

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

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

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

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

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

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

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

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

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

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

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

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

Appeal Findings:

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

Design Review Findings:

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

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

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

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

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

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

3. The applicants shall work with staff during the building permit plan check process to explore a roof modification that would remove the hip roof element on the west elevation and extend the front facing gable at the front elevation through to the rear elevation. Any change to the roof design shall be approved administratively by the Community Development Director as part of the building permit plan check process.
4. The plans submitted for building permit and construction shall be in substantial compliance with plans prepared by Elaine Lee, dated May 11, 2016, and on file in the office of the City of Alameda Community Development Department, except as modified by the conditions listed in this resolution.
5. This approval is limited to the scope of the project defined in the project description and does not represent a recognition and/or approval of any work completed without required City permits.
6. A copy of the project conditions shall be printed on the cover of the final Building Permit plans.
7. Building Permit plans shall incorporate the approved window schedule.
8. The final plans submitted for Building Permit approval shall conform to all applicable codes and guidelines.
9. Any additional exterior changes shall be submitted to the Community Development Department for review and approval prior to construction.
10. The applicant, or its successors in interest, shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda City Planning Board and their respective agents, officers, and employees from any claim, action, or proceeding against the City of Alameda, Alameda City Planning Board and their respective agents, officers or employees to attack, set aside, void or annul, any approval or related decision to this project. This indemnification shall include, but is not limited to, all damages, costs, expenses, attorney fees or expert witness fees arising out of or in connection with the project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.

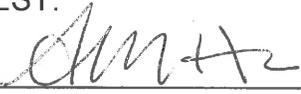
NOTICE. No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision plus extensions authorized by California Code of Civil Procedure Section 1094.6.

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

protest within this 90-day period complying with all requirements of Section 66020, the applicant will be legally barred from later challenging such fees or exactions.

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

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

ATTEST:


Allen Tai, Secretary
City of Alameda Planning Board

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

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

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

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

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

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

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

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

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

- b. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. The project site is located within the North Park Street District, a heavily urbanized area within the city limits. The project site is designated as Medium Density Residential by the General Plan and is approximately 0.83 acres in size.
- c. The project site has no value as habitat for endangered, rare or threatened species. The area of the proposed development is currently a vacant lot within a heavily urbanized area of the North Park Street District. The site is surrounded by urban uses and is subject to high levels of disturbance from foot and vehicle traffic from the surrounding city streets.
- d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The project is a residential development located within an urbanized area with sewer and water infrastructure to support the development. Construction noise and dust will be minimized by local regulations and proposed conditions of approval for the project. The proposed project will not result in any significant noise, air quality or water quality impacts. A letter from TJKM Transportation Consultants advises that the proposal will generate no more than approximately twelve a.m. peak hour trips and fourteen p.m. peak hour trips.
- e. The site can be adequately served by all required utilities and public services. The project site is located within an urban district that already has the basic water, sewer, and other utility infrastructure necessary to support the proposed project. The site has access to all other public services provided by the City.

BE IT FURTHER RESOLVED, that the Board made the following findings relative to the Density Bonus Application:

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

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

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

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

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

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

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

COMMUNITY DEVELOPMENT DEPARTMENT

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

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

PUBLIC WORKS

Engineering

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

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

12. The landscape and irrigation plans for on-site and off-site improvements shall be prepared, and signed and stamped as approved, by a licensed landscape architect. The plans shall be in accordance with the most recent version of the "Bay-Friendly Landscape Guidelines" developed by StopWaste.Org and the Bay Friendly Coalition, the Master Street Tree Plan, the AMC, conditions of approval by the Planning Board, and other regional jurisdictions requirements, as applicable.

