substantial conformance with the General Plan and Zoning for this site. The development is consistent with the R-2/PD and Open Space General Plan and Zoning designations for the property.
6. The site is physically suitable for the proposed residential development and waterfront public open space because: a) the property is within a one block walk of Park Street retail and transit services, b) the two acre waterfront park will improve public access to and along the waterfront in this area of the City, and c) at 19 units per acre, the project is less than the maximum 21 units per acre permitted by the General Plan and City of Alameda Density Bonus Ordinance.
7. The proposed design of the subdivision and improvements, as conditioned, will not cause environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The design of the subdivision and its improvements will create public easements and rights of way required by the public at large for access through, around, and adjacent to the property. The project will include public right-of-way that will enhance public access through the property to and along the waterfront. Easements for public open space, parking, traffic circulation, surface drainage runoff, and utilities are required as conditions of approval.
8. Based on substantial evidence in the record, no further environmental review is required for the proposed project as provided by Section 15162 of the California Environmental Quality Act Guidelines because neither the project, nor the circumstances surrounding the project, would result in any new or more severe significant impacts to the environment.

NOW THEREFORE, BE IT RESOLVED, that the Planning Board of the City of Alameda hereby approves Development Plan, Density Bonus, and Design Review applications PLN 15-0582, subject to the following conditions:

### Community Development Conditions of Approval.

1. Subsequent Approvals: All subsequent Design Review, Subdivision Map and Improvement Plans filed pursuant to this approval shall be in substantial compliance with Exhibit A titled, "Alameda Boatworks Green Development Plan" (the "Development Plan"), and on file in the office of the City of Alameda Community Development Department.
2. Development Phasing: Issuance of building permits and development of the property shall proceed consistent with the phasing plan included in Exhibit A, Development Plan page ps/DP-10. Minor adjustments to the phasing plan may be approved by the Community Development Department as necessary to facilitate construction of the project.
3. Regional and State Agency Approvals. Prior to issuance of the first building permit for any phase of the project, the applicant shall acquire the necessary permits and approvals from all other regulatory agencies with jurisdiction over the project, including the Bay Conservation and Development Commission (BCDC) and the Department of Toxic Substances Control (DTSC).
4. Environmental Impact Report (EIR) Mitigations: Prior to issuance of the first building permit for the first phase of the project, the applicant shall submit a Mitigation Measure implementation plan or checklist to ensure that all required EIR mitigations required by the Boatworks Project EIR are satisfied per the project Mitigation Monitoring Reporting Program approved by the City Council in 2010.
5. Open Space: Building permit and improvement plans submitted for the waterfront open space shall include:
  - a. At least 2.16 acres of common open space as shown on Exhibit 1 Development Plan page ps/OS-4. The plans shall include a survey of the property completed after the recent reconfiguration of the shoreline confirming the acreage.
  - b. Playground equipment and facilities designed for children under 5 years of age, and equipment and facilities for children aged five to 12 years of age.
  - c. Facilities to allow access to the water for kayak launching and water taxi landings.
  - d. Facilities and space for loading and unloading water craft from an automobile in close proximity to the waterfront park near the proposed "clubhouse".
  - e. A minimum of 30 visitor and guest parking spaces.
  - f. Visitor bicycle facilities as required by AMC Section 30-7 for open space.
  - g. Cross section and design details to ensure that the central green/bio-retention lawn shown on Exhibit 1 Development Plan page ps/DP-19.1 and 19.2 is usable for active and casual recreation for the general public. Any areas that must be restricted from use by the public to comply with storm water management requirements shall be deducted from the 2.16 acres of common open space.
6. Open Space Maintenance and Access: Prior to issuance of the first building permit the applicant/developer shall establish and record on the deed of the property or in CC&Rs, a Maintenance Finance Mechanism to ensure maintenance of the open space in perpetuity by the property owners at no expense to the City and provide the City with, and dedicate to, the City a permanent public access easement all public open space shown on Exhibit 1, page ps/OS-4.
7. Affordable Housing: Prior to the approval of the first building permit the applicant/developer shall complete an executed Affordable Housing Agreement consistent with Alameda

Municipal Code 30-17 which shall document the final location, quality, size and distribution of the twenty nine (29) affordable units required. The total units provided shall include a minimum of thirteen (13) very-low income units, six (6) low-income units, and ten (10) moderate-income units. The 29 affordable units shall be dispersed throughout the property with the market rate units and shall be of comparable size and quality to the market rate units, per AMC Section 30-17.8. The very low and low income units may be located in a single building if required to permit the units to be managed by a qualified non-profit housing provider that requires the units to be consolidated into a single building to provide for on-site services and support facilities for the very low and low income households.

8. Residential Design Review. Prior to issuance of the first building permit, the applicant shall submit a Design Review application and plans for the review and approval by the Planning Board for the proposed residential units shown on Exhibit A. The Design Review plans shall be consistent with the City of Alameda Design Review Manual (Design Review Manual) for residential development and the following standards:

- a. 182 Units: The total number of units developed on the property shall not exceed 182 residential units, provided that the applicant complies with the requirements of Condition #7 above regarding affordable housing. If the applicant does only 6 very low income units, 6 low income units and 10 moderate income units, then the total units permitted shall be limited to 140.
- b. Building Types: The Design Review Plan may include single family, townhome, courtyard home, senior assisted living, and/or live work unit building types, as defined by citywide Design Review Manual, provided that at least 30% of the units shall be constructed in multifamily stacked flats buildings as defined the Design Review Manual.
- c. Housing Unit Sizes: To accommodate a variety of household sizes, at least 40% of the units shall be 1,100 square feet or less in size and at least 70% of the units shall be 2,000 square feet in size or less.
- d. Universal Design: To accommodate a households with disabled family members and/or seniors aging in place, at least 15% of the single family homes and 8% of the townhome units shall include the kitchen, the main common area, and at least one bedroom and at least one full bathroom on the ground floor. The 8% townhomes may be smaller in size than the other townhomes and may include a single car garage.
- e. Off Street Parking. At least one and no more than two off-street parking spaces shall be provided in private garages or in common parking areas under multifamily buildings. The total number of residential/non-visitor parking spaces on the site shall be limited to 1.5 parking spaces per unit. All parking in multifamily stacked units shall be leased separately from the cost of the unit.
- f. Building Heights: Building heights shall step down from Clement Avenue to the Oakland Estuary and the waterfront open space. Multifamily stacked flat buildings may be four stories (up to 50 feet) in height, and townhomes and single family homes may be three stories and 35 feet in height. An additional "penthouse" floor may be added to multifamily buildings or attached townhome buildings facing Clement Avenue or Oak Street provided that the penthouse floor is set back at least 8 feet from the front of the building to be hidden from public view from the adjacent right of way. The floor

area of a penthouse floor may not exceed 50% of the floor area of the floor below. Buildings facing paseos of 35 feet in width between building faces shall be limited to two stories, with a permitted penthouse, provided the penthouse is setback 10 feet from the side of the building facing the paseo. At least 25% of the townhome units and single family units shall be two stories in height. Penthouse units may also be placed on buildings facing paseos and parks of over 35 feet in height, provided the penthouse is setback at least 10 feet from the front of the building facing the paseo or park.