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

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

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

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

17. Installation of street paving shall include reconstruction of the existing pavement section to provide adequate conforms. The limits of such reconstruction shall be established by the Public Works Director prior to approval of the improvement plans, issuance of a building permit, or prior to establishment of the use, whichever comes first.
18. During construction, the applicant/developer shall ensure that construction crews undertake a program of dust control including, but not limited to, watering soil surfaces as needed to prevent dust blowing, covering trucks carrying materials to and from the site, and frequent clean-up of soil carried by construction vehicle tires from the site onto streets. No City water shall be used for this purpose.
19. All project-related grading, trenching, backfilling, and compaction shall be conducted in accordance with City of Alameda Standards and Specifications.
20. Construction activities are restricted to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturday, unless a permit is first secured from the City Manager or designee based upon a showing of significant financial hardship.
21. Construction equipment must have state of the art muffler systems as required by current law. Muffler systems shall be properly maintained.
22. Noisy stationary construction equipment, such as compressors, shall be placed away from developed areas off-site and/or provided with acoustical shielding.
23. Grading and construction equipment shall be shut down when not in use.
24. During non-working hours, open trenches shall be provided with appropriate signage, flashers, and barricades approved by the Public Works Director to warn oncoming motorists, bicyclists, and pedestrians of potential safety concerns.
25. Prior to trenching within existing street areas, the applicant's engineer shall ascertain the location of all underground utility systems and shall design any proposed subsurface utility extensions to avoid disrupting the services of such system.
26. New street trees shall maintain clearances from utilities shall be as follow: a) Fire hydrant – 6 feet; b) top of driveway wing – 5'; c) stop signs – 15'; d) street/pathway lights and utility poles – 25'; e) storm drain, sanitary mains, gas, water, telephone, electrical lines – 5'; f) front of electrical pad-mounted equipment – 10'. Verify minimum clearance distances of street trees/shrubs from electrical transformers with City of Alameda Municipal Power (AMP).
27. Approved backflow prevention devices shall be installed on all new and existing

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

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

Stormwater, Wastewater and Water

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

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

municipal storm water permit definition of a full trash capture device. A full trash capture system or device is any single device or series of devices that traps all particles retained by a 5mm mesh screen and has a design treatment capacity of not less than the peak flow rate Q resulting from a one-year, one-hour storm in the sub-drainage area. Plan sheets shall include detail and cross-sectional drawings of any storm water full trash capture device(s).

33. The project proponent shall provide a construction-phase urban runoff/storm water pollution prevention plan (SWPPP) for review and approval by the Public Works Clean Water Program for conformance with the City's erosion and sediment control standards. This Plan shall include appropriate erosion, sediment and pollution control measures to effectively prevent the entry of any soil, rock, debris and/or other pollutants to storm water runoff, the municipal storm drain system, or the Bay/estuary during construction.
34. The Civil Improvement Plans shall contain erosion and sediment control plan sheet(s) notes and detail drawings consistent with the approved SWPPP document. Detail drawings shall be provided in the Civil Improvement Plan sheets for the installations of all structural erosion and/or sediment control practices. These specifications should meet industry standards for erosion and sediment control effectiveness, such as those established by the California Storm water Quality Association's Storm water Best Management Practice Handbook – Construction (www.cabmphandbooks.com).
35. In compliance with the project site's SWPPP, the applicant/developer shall be responsible for ensuring that all contractors and sub-contractors install and regularly maintain all control measure elements required in the project site's SWPPP. The applicant/developer shall pay for any required cleanup, testing, and City administrative costs resulting from the consequence of construction materials entering the storm water system and/or waters of the State.
36. Fire sprinkler system test water discharges shall be directed to the sanitary sewer system or to appropriately-sized onsite vegetated area(s).
37. The Improvement Plans shall indicate that all new storm drain inlets shall be clearly marked with the words "No Dumping! Drains to Bay," or equivalent, as approved by the City Public Works Department. Permanently affixed thermoplastic, metallic or plastic laminate style markers are examples of acceptable forms.
38. Improvement Plan design of all external enclosures for solid waste, recycling and organics shall be approved by the Public Works Department. These facilities shall be designed to prevent water run-on to the area, runoff from the area, and to contain litter, trash and other pollutants, so that these materials are not dispersed by the wind or otherwise discharged to the storm drain system.
39. The applicant/developer shall submit for review and approval by Public Works Engineering a Storm water C3-LID Measures Operations and Maintenance (O&M) Plan

that provides a thorough discussion of the inspection, operations and maintenance requirements of all of the storm water treatment measures at the site. This O&M Plan shall be consistent with the City of Alameda's C3-LID Measures O&M Plan Checklist.