- g. Building Setbacks Building setback standards for Clement Street, Oak Street, and Elm Street and from internal paseos and parks shall be consistent with Exhibit B Boatworks Green Setback Standards and Sections. Bay windows may project up to two feet into required setbacks and projecting open air porches on the ground floor may project up to 5 feet into the required setback. Townhomes and single family homes that are adjacent to a park, paseo, or street along their side elevation must provide a four (4) foot landscaped setback from the public right of way or sidewalk.
  - h. Private Open Space: Each housing unit with access to the ground floor of the structure shall include a minimum of 120 square feet of private open space, consistent with AMC 30-5.4.2.d.9. Stacked flats and apartments accessed from the second floor of the structure or above shall include a minimum of 60 square feet of private open space. For stacked flats, private open space may be provided in common spaces, such as roof decks or courtyards.
  - i. Oak Street. The Oak Street frontage shall include an 8 foot sidewalk and street trees on the property. Residential buildings shall be setback 16 feet from the existing property line (existing curb line) at the edge of the existing automobile right of way. A 12 foot pedestrian and bicycle path shall be provided from the intersection of Blanding to the waterfront along the eastern side property line.
  - j. East-West Walkway. As shown on Exhibit A, a minimum 10 foot wide publically accessible walkway shall be provided between Oak Street and Elm Street bisecting the block between Clement and the Blanding extension. The alignment of the walkway may be off-set up to 50 feet.
  - k. Elm Street View Corridor. To preserve the Elm Street view corridor to the park and Estuary, no building shall encroach closer than 35 feet from the western side property line. A 12 foot pedestrian and bicycle path shall be provided from the intersection of Blanding to the waterfront along the western side property line.
9. Public Art. Prior to issuance of the first building permit, the applicant is required to comply with the terms of the City of Alameda Public Art requirement as specified in Alameda Municipal Code section 30-65.
10. Transportation Impacts: As required by the Boatworks EIR Mitigation Measure B-3a prior to issuance of the first occupancy permit, the project shall fund and provide transit services from the property to the regional transportation facilities including BART. At minimum, the transportation services shall include access to AC Transit services and commute hour shuttle services to BART. Such services shall be made available to each home owner and tenant upon first occupancy of the first unit. The transportation services may be provided by the project Homeowners Association, a third party provider, or an existing transit agency such

as AC Transit. To insure permanent funding for transportation services, a Homeowner's Association or other funding mechanism shall be created for properties located within the project site. The project shall be subject to its Declaration of Covenants, Conditions and Restrictions or alternative funding mechanism, to which these conditions shall be attached as an Exhibit. The provisions of this Declaration shall provide a requirement and mechanism of annual funding by the Homeowners Association. The funding shall be provided on a permanent basis as an assessment on the Lots and Units in the Project. The participation and funding for program services under these conditions is mandatory and shall be considered an obligation and requirement of the project. The obligations, requirements and provisions under this condition cannot be amended, revised, deleted or rescinded by the HOA or property owners without the prior written approval of the City's Transportation Commission or City Council. To provide the required transportation services, the project developer/applicant shall establish or join an existing transportation demand management association (TMA) or transit provider organization to provide transportation services to the project residents. To fund the necessary services, the project CC&Rs or similar instrument shall require that each unit provide annual funding to the transit provider or TMA in the following amounts: \$550/year/Single Family Detached Unit, \$450/year/Single Family Attached Unit (townhome), and \$350/year/Stacked Flat Unit. The 2016 initial annual assessment fee per unit per year established by this condition shall be subject to annual adjustment according to the annual changes in the Bay Area Consumer Price Index. The Homeowners Association shall be responsible for providing an annual report for Transportation Commission and City Council review and approval at a noticed public hearing which shall include peak hour automobile counts at the two project entries and surveys of project residents to determine whether the 10% reduction requirement is being achieved annually. In the event that the development fails to achieve the 10% reduction in any given year, the annual report shall identify additional measures that shall be taken to further reduce automobile trips during the peak periods.

## **PUBLIC WORKS CONDITIONS OF APPROVAL**

### **Engineering**

11. The applicant/developer shall submit construction improvement plans for all on- and off-site improvements, including detailed designs for all wet and dry utilities, landscaping and irrigation, water, grading, drainage, erosion control, paving, and solid waste storage and recycling areas. The plans shall be prepared, signed, and stamped as approved by a registered civil engineer licensed in the State of California, unless the Public Works Director authorizes them to be prepared by some other qualified professional, and be in accordance with the AMC, the City of Alameda Standard Plans and Specifications, Standard Subdivision Specifications and Design Criteria, and the Master Street Tree Plan. The plans shall be reviewed and approved by the Public Works Director prior to approval of the improvement plans or parcel/final map, whichever comes first. The engineer shall also assume responsibility for inspection of the on-site construction work, including but not limited to parking lots, pathways, storm facilities, sewer facilities, etc., and shall certify to the City, prior to acceptance of the work or issuance of any occupancy permit, including a temporary occupancy permit, whichever comes first, that the installation of the on-site work (excluding the building and foundation) was constructed in accordance with the approved plans.
12. All existing and proposed easement locations, uses and recording information shall be shown on future subdivision map applications. The Owner's Statement shall list all easements to be dedicated and the Certificate of City Clerk shall list all public easements to be abandoned

with recording information as part of the Final Map.

13. The landscape and irrigation plans for improvements on and off-site shall be prepared, and signed and stamped as approved, by a licensed landscape architect. The plans shall be in accordance with the most recent version of the "Bay-Friendly Landscape Guidelines" developed by StopWaste.Org and the Bay Friendly Coalition, the Master Street Tree Plan, the AMC, conditions of approval by the Planning Board, and other regional jurisdictions requirements, as applicable.
  - a) Projects required to meet the Bay-Friendly Landscape (BFL) requirements shall:
    - i. have plans prepared by a qualified BFL design professional;
    - ii. earn, at a minimum, a total of 60 points on the StopWaste.Org "Bay-Friendly Scorecard for Commercial & Civic Landscapes" (Scorecard), as determined by a qualified BFL Rater;
    - iii. complete the nine required practices identified on the Scorecard related to mulch, compost, diversion of construction and demolition waste, selection of planting materials, and the design and installation of irrigation systems, as determined by a qualified BFL Rater;
    - iv. acquire the services of an approved BFL Rater to assist the landscape project design and construction team with gaining BFL qualification, consistent with the BFL qualification requirements of the Bay Friendly Coalition
    - v. pay the required BFL application and final submittal fees via the BFL Rater to the Bay Friendly Coalition
    - vi. submit to the City written certification from the Bay Friendly Coalition that the design and construction of the landscaping and irrigation meets the most recent version of the "Bay-Friendly Landscape Guidelines" developed by StopWaste.Org and The Bay Friendly Coalition. This certification is required prior to acceptance of the work or issuance of any occupancy permit, including a temporary occupancy permit, whichever comes first,
  - b) In addition, the final landscape plans shall ensure that all landscaping and bioswales are compatible with the stormwater treatment measures designed to minimize irrigation and runoff; promote surface infiltration, where appropriate; and minimize the use of fertilizers and pesticides that can contribute to storm water pollution. Also, integrated pest management (IPM) principles and techniques shall be incorporated into the landscaping design and specifications. Where feasible, landscaping shall be designed and operated to treat storm water runoff by incorporating elements that collect, detain, and infiltrate runoff. Plant placement within the site landscape design shall not interfere with the design function of any of the stormwater treatment measures. For example, trees planted in or near a biotreatment swale shall not adversely interfere with the design flow capacity of the swale. The plans shall be reviewed and approved by the Public Works Director prior to approval of the improvements plans or the building permit, whichever comes first. If no building permit is required, the plans shall be approved by the Public Works Director prior to establishment of the use. The landscaped architect shall also assume responsibility for inspection of the work and shall certify to the City, prior to acceptance of the work or issuance of any occupancy permit, including a temporary occupancy permit, whichever comes first, that the installation of landscaping and irrigation in the public right of way was constructed in accordance with the approved plans.

14. To guarantee completion of the required on-site and off-site improvements, the

applicant/developer shall enter into an agreement with the City and provide a security in a form and amount acceptable to the City prior to approval of the improvements plans and parcel/final map.

15. A sanitary sewage flow analysis, acceptable to the Public Works Director, identifying the total peak sanitary sewage flow quantities to be generated by the proposed development shall be prepared by a registered civil engineer licensed in the State of California and submitted as part of the construction improvement plans. The engineer shall sign and stamp the analysis as approved. The applicant/developer will pay for the cost of the analysis. The City will determine the required improvements, if any, to ensure sufficient sewage capacity for this project and anticipated cumulative growth in the associated sewer sub-area. The applicant/developer will include the City and EBMUD recommended improvements, if any, from the sewer study and into the project's improvements plans prior to approval of the improvement plan or parcel/final map, whichever comes first. All permits, easements and/or approvals for modifications to the sewer system required by EBMUD are to be obtained prior to Final Map.
16. Prior to the Final Inspections, the applicant/developer shall comply with the provisions of the EBMUD Regional Private Sewer Lateral Program (which the City is a participant of). Compliance requires that each parcel within the subdivision be issued a Compliance Certificate by EBMUD for the upper lateral. The applicant/developer shall schedule verification testing for the public and private sewer mains, manholes, and other appurtenances in the public or private streets within the subdivision, including lower laterals. The City will provide their acquired test results for sewer infrastructure that is privately-owned to EBMUD so Compliance Certificates can be issued for those parcels (parcels to be owned by Homeowners Association). Review the program requirements and cost for Compliance Certificates at <http://www.easbaypsl.com/>
17. A storm drainage hydrology analysis, acceptable to the Public Works Director, identifying the total peak drainage flow quantities to be generated by the proposed development shall be prepared by a registered civil engineer licensed in the State of California and submitted as part of the construction improvement plans. The engineer shall sign and stamp the analysis as approved. The City will provide this data to an independent consultant who will assess the impact of the proposed development on the City's storm drainage system using a hydraulic model and determine the improvements, if any, to ensure sufficient capacity for this project and anticipated cumulative growth in the associated drainage basin. The applicant/developer will pay for the cost of the modeling study. The applicant/developer will include the recommended improvements into the project's improvements plans prior to approval of the improvement plan or parcel/final map, whichever comes first.
18. Prior to issuance of a building permit or approval of a subdivision map for the property, the applicant/developer shall submit a soils investigation and geotechnical report, acceptable to the Public Works Director, in accordance with the AMC and prepared by a registered geotechnical engineer licensed in the State of California, with recommendations based on the findings. The report shall address the structural and environmental analysis of existing soils and groundwater. The improvement plans shall incorporate all design and construction criteria specified in the report. The geotechnical engineer shall sign and stamp the improvement plans as approved and as conforming to their recommendations prior to approval of the improvement plans or parcel/final map, whichever comes first. The geotechnical engineer shall also assume responsibility for inspection of the work and shall certify to the City, prior to acceptance of the work that the work performed is adequate and

complies with their recommendations. Additional soils information may be required during the plan check of individual house plans. The applicant/developer will include the engineer's recommended improvements into the projects improvement plans prior to approval of the improvement plan or parcel/final map, whichever comes first.

19. All required public frontage and street improvements shall be designed, built, and dedicated to the City in accordance with City ordinances and Public Works Department standards and shall include curbs, gutters, sidewalks, street trees, landscaping and irrigation, streetlights, etc.
20. Maintenance of public improvements shall be the responsibility of the new development through an Assessment District and/or Homeowners Association.
21. All new utilities shall be placed underground prior to issuance of any occupancy permit, including a temporary occupancy permit. In addition, when approval of a tentative subdivision/parcel map is required, all existing utilities within the project shall be placed underground in accordance with the AMC, prior to acceptance of the project.
22. Applicant/developer shall resurface the existing street pavement whenever a street is cut, either by a longitudinal or transverse cut, for utility or other improvement installations so the street is restored to pre-project conditions. The resurfacing shall extend a sufficient distance beyond any cut to ensure a smooth transition, as determined by the Public Works Director, and shall consist of a one and a half (1½) inch asphalt concrete overlay. Applicant/developer shall also provide digouts and reconstruction of any potholed and/or alligatored areas adjacent to the project.
23. Any retaining walls, which are adjacent to a property line, shall be masonry, metal, or concrete. Wood retaining walls shall not be installed adjacent to property lines. Existing retaining walls are to be evaluated by a geotechnical/structural engineer for integrity. The engineer is to provide design criteria and recommendations for all retaining structures. The applicant/developer will include the engineer's recommended improvements into the projects improvement plans prior to approval of the improvement plan or parcel/final map, whichever comes first.
24. Installation of street paving shall include reconstruction of the existing pavement section to provide adequate conforms. The limits of the reconstruction shall be established by the Public Works Director prior to approval of the improvement plans or parcel/final map, whichever comes first. The Public Works Director may waive undergrounding of the KV 115 lines on Clement with the concurrence of Alameda Municipal Power.
25. Exposed soil surfaces shall be periodically sprinkled to retard dust. During construction, the applicant/developer shall ensure that construction crews undertake a program of dust control including, but not limited to, watering soil surfaces as needed to prevent dust blowing, covering trucks carrying materials to and from the site, and frequent clean-up of soil carried by construction vehicle tires from the site onto streets. No City water shall be used for this purpose.
26. All project related grading, trenching, backfilling, and compaction shall be conducted in accordance with City of Alameda Standards and Specifications.
27. Construction activities are restricted to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturday, unless a permit is first secured from the City

Manager or designee based upon a showing of significant financial hardship.

28. Construction equipment must have state of the art muffler systems as required by current law. Muffler systems shall be properly maintained.
29. Noisy stationary construction equipment, such as compressors, shall be placed away from developed areas off-site and/or provided with acoustical shielding.
30. Grading and construction equipment shall be shut down when not in use.
31. During non-working hours, open trenches shall be provided with appropriate signage, flashers, and barricades approved by the Public Works Director to warn oncoming motorists, bicyclists, and pedestrians of potential safety concerns.
32. Prior to trenching within existing street areas, the applicant's engineer shall ascertain the location of all underground utility systems and shall design any proposed subsurface utility extensions to avoid disrupting the services of such system.
33. New street trees shall maintain clearances from utilities as follow: a) Fire hydrant – six feet; b) top of driveway wing – five feet; c) stop signs – 15'; d) street/pathway lights and utility poles – 25'; e) storm drain, sanitary mains, gas, water, telephone, electrical lines – five feet; f) front of electrical pad-mounted equipment – ten feet. Verify minimum clearance distances of street trees/shrubs from electrical transformers with Alameda Municipal Power (AMP).
34. Approved backflow prevention devices shall be installed on all new and existing domestic, commercial, irrigation, and fire water services and as required by the East Bay Municipal Utility District (EBMUD). These devices must be tested by an AWWA certified tester from a list of testers provided by EBMUD.
35. Costs for inspection by the Public Works construction inspectors during non-working hours shall be at time and one half. Work on Saturday's requiring inspection shall not be done unless approved in advance by the Public Works Director. No work allowed on Sundays. Any work done without inspection may be rejected at the contractor's expense.

### **Stormwater and Water**

36. Prior to issuance of building permits, the applicant/developer shall secure all necessary permit approvals from EBMUD regarding the installation of all water or sewer service connections for the project. Accumulated wastewater must be drained to the sanitary sewer.
37. The applicant/developer shall provide the Public Works Department City Engineer or designee, prior to the issuance of the first combination building/grading permit, a copy of both the WDI# 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](http://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml)
38. In compliance with the submittals to the SWRCB, the developer shall submit a Storm Water Pollution Prevention Plan (SWPPP) as part of the improvement plan submittal. The SWPPP

shall be reviewed and accepted by the Public Works Director or designee for conformance with the City's erosion and sediment control standards.