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

40. The applicant/developer shall submit a certification report (Report) prepared by a registered civil engineer, licensed in the State of California, affirming that all project site storm water treatment measures have been constructed per the City approved plans and specifications. As appropriate, the Report shall include, but not be limited to, assurances that: imported materials used for the treatment measure(s) are certified by the supplier; installation of these materials is per approved plans and specifications and meets the intent of the design engineer; required on-site testing results conform with approved plans and specifications; treatment measures conform to dimensions, grades and slopes on approved plans and specifications; all structural features of the treatment measures comply with plan specifications; the irrigation system is installed and functions as designed; healthy vegetation/ground cover is installed as shown on plans. The Report shall be submitted for review and approval by Public Works Engineering.
41. The Housing Authority shall submit a signed statement to the City Public Works Department that the Housing Authority accepts full responsibility for the implementation of the approved O&M Plan for the project site's storm water treatment measures until such responsibility is legally transferred to another entity, complete with the approved O&M Plan and annual reporting template. This signed statement shall also provide, but not necessarily be limited to: identification of the party responsible for storm water treatment measures O&M; assurances of City access to inspect and verify the treatment system O&M for the life of the project; and assurances of the submittal of the annual O&M report by the Housing Authority to the Public Works Department.

Traffic and Transportation

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

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

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

Environmental

Waste Management:

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

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

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

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

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

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

WASTE/RECYCLING ENCLOSURES:

48. Design of all external enclosures for solid waste, recycling, and organics shall be approved by the Public Works Director prior to approval of the improvements plans, or the building permit, whichever comes first. If no building permit is required, the plans

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

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

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

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

ALAMEDA MUNICIPAL POWER

56. The applicant shall comply to AMP's Rules and Regulations as stated in Article X and AMP's "Material and Installation Criteria for Underground Electrical Systems" (both available www.alamedamp.com) and provide completed "Service Planning Sheets" for AMP's review prior to submitting plans for building permits.
57. The applicant shall provide information on the location of transformers and total load in kilowatts or kilowatt/volts (KVA) to Alameda Municipal Power (AMP) for approval prior to issuance of building permits. If necessary, the applicant shall provide (at no charge to AMP) an easement and access to all AMP facilities on the property prior to issuance of building permits.
58. Prior to issuance of the building permit(s), the applicant shall show the location of fire hydrant spacing on all sides of the project.

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

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

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

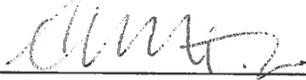
AYES: (5) Knox White, Burton, Mitchell, Sullivan and Zuppan

NOES: (0)

ABSENT: (1) Henneberry

RECUSED: (1) Köster

ATTEST:



Allen Tai, Secretary
City of Alameda Planning Board

* * * * *

CITY OF ALAMEDA PLANNING BOARD
RESOLUTION PB-16-16

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

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

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

WHEREAS, the subject property is located in a C-M-PD, Commercial-Manufacturing Planned Development Zoning District; and

WHEREAS, the Planned Development for the Business Park was approved by PD-81-2, and subsequently amended by PDA-85-4, PDA05-0003, PLN07-061, and PLN15-0092; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity and will not have substantial deleterious effects on existing business districts or the local economy. The assisted living facility is a commercial use that is in great demand in Alameda. Demand for such facilities far exceeds supply; therefore, the facility will not be detrimental to other similar facilities in Alameda. This type of commercial facility does not generate a large number of truck or automobile trips, does not generate significant off-site noise or odors, and is generally considered to be a compatible use for adjacent residential and business uses.

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

COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS

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

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

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

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

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

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

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

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

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

* * * * *

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

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

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

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

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

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

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

Tidal Canal.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NOTICE. No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following

the date of this decision plus extensions authorized by California Code of Civil Procedure Section 1094.6.

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

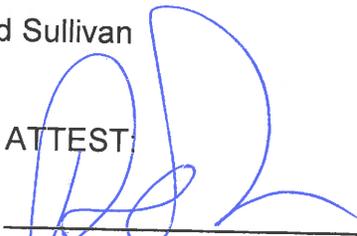
I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 11th day of July, 2016, by the following vote to wit:

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

NOES: (0)

ABSENT: (3) Burton, Mitchell, and Sullivan

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

* * * * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Final Map

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

8. Prior to approval of Final Map(s) or Parcel Map, the following shall be required: a refundable cashier's check in the amount of \$400 to guarantee a Mylar copy of the recorded Parcel or Final Map(s); payment for all reasonable office and engineering costs, including overhead, in conjunction with reviewing the Parcel or Final Map(s) and associated improvement plans and easements; three copies of the approved on-site/off-site civil improvement plans and landscape plans, along with a velum or other reproducible set (plans only); and, a CD or DVD digital copy acceptable to the City Engineer.
9. Prior to Final Map for condominium purposes for Lots 2 and 3, Final design review approval must be obtained from the Planning Board for Lots 2 and 3 consistent with the Tentative Map.

Land Use and Redevelopment

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

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

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

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

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

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

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

15. Design Review Approval: Prior to first Final Map, the applications for the following items shall be submitted for Planning Board review and approval:
 - a. Final design of the public right-of-way of West Atlantic Avenue details, such as the dimensions, cross-section, and configuration of the Bus Rapid Transit facilities.
 - b. Final street tree, street lights, street signage, paving materials, and street furniture design details. All street trees shall be protected by a curb unless within the privately maintained shared plaza.
 - c. Final shared plaza design details, such as bollard placement, pavement details, and tree placement to create a successful shared space where the pedestrians, bicyclists, and people in automobiles may slowly and safely move through and enjoy the space.
16. Biological Regulations and On-Site Lighting: Prior to issuance of a design review, building or site improvement permit, the applicant must comply with all required conditions set forth in the Declaration of Restrictions for the Former Naval Air Station Alameda (Declaration) consistent with the Biological Opinion issued by the U.S. Department of Fish and Wildlife, and Exhibit C of the Memorandum of Agreement between the City of Alameda and Department of Veteran's Affairs (Alameda Point Lighting Mitigation Measures).
17. Public Trust Exchange Act and Agreements: All use of land and buildings and new construction on Public Trust Lands shall be subject to the public trust for commerce, navigation and fisheries and shall be reviewed for consistency with the Naval Air Station Alameda Public Trust Exchange Act, Chapter 734, Statutes of 2000, as amended by Chapter 429, Statutes of 2011 and the Naval Air Station Alameda Exchange Agreement regarding Public Trust Lands at Alameda Point.
18. TDM and Parking Management Plan: Prior to issuance of the first Occupancy Permit, the project applicant and/or property owner shall submit an updated TDM Compliance Strategy, including phase 1 TDM facilities, and a Parking Management Plan for Planning Board review and approval. The plan will address the management and pricing of public and private on-site spaces and public on-street parking and public parking lots and structures.
19. Other Agency Approvals: Prior to issuance of building permit(s) or site improvement