39. In compliance with the SWPPP, the developer shall be responsible for ensuring that all contractors and sub-contractors install and regularly maintain all control measure elements required in the project SWPPP during any construction activities.
40. The applicant/developer shall be responsible for ensuring that during any construction activity all contractors and sub-contractors install and regularly maintain erosion control measures and perform Best Management Practices (BMP) as described in the Alameda Countywide Clean Water Program brochures, the San Francisco Bay Regional Water Quality Control Board's Erosion and Sediment Control Field Manual and the California Stormwater Quality Association's Stormwater Best Management Practice, to prevent any pollutants entering directly or indirectly the storm water system. The applicant/developer shall pay for any required cleanup, testing, and City administrative costs resulting from consequence of construction materials entering the storm water system.
41. The construction improvement plans shall incorporate permanent stormwater treatment controls and/or design techniques to manage the quantity and quality of stormwater runoff from a planned development to prevent and minimize impacts to water quality. Efforts shall be taken to minimize impervious surface areas, especially directly connected impervious surface areas. Roof drains shall discharge and drain to an unpaved area wherever practicable. Design techniques may include vegetated swales, vegetated buffer zones, bioretention units, retention/detention basins and ponds, tree well systems, and the incorporation of pervious surface areas and Low Impact Development (LID) measures. Stormwater treatment measures shall be constructed consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual. Applicants may also refer to the Bay Area Stormwater Management Agencies Association (BASMAA) *Start at the Source Manual* for technical guidance.
42. The landscaping plans shall be designed to minimize runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution. Consideration shall be given to pest-resistant landscaping and design features and the use of integrated pest management (IPM) principles and techniques. Where feasible, landscaping shall be designed and operated to treat stormwater runoff.
43. The applicant/developer shall submit a completed City of Alameda Stormwater Requirements Checklist Form to the Public Works Department for review and approval prior to discretionary approval or approval of the improvements plans, grading permit, or building permit whichever comes first. If no building permit is required, the form shall be submitted prior to establishment of the use. The form shall include a table showing the amount of pervious and impervious area (indicated in units of square feet) prior to and after the proposed development.
44. The applicant/developer shall submit a stormwater drainage management plan showing each storm water LID measure(s) and treatment measure(s) required to be constructed to meet Provisions C.3.c and C.3.d of the City of Alameda's Municipal NPDES storm water permit as part of the improvement plans for the project. This stormwater drainage management plan shall be consistent with the results of the completed City of Alameda Stormwater Requirements Checklist Form, as above. As part of the final improvement plan submittal, the applicant/developer shall submit a stamped, signed certification from a qualified independent civil engineer with stormwater treatment facility design experience, licensed in

the State of California, and acceptable to the Public Works Director or designee that indicates the LID and treatment measure design meets the established sizing design criteria for stormwater treatment measures prior to approval of the improvements plans, grading permit, or building permit, whichever comes first. If no building permit is required, the plans shall be approved by the Public Works Director prior to establishment of the use. Effective December 1, 2011, this requirement also applies to any restaurant, automobile service facility, retail gasoline outlet, or uncovered parking project of 5,000 square feet or greater.

45. The applicant/developer shall submit a Stormwater Treatment Measures Operations and Maintenance (O&M) Plan as part of the improvement plans for the project. The O&M plan shall include, but not be limited to: treatment measure(s) descriptions and summary inventory; a legible, recordable, reduced-scale (8.5"x11") copy of the Site Plan indicating the treatment measure(s) location(s) and site drainage patterns; treatment measure(s) maintenance requirements and maintenance schedule; detailed description of the integrated pest management principals and techniques and/or Bay Friendly Landscaping Program techniques to be utilized during landscape maintenance to ensure pesticide/herbicide use-minimization in landscaped areas; the approved plant palette list; name and contact information of current maintenance personnel. The O&M Plan shall be reviewed and approved by the Public Works Director or designee prior to approval of the improvements plans, or grading permit, or building permit whichever comes first. If no building permit is required, the plans shall be approved by the Community Development Department and Public Works Director prior to establishment of the use. Effective December 1, 2011, this requirement also applies to any restaurant, automobile service facility, retail gasoline outlet, or uncovered parking project of 5,000 square feet or greater.
46. The applicant/developer shall execute a Stormwater Treatment Measures Maintenance Agreement (Agreement) with the City. The Agreement shall include, but not be limited to: the approved O&M plan for all post-construction (permanent) stormwater LID and treatment measures; identification of the party responsible for stormwater LID and treatment measures O&M; assurances of access to inspect and verify the treatment system O&M for the life of the project; and assurances of the submittal of the annual O&M report approved by the City. The Agreement shall be executed between the project owner and the City and recorded prior to the issuance of any occupancy permit, including a temporary occupancy permit. The Agreement shall also be recorded at Project Owner's expense, with the County Recorder's Office of the County of Alameda prior to establishment of the use. Effective December 1, 2011, this requirement also applies to any restaurant, automobile service facility, retail gasoline outlet, or uncovered parking project of 5,000 square feet or greater.
47. , The applicant/developer shall submit a certification report (Report) prepared by a registered civil engineer, licensed in the State of California, affirming that all project site stormwater treatment measures have been constructed per the City approved plans and specifications. As appropriate, the Report shall include, but not be limited to, assurances that: imported materials used for the treatment measure(s) are certified by the supplier; installation of these materials is per approved plans and specifications and meets the intent of the design engineer; required on-site testing results conform with approved plans and specifications; treatment measures conform to dimensions, grades and slopes on approved plans and specifications; all structural features of the treatment measures comply with plan specifications; the irrigation system is installed and functions as designed; healthy vegetation/ground cover is installed as shown on plans. The Report shall be submitted in a form acceptable to the Public Works Director or designee, prior to the issuance of any occupancy permit, including a temporary occupancy permit.

48. Fire sprinkler system test water discharges shall be directed to the sanitary sewer system or to appropriately-sized onsite vegetated area(s).
49. All new storm drain inlets shall be clearly marked with the words "No Dumping! Drains to Bay," or equivalent, as approved by the City Public Works Department. Permanently affixed thermoplastic, metallic or plastic laminate style markers are examples of acceptable forms.

### **Traffic and Transportation**

50. The improvement plans shall include pedestrian cross walks and traffic control to ensure safe pedestrian access to the site at the intersections of Oak and Blanding and at the intersection at Elm and Clement Avenue. The improvement plans shall also include a traffic striping and signage plan for all on- and off-site improvements, including all crosswalks, bus stops, turn lanes, merge lanes, acceleration lanes, lane drops, etc., as part of the construction improvement plan submittal. The plans shall be prepared by a registered civil engineer or traffic engineer licensed in the State of California. The engineer shall sign and stamp the plans as approved. The plans shall be reviewed and approved by the Public Works Director prior to approval of the improvements plans or parcel/final map, whichever comes first.
51. For any off-street parking facilities associated with the Development Plan, the applicant/developer shall submit the improvement plans to the Community Development Department and Public Works Department for review and approval. The plans shall be prepared by a registered civil engineer licensed in the State of California and shall be signed and stamped as approved. The Community Development Department shall review and approve the parking lot layout, including number of spaces, dimensions of spaces, and Americans with Disabilities Act (ADA) requirements, and the Public Works Director shall review and approve the internal and external circulation of the parking lot, including lane widths and access points, prior to approval of the improvements plans or parcel/final map, whichever comes first.
52. Final bicycle parking plan shall be consistent with AMC-30-7.15 Bicycle Parking.
53. At least three weeks prior to the commencement of work within the public right-of-way that affects access for pedestrian, bicyclist, and vehicular traffic, the applicant/developer shall provide a Traffic Control Plan (TCP) to the Public Works Department for review and approval. The TCP shall be prepared by a registered civil engineer or traffic engineer licensed in the State of California, and be in accordance with the California MUTCD standards. The engineer shall sign and stamp the plans as approved. In general, any vehicular, transit, bicyclist, and pedestrian access through and/or adjacent to the project site shall remain unobstructed during project construction or an ADA compliant alternative route established as approved by the Public Works Director. At locations where adequate alternate access cannot be provided, appropriate signs and barricades shall be installed at locations determined by the Public Works Director and Police Chief. Should transit routes be affected, applicant/developer is required to receive prior approval from AC Transit of any proposed traffic detours or temporary closure of bus stops. Constructed work may not commence until the TCP is approved by the Public Works Director.
54. Pedestrian and vehicular lighting at all intersections and project driveways shall meet AMP standards for crosswalks, sidewalks, and intersections.

55. Applicant/developer shall replace any damaged curb, gutter, and sidewalk along street frontages to the satisfaction of the Public Works Director, in accordance with the Public Works Department's Standard Plans and Specifications prior to acceptance of the project.

### **Environmental**

#### **WASTE/RECYCLING ENCLOSURES:**

56. Design of all external enclosures for solid waste, recycling, and organics shall be approved by the Public Works Director prior to approval of the improvements plans, parcel/final map(s), or the building permit, whichever comes first. If no building permit is required, the plans must be approved by the Public Works Director prior to establishment of the use.

These facilities are to be designed to prevent water run-on to the area, runoff from the area, and to contain litter, trash, and other pollutants, so that these materials are not dispersed by the wind or discharged to the storm drain system. External enclosures are to be roofed and/or enclosed. Any enclosures containing food waste shall have floor drains connected to the sanitary sewer system. If the enclosures are attached to buildings they shall have fire sprinklers. Internal collection and storage area(s) and the individual bins and containers provided, shall be adequate in capacity, number, and distribution to serve the anticipated demand for trash, recycling, and organics as determined by the Public Works Director.

57. A 40-foot turning radius must be provided for any street that would otherwise require the collection truck to back up a distance greater than 150 feet. Although not required, construction of a concrete pad just outside each solid waste enclosure is recommended in order to accommodate the truck weight while servicing the dumpster.
58. Applicant must comply with the following minimum storage requirements for solid waste, recyclable and compostable materials:
59. Exterior solid waste and recyclable material storage shall be adjacent or combined and may only be located on the outside of a structure, in a designated interior courtyard with appropriate access, or in rear or side yards. External storage area(s) shall not be located in any required front yard, street side yard, required parking, landscaped, or open space, or any areas required by the AMC to be maintained as unencumbered.
60. The storage area(s) shall be accessible to residents and employees. Each storage area within a residential development shall be no more than 250 feet from each dwelling unit.
61. Driveways or aisles shall provide unobstructed access for collection vehicles and personnel and provide at least the minimum clearance required by the collection methods and vehicles used by the City's designated collector or hauler. In all cases where a parcel is served by an alley, all exterior storage areas shall be directly accessible to the alley.
62. The storage area(s) and the individual bins and containers provided within shall be adequate in capacity, number and distribution to serve the anticipated demand as determined by the Public Works Director.
63. The design and construction of the storage area(s) shall:
- a. Be compatible with the surrounding structures and land uses; and

- b. Be properly secured to prevent access by unauthorized persons. If gates with locks are planned to limit access to the enclosure or to the property, cards or keys must be provided to the City's franchised waste hauler and recycling collector; at present Alameda County Industries; and
  - c. Contain a concrete pad within the fenced or walled area(s) and a concrete apron which facilitates handling of the individual bins and containers; and
  - d. Provide a 6-inch wide curb or parking bumpers along the interior perimeter of the enclosure walls to protect them from damage by the dumpster. A 6-inch wide parking bumper, at least 3 feet long, should also be placed between the refuse dumpster and the recycling containers; and
  - e. Maintain a minimum space of 12 inches between the dumpster(s) and the walls of the enclosure and the recycling container(s) to allow for maneuvering the dumpster(s); and
  - f. Protect the area(s) and containers from adverse environmental conditions, which might render the collected materials non-collectible, noxious, unsafe, or in the case of recyclable materials, unmarketable.
64. Dimensions of the storage area(s) shall accommodate containers consistent with the current methods of collection. The storage area(s) shall be appropriately located and screened from view on at least three sides by a solid wall six feet in height, and on the fourth side by a solid gate not less than five feet in height. The gate shall be maintained in good working order and shall remain closed except when in use. Gates must open straight out and gates and hinges must be flush with the enclosure wall to allow adequate maneuverability of the dumpster in and out of the enclosure. The design of the wall and gate shall be architecturally compatible with the surrounding structures.
65. A sign clearly identifying each exterior solid waste and recyclable material storage area and the accepted material(s) is required. Each sign shall not exceed two square feet in area and shall be posted on the exterior of the storage area adjacent to all access points.
66. All solid waste containers, including dumpsters and individual cans or carts, must have fitted lids which shall remain closed at all times when the container is not being used or emptied.

#### **ALAMEDA MUNICIPAL POWER (AMP)**

67. Concurrent with submittal of Improvement Plans, the Applicant shall coordinate with the AMP regarding power requirements. All submittals shall refer to AMP's "Material and Installation Criteria for Underground Electrical Systems" for minimum clearances of street trees/shrubs from electrical transformers and other utility electrical equipment.
68. The Applicant shall provide and install street lighting consistent with AMP's standard specifications and AMP's "Material and Installation Criteria for Underground Electrical Systems". No signs shall be installed or mounted on street light poles owned and/or maintained by AMP. All new signs shall be installed on dedicated sign posts.
69. The Applicant shall provide all necessary on-site underground substructures, including conduits, pull boxes, transformer pads, etc. per the AMP specifications. AMP will require easements for all transformers, primary and secondary boxes, and conduits. AMP will furnish and install all required transformers, high voltage distribution cables, and secondary cables.

The Applicant shall be reimbursed for improvements pursuant to the standard AMP agreement.

70. The Applicant shall furnish and install code-sized service cables in code-sized conduit from each house to the nearest secondary pillbox. AMP will connect the service to the secondary distribution system.
71. The Final Map shall show all necessary easements and access to all electrical utility facilities that are in the private properties, at no charge to AMP.
72. Prior to issuance of Certificate of Occupancy, the Applicant shall furnish and install service equipment for each house. The service equipment shall meet Electric Utility Service Equipment Requirement Committee standards.
73. Concurrent with acceptance of work by City Council, the applicant/developer shall dedicate and AMP shall take over ownership and will be responsible for maintaining all new substructures for under grounding primary and secondary circuits, and distribution transformers once the improvements have been inspected and found to have been properly installed. The Applicant or successor property owners shall be responsible for the service cables and service equipment.
74. The Applicant/developer shall be responsible for all expenses involved in the on-site duct/joint trench system including engineering design, plan check, and electrical construction inspection. The Applicant shall be responsible for the cost of AMP assigned inspector during construction
75. The Applicant/developer shall submit, with the on-site improvement plans, detailed drawings showing the required on-site electric utility facilities.

## **ALAMEDA FIRE DEPARTMENT**

76. Prior to approval of the Improvement Plans, the applicant shall submit plans for review and approval by the Public Works Director and the Fire Chief, that:
  - a. Provide fire hydrants spaced throughout the project as required in California Fire Code Appendix C. Ensure sufficient fire flow for the development compliant with California Fire Code Appendix B and Alameda Municipal Code 15-1.2 where a maximum reduction of the fire flow can be reduced by 50% for fire sprinklered buildings.
  - b. Fire hydrant flows shall be a minimum of 1,500 G.P.M. from any one hydrant;
  - c. Provide adequate turn around space or acceptable emergency vehicle through access for any street greater than 150 feet in length;
  - d. Ensure that all roads that are required to be fire access roads have an adequate turning radii for fire apparatus (inside turning radius of 28" and outside turning radius of 44'8"); and
  - e. For all roads designated as fire access roads shall have a minimum fire lane width of 26' unobstructed. Should parking within the fire lane be required, the fire lane width is to be increased to an additional 8' per side for vehicle parking.

Prior to approval of the Final Map by City Council, the Applicant shall submit improvement plans for the project site Fire Water System. The system shall be designed to the satisfaction of EBMUD. The Applicant shall be responsible for the placement of on-site hydrants. The location and number of hydrants shall be established in improvements plans.

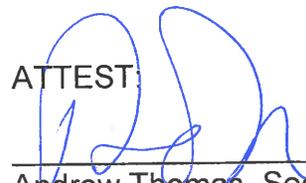
- 77. All private streets and courts within the development shall be marked as fire access roads to the satisfaction of the Fire Chief. No on-street parking shall be permitted within private streets and courts in the 20 foot wide fire lane.
- 78. The improvement plans and building permit plans shall include fire sprinkler systems within each residential unit including the garage and attic spaces.
- 79. The improvement plans and building permit plans shall, to the satisfaction of the Fire Chief and City Engineer, includes design each street and/or alley to handle the maximum weight of the heaviest equipment that may be used by the Fire Department for emergency purposes. Parking shall be prohibited within the streets and alleys dedicated as fire lanes by the Fire Chief, and the CC&R's shall include an enforcement mechanism.
- 80. Indemnification: The applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda City Planning Board and their respective agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Alameda, , Alameda City Planning Board and their respective agents, officers or employees to attack, set aside, void or annul, an approval by the City of Alameda, the Community Development Department, the Alameda City Planning Board, , or City Council relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.

AYES: (4) Knox White, Burton, Köster, and Sullivan

NOES: (1) Curtis

ABSENT: (2) Mitchell, and Zuppan

ATTEST:

  
\_\_\_\_\_  
Andrew Thomas, Secretary  
City of Alameda Planning Board

\* \* \* \* \*

CITY OF ALAMEDA PLANNING BOARD  
**RESOLUTION NO. PB-16-25**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING DESIGN REVIEW APPLICATION NO. PLN14-0517 FOR A NEW 7,100 SQUARE FOOT RESIDENTIAL/COMMERICAL MIXED-USE BUILDING ON AN APPROXIMATELY 20,000 SQUARE FOOT SITE LOCATED AT 712 LINCOLN AVENUE

WHEREAS, an application was made on April 20, 2014 by Simon Kwan for Kevin Lam for Design Review Application No. PLN14-0517 to permit the construction of a 7,100 square foot mixed-use building with two residential units above and 3,324 square feet of ground floor retail, and associated parking, landscaping and other improvements, located at 712 Lincoln Avenue, and;

WHEREAS, the application was accepted as complete on March 14, 2016; and

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

WHEREAS, the subject property is located in a C-C, Community Commercial Zoning District; and

WHEREAS, the Board held a study session on April 11, 2016 for this application, and

WHEREAS, the Board held a public hearing on July 25, 2016, for this application, and examined pertinent maps, drawings, and documents.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds this project exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 – Infill Development Projects. The project meets all requirements for the infill exemption, including the following:

- A. **The project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable Zoning designation and regulations.** The project meets this criterion because as proposed it is consistent with the Community Commercial General Plan land use designation and the commercial mixed-use building is a permitted use in the C-C zoning district. The project also complies with all applicable development regulations for the C-C zoning district and Webster Street Design Manual.
- B. **The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.** The project site is located within the Webster Street Business District, an urban commercial shopping district, and the project site parcel is approximately 0.5 acres in size.

- C. **The project site has no value as habitat for endangered, rare or threatened species.** The area of the proposed development is currently a former car sales lot within a heavily urbanized area of the Webster Street Business District. The site is surrounded by urban uses and is subject to high levels of disturbance from foot and vehicle traffic from the surrounding city streets. The vacant site has no habitat value for any endangered, rare, or threatened wildlife species.
- D. **Approval of the project would not result in any significant effects relating to traffic, noise, air navigation, air quality, or water quality.** The project is an approximately 7,100 square foot mixed use building with two ground floor commercial units, and two second floor residential units located within an urbanized area with sewer and water infrastructure to support the development. Construction noise and dust will be minimized by local regulations and proposed conditions of approval for the project. The proposed project will not result in any significant noise, traffic, air quality, or water quality impacts.
- E. **The site can be adequately served by all required utilities and public services.** The project site is located within an urban business district that already has the basic water, sewer, and other utility infrastructure necessary to support the proposed project. The site has access to all other public services provided by the City.

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

- A. The proposed project design is consistent with the General Plan, Zoning Ordinance, and City of Alameda Design Review Manual. The proposed building height and site plan complies with General Plan policies and Zoning Ordinance requirements for building height, parking location, and providing a continuous street wall on Lincoln Avenue. The proposed design is consistent with the Webster Street Design Manual because the proposed new construction is compatible in design and use of materials with the surrounding neighborhood and the adjacent commercial building.
- B. The proposed project design is compatible with the adjacent or neighboring buildings and promotes harmonious transitions in scale and character with surrounding land uses. The project utilizes contemporary design features on a traditional commercial building type to complement the surrounding commercial buildings. The proposal incorporates zero setbacks on Lincoln Avenue along with recessed entries and large store front glazing consistent with the Webster Street Design Manual. The two story height of the building and separation from the adjacent residential properties promote a harmonious transition with the surrounding residential land uses. The continuous commercial street wall and ground floor retail design promote a harmonious transition with the surrounding commercial land uses. The site plan maximizes the amount of landscaped grounds, open space, and parking spaces on the site. Existing residential homes at the rear of the lot will also receive improvements that include ancillary bike storage, reconfigured parking, and additional open space areas. The overall project design is harmonious with the

neighborhood, and it complements the Webster Street Business District.

- C. The proposed design of the structures and exterior materials and landscaping are visually compatible with the surrounding development. Design elements have been incorporated to ensure the compatibility of the structures with the character and uses of adjacent development. Roof top and belt line sunscreens echo the horizontal elements of the roof cornices found on Webster Street. The design utilizes horizontal siding and smooth stucco to delineate the two stories consistent with the Webster Street Design Manual. Second-story double-hung windows are distinguished individually with wood trim, and large ground floor storefront glazing is enhanced with transom windows to tie the architectural character of the building with the adjacent commercial structures. The design also incorporates bay windows, recessed entries, and material changes to provide articulation and break up the massing of the building. Overall, the design and materials are compatible with the surrounding residential development and the Webster Street commercial district.
- D. Pursuant to Alameda Municipal Code (AMC) Section 30-4.9A(g)(8), a parking exception may be approved for new construction reducing the number of parking spaces to one less than the number specified in the parking schedule in Section 30-7.6 provided the following findings are made by the Planning Board:
  - a. The parking demand of the project will be reduced less than the requirements in Section 30-7.6 by 1) provision of bus transit passes to the residents and commercial businesses, 2) bicycle parking facilities, 3) proximity to bus transit on Webster Street and 4) creating space for on-street parking on Lincoln Avenue. These measures will adequately offset parking demand by one parking space.
  - b. The probable long-term occupancy of the building or structure based on its design, will not generate additional parking demand because the project is for an approximately 7,100 square foot building limited to two residential units and approximately 3324 square feet of commercial retail space.

BE IT FURTHER RESOLVED, that the Planning Board of the City of Alameda hereby approves Design Review PLN14-0517 subject to the following conditions:

#### **COMMUNITY DEVELOPMENT DEPARTMENT**

1. These conditions shall be printed on the first page of all building plans and improvement plans.
2. Building Permit Plans: The plans submitted for building permits shall be in substantial compliance with the plans prepared by Kwan Design Architects, dated July 6, 2016, and on file in the office of the City of Alameda Community Development Department, except as modified by the conditions below.
3. The Design Review approval for the 7,100 square foot two-story mixed-use building shall expire and become void unless substantial construction under valid permits has been commenced within two years after this approval. A one-time extension for

an additional two years may be granted by the Community Development Director upon written request.

4. Construction activities: Construction activities shall be subject to the requirements of the Alameda Municipal Code, which restricts construction to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturday or Sunday.
5. The final building permit plans shall include the following for review and approval by the Community Development Director:
  - a. Transom window details for the upper portion of the retail display windows showing continuation of the horizontal mullion;
  - b. Final storefront, parapet, sunscreens, windows, and trim element details;
  - c. Final window details showing the residential windows and wood trim dimensions meet the dimensions and  $\frac{3}{4}$  inch installation recess requirement set forth in the Design Review Manual, and the commercial windows meet a 2 inch installation recess.
  - d. Final Planting, landscaping and Irrigation Plans;
  - e. Final Lighting Plan including fixture details. All exterior lighting fixtures shall be low intensity, directed downward and shielded to minimize offsite glare;
  - f. Final bicycle parking plan consistent with AMC-7.15 Bicycle Parking Ordinance and the City's Bicycle Facility Design Standards. The applicant shall install "inverted U" style bike racks for the twelve short-term bicycle parking spaces, and bike enclosures/lockers for fifteen long-term bicycle parking spaces on the project site as outlined in the approved bicycle parking plan. The bike racks installed in the public right-of-way shall be subject to approval of the Public Works Department.
6. Waiting Room Preservation Measures: Prior to issuance of building permits, the Applicant shall coordinate with the Alameda Recreation and Parks Department to relocate the former Southern Pacific Railroad waiting room to Sweeney Park and remove elements not original to the structure. Should relocation to Sweeney Park be determined infeasible by the Recreation and Parks Director, the Applicant shall then make delivery of the waiting room available to any individual or party that would be interested in receiving the structure at a new location. The Applicant shall advertise and provide 90 days for interested parties to respond. Should no interested parties come forward to relocate the structure, the Applicant shall then incorporate plans to restore and repurpose said structure on site. The applicant shall record a deed restriction on the property identifying the structure as protected from demolition, alteration, or removal without approval from the Community Development Director. The final disposition of the structure shall be reported to the Planning Board.
7. Prior to issuance of building permits, the applicant shall submit the final building cornice design and details to the Planning Board for approval.
8. Signage: Any permanent signage is subject to a sign permit approval. All signage shall be consistent with the requirements of the Zoning Ordinance.

9. Transportation and Parking: Prior to issuance of a building permit, the applicant shall record a deed restriction on the property to require:
  - a) Acquiring and distributing annually AC transit passes for use by project residents and/or business employees. Upon request by the City, the applicant shall provide evidence of the provisions of transit passes as required.
  - b) At least six of the spaces shall be designated for residential tenants of the property. Parking spaces may be unbundled and assigned to the residential units based on actual demand.

## **PUBLIC WORKS**

### Environmental Services

10. Trash, Recycle, and Organics Waste Room: Prior to submittal of building permits the applicant shall work with the Public Works Department and the Alameda County Industries (ACI) to right-size the trash, recycling, and organic waste room according to ACI service requirements for the building. No trash chutes are permitted without organics and recycling chutes.

### Clean Water Program

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

11. Final Civil Improvement Plans sheets shall include appropriate details and cross-sectional drawings of: (a) the installation design of the pervious decomposed granite for the driveway and parking areas, and (b) the roof drains under the pavement discharging to planting area(s).
12. Final Landscaping Plans sheets shall include appropriate detail and cross-sectional drawings of: (a) the installation design of the pervious decomposed granite for the driveway and parking areas, and (b) the installation of energy dissipation and erosion/scour prevention methods at the point where the roof drains under the pavement discharge to the planting area(s).
13. Final Landscaping Plans shall be designed to minimize runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution. Consideration shall be given to pest-resistant landscaping and design features and the use of integrated pest management (IPM) and Bay Friendly Landscaping principles and techniques.
14. Prior to issuance of building permits or improvement plans, applicant/developer shall submit a complete Landscape Document Package, as defined by AMC Section 30-58.3(d), subject to the approval of the Community Development Director.

15. Landscape plans submitted with final building permits shall comply with the Standard Landscape Conditions of Approval, as defined by AMC Section 30-58.3(f), on file in the office of the City of Alameda Community Development Department.
16. The applicant/developer shall be responsible for ensuring that all contractors and sub-contractors install, implement and regularly maintain construction activity best management practices in conformance with the City's erosion, sediment and discharge-control standards in order to prevent any pollutants entering directly or indirectly the municipal public-right-way, municipal storm water system, and/or waters of the State. The Improvement Plans shall list the City's erosion and sediment control standards, and provide detail drawings and installation specifications that meet industry standards for erosion and sediment control effectiveness, such as those established by the California Stormwater Quality Association's Stormwater Best Management Practice Handbook – Construction ([WWW.cabmphandbooks.com](http://WWW.cabmphandbooks.com)), for all required cleanup, testing, and City administrative costs resulting from consequence of construction materials entering the stormwater drainage system and/or waters of the State.
17. All fire sprinkler system test water discharges shall be plumbed so as to be directed to the sanitary sewer system or to appropriately-sized on site vegetated area(s).
18. Final Civil Improvement Plan design of all external enclosures for solid waste, recycling and organics shall be approved by the Public Works Department. These facilities shall be designed to prevent water run-on to the area, runoff from the area, and to contain litter, trash and other pollutants, so that these materials are not dispersed by the wind or otherwise discharge to the storm drain system.

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

19. The applicant/developer shall submit for review and approval by Public Works Engineering and Stormwater LID Measures Operations and Maintenance (O&M) Plan that thoroughly describes the inspection, operations and maintenance requirements to preserve and maintain all of the stormwater quality design measures at the site, such as the previous decomposed granite parking areas and roof drains discharging to planting areas. This O&M Plan shall be consistent with the relevant items of the City of Alameda's Stormwater Measures O&M Plan Checklist. This O&M Plan shall include a signed written statement from the project/property owner of the intent to maintain the approved stormwater site design measures as designed and installed for the life of the newly developed project site.
20. The City of Alameda requires as a condition of this approval that the applicant, or its successors in interest, shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda City Planning Board and their respective agents, officers, and employees from any claim, action, or proceeding against the City of Alameda, Alameda City Planning Board and their

respective agents, officers or employees to attack, set aside, void or annul, any approval or related decision to this project. This indemnification shall include, but is not limited to, all damages, costs, expenses, attorney fees or expert witness fees arising out of or in connection with the project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.

21. All Time and Material charges for this application shall be paid in full prior to the issuance of building permits.

NOTICE. No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision plus extensions authorized by California Code of Civil Procedure Section 1094.6.

NOTICE. The conditions of project approval set forth herein include certain fees and other exactions. Pursuant to Government Code Section 66020 (d) (1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and exactions. The applicant is hereby further notified that the 90-day appeal period, in which the applicant may protest these fees and other exactions, pursuant to Government Code Section 66020 (a) has begun. If the applicant fails to file a protest within this 90-day period complying with all requirements of Section 66020, the applicant will be legally barred from later challenging such fees or exactions.

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

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

NOES: (0)

ABSENT: (2) Mitchell, and Zuppan

ATTEST:



\_\_\_\_\_  
Andrew Thomas, Secretary  
City of Alameda Planning Board

\* \* \* \* \*

CITY OF ALAMEDA PLANNING BOARD  
RESOLUTION NO. PB-16-27

APPROVING STREET NAMES FOR SIDE STREETS WITHIN SITE A AT ALAMEDA POINT

WHEREAS, in 2007 the City Council adopted the Policy for Naming City Property, Facilities and Streets, which combined the separate Street Naming Policy and Facilities Naming Policy in effect at the time; and

WHEREAS, pursuant to the City Council Policy for Naming City Property, the City of Alameda Historical Advisory Board has maintained a list of approved names for use on new city streets in Alameda,

WHEREAS, Alameda Point Partners have identified eight names on the list of approved names that are appropriate for use on new side streets at the former Naval Air Station; and

WHEREAS, all eight names relate to the history of the property as an important Naval Air Station; and

WHEREAS, the Planning Board held public hearing on September 26, 2016, to consider the street renaming request, at which time all materials submitted and all comments made by all parties regarding this request were considered.

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

1. The proposed names at Site A comply with eligibility criteria and requirements in the Council-adopted Street Naming Policy.
2. The proposed names are appropriate for new streets at the former Naval Air Station.

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

BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby approves the proposed eight names for Site A at Alameda Point shown in Exhibit 1 with the addition of Trade Wind Avenue, Golden Hawks Way and Arden Street.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 26th day of September, 2016, by the following vote to wit:

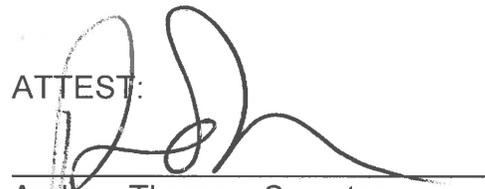
AYES: (6) Knox White, Curtis, Köster, Mitchell, Sullivan, and Zuppan

NOES: (0)

ABSENT: (0)

ABSTENTION: (1) Burton

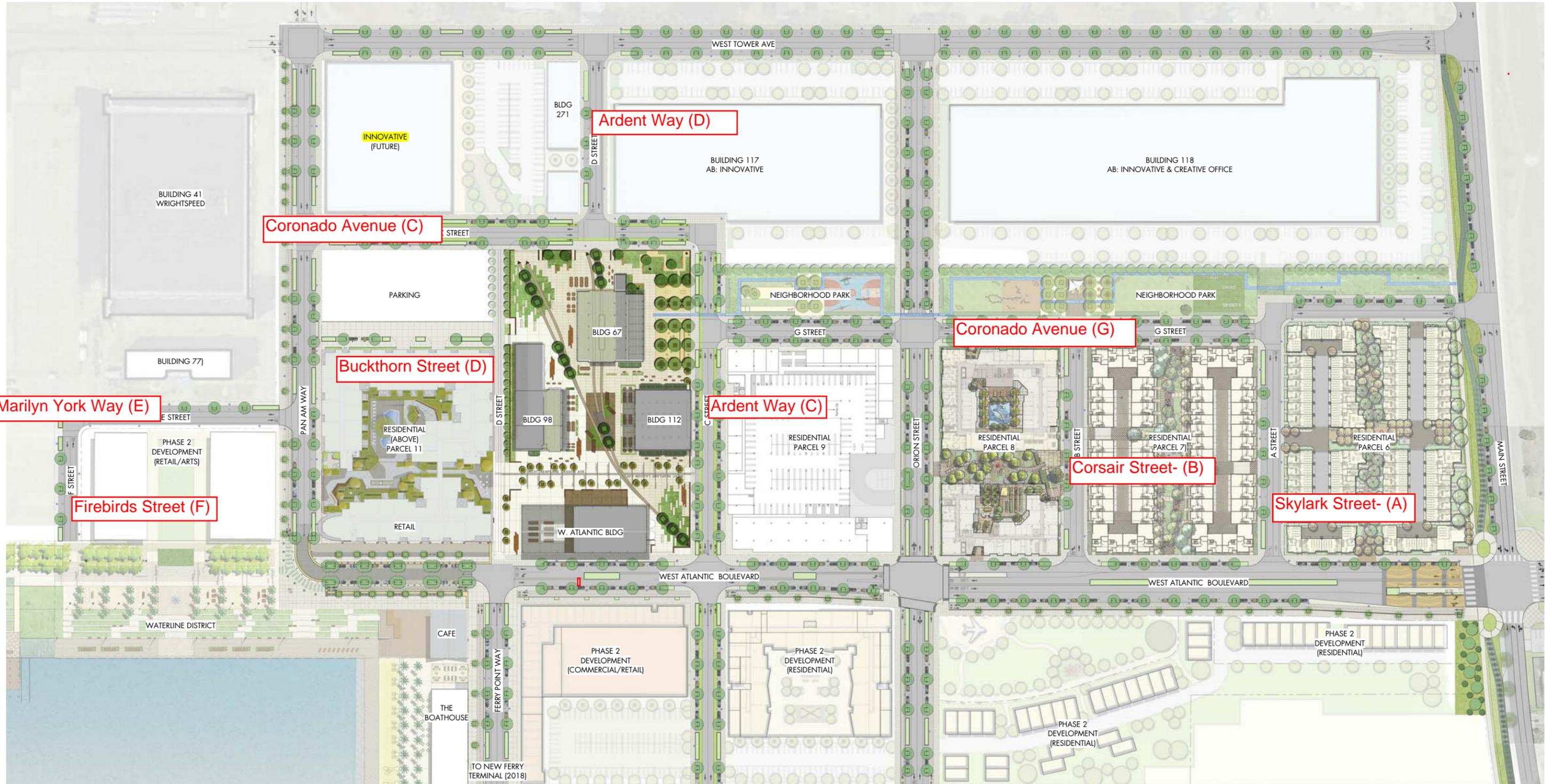
ATTEST:



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Andrew Thomas, Secretary  
City of Alameda Planning Board

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**ALAMEDA POINT BLOCK 10**

**SITE A - DISTRICT PLAN**

CITY OF ALAMEDA PLANNING BOARD  
**RESOLUTION NO. PB-16-28**

APPROVING FINAL DESIGN DETAILS FOR THE PHASE 1 WATERFRONT PARK  
WITHIN THE SITE A DEVELOPMENT PLAN IN THE WATERFRONT TOWN CENTER  
PLAN AREA AT ALAMEDA POINT

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

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

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

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

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

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

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

WHEREAS, the Planning Board held a public hearing on March 14, 2016 and approved the Planning Board Resolution Design Review application for the park; and

WHEREAS, Planning Board Resolution PB-16-06 required that the final materials, lighting, seating, and landscape details be brought back for final Planning Board review and approval;

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

**1. The proposed design is consistent with the General Plan, Zoning Ordinance,**  
RESOLUTION NO. PB-16-28

**Town Center Plan, approved Site A Development Plan, and the City of Alameda Design Review Manual.** The proposed design of a waterfront park along the northern edge of the Seaplane Lagoon at the heart of the commercial center and at the terminus of a major transit corridor within Alameda Point's "town center" creates a community-wide amenity for existing and future residents and employees at Alameda Point and throughout the City of Alameda, and supports a transit-and pedestrian-oriented mixed-use living environment consistent with the General Plan, Zoning Ordinance, Town Center Plan and Site A Development Plan.

2. **The proposed design is appropriate for the site, is compatible with adjacent or neighboring buildings or surroundings, and promotes harmonious transitions in scale and character in areas between different designated land uses.** The proposed design of the Phase 1 Waterfront Park is compatible with the adjacent Seaplane Lagoon; the future phases of Waterfront Park contemplated in the Site A Development Plan and the Town Center Plan; the "shared plaza" in front of Block 11 and the proposed development on Block 11. The urban character and hardscape promenade proposed for the design of the Phase 1 Waterfront Park and the adjacent shared waterfront street to the east provide a transition between the urban fabric of Block 11 and the rest of Alameda Point to the east and the more natural and passive environment planned for the future phases of waterfront park along the Seaplane Lagoon to the west.
3. **The proposed design of the structure(s) and exterior materials and landscaping are visually compatible with the surrounding development, and design elements have been incorporated to ensure the compatibility of the structure with the character and uses of adjacent development.** The proposed design of the Phase 1 Waterfront Park is compatible with the existing buildings and cultural landscape within the Historic District and the adjacent Site A development. The design of the Phase 1 Waterfront Park pays homage and respect to the historic cultural landscape elements of the former NAS Alameda by engraving a timeline along the major east west gathering area into the concrete to remind and educate the public about the history of the site and the Historic District, and by minimizing tree plantings and planted areas to preserve the flat, "openness" of the historic taxiways consistent with the Historic District guidelines. The Phase 1 Waterfront Park will provide a landscape transition between the Historic District to the west and the non-historic portions of Alameda Point and Site A to the east.

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

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

RESOLUTION NO. PB-16-28

the Alameda Point FEIR and pursuant to the streamlining provisions of Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183, no further environmental review of the design review application is required;

BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby approves Exhibit A, subject to the following conditions:

1. Planning Board Resolution PB-16-06. The plans submitted for Building and Site Improvement Permits shall be in substantial compliance with the plans prepared by April Philips Design Works dated February 22, 2016, on file in the office of the City of Alameda Community Development Department, Exhibit A approved by the Planning Board on September 26, 2016, and the Conditions of Approval of Planning Board Resolution PB-16-06.
2. Furniture, Trash Can, and Pavilion Design The final design for all on site furniture, bicycle racks, waterfront and tree lighting, and trash cans and the proposed Pavilion shall be subject to review and approval of the Planning Board prior to issuance of building permits. The final design drawings for Planning Board review shall also include an update on the final Palm Tree selection and any additional information considered by the design team.
3. Lighting All park LED lighting shall be warm lighting no greater than 3,000 k.
4. Railing The waterfront railing shall include the Option 1 vertical posts with cables and Option 2 railing cap.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 26th day of September, 2016, by the following vote to wit:

AYES: (6) Knox White, Curtis, Köster, Mitchell, Sullivan, and Zuppan  
NOES: (0)  
ABSENT: (0)  
ABSTENTION: (1) Burton

ATTEST:

  
\_\_\_\_\_  
Andrew Thomas, Secretary  
City of Alameda Planning Board

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