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

Improvement Plans

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

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

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

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

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

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

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

Public Improvements

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

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

Water Quality

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

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

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

52. Stormwater Agreement: For any on-site stormwater treatment or design measure not to be maintained by an HOA or CA, the Applicant/Developer shall execute a Stormwater Treatment Measures Maintenance Agreement (Stormwater Agreement) with the City prior to the issuance of the certificate of occupancy. The Stormwater Agreement shall include, but not be limited to: the O&M plan for all approved stormwater treatment measures; identification of the party responsible for implementing the O&M plan; assurances of access to inspect and verify the treatment system O&M for the life of the project; and assurances of the submittal of the annual O&M report to the City. The executed Stormwater Agreement shall be recorded, at applicant/developer's expense, with the County Recorder's Office of the County of Alameda.
53. Stormwater Treatment Measures Construction Certification Report: The applicant/developer shall submit this certification report (Report) for each project block and/or phase prepared by a registered civil engineer, licensed in the State of California, affirming that all project site stormwater treatment measures have been constructed per the City approved plans and specifications. As appropriate, the Report shall include, but not be limited to, assurances that: imported materials used for the treatment measure(s) are certified by the supplier; installation of these materials is per approved plans and specifications and meets the intent of the design engineer; any required on-site testing results conform with approved plans and specifications; treatment measures conform to dimensions, grades and slopes on approved plans and specifications; all structural features of the treatment measures comply with plan specifications; the irrigation system is installed and functions as designed; healthy vegetation/ground cover is installed as shown on plans. The Report shall be submitted in a form acceptable to the Public Works Director or designee, prior to the issuance of any occupancy permit, including a temporary occupancy permit.
54. Full Trash Capture Devices: Appropriately sized full trash capture devices are to be installed at all new stormwater outfall structures at Alameda Point to implement the trash treatment requirements for all the upgradient drainage areas not independently subject to full trash control in accordance with the standards of full trash control in the City's municipal stormwater permit Provision C10.

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

Transportation Facilities

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

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

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

Solid Waste

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

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

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

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

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

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

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

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

Construction Conditions

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

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

Fire Safety

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

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

Alameda Municipal Power (AMP)

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

86. Applicant/Developer shall have all streetlights included in the Improvement Plans, installed, fully functional and operating prior to issuance of a Certificate of Occupancy for any building unless a phasing plan is approved by the Director of Public Works. Applicant/Developer shall pay to AMP the sum of Six Dollars (\$6.00 as adjusted no more than annually for inflation) per streetlight per month, or portion of a month, for the streetlight energy costs until the applicable improvements are accepted for maintenance by City.
87. The Applicant shall be required to furnish two streetlight poles and LED fixtures of each type installed, at no cost, to AMP as a stock for future pole/fixture replacement on public street. If AMP agrees to maintain private streetlights, the Applicant/Developer shall also be required to furnish two additional streetlight assemblies (e.g. pole, fixture, arm, shroud, etc) of each type.
88. All public streets shall be lit with LED lighting. Streetlight layout shall be staggered for a more uniform light distribution. Applicant/Developer can provide alternate design if a better efficient light distribution is met. Applicant/Developer shall use AMP LED standard fixtures. LED streetlight fixtures shall offer tri-level lighting with the mid-level setting meeting IES RP-8-14.
89. The Applicant shall provide all necessary underground substructures, including conduits, pull boxes, electric utility equipment pads, etc. per the AMP specifications. AMP will require easements for all transformers, primary and secondary boxes, and conduits. AMP will furnish and install all required transformers, high voltage distribution cables, and secondary cables. Existing Alameda Point electric substructures will NOT be re-used.
90. The Applicant shall provide an easement for electric utility vehicle access to AMP's Cartwright Station. The easement shall encompass the entire perimeter of the substation, including buildings and exterior yards with a 25-foot minimum clearance from any structure (above or below grade), wall and fence. Applicant shall avoid planting any trees that will grow in fullness to the point they may encroach into the perimeter easement.
91. The Applicant/Developer shall install all electric pull boxes and vaults in-line with the conduit joint trench. No conduit bend will be allowed between electric pull boxes, unless conduit section terminates to an electrical equipment pad. All primary and secondary electrical distribution pull boxes shall not be greater than two section deep (34-inches from finish grade to bottom of pull box). Any deviations from this standard shall be approved by the AMP Project Engineer in writing.
92. Applicant/Developer will be required to provide an oil containment facility for all AMP owned pad-mount distribution switches and/or transformers installed within 100-feet of any body of water or in other critical locations. Applicant/Contractor shall contact AMP to verify all dimensions, elevations, and orientation before commencing work.
93. The Applicant shall furnish and install code-size service cables in code-size conduit

from each customer electric meter switchgear to the nearest secondary pull box (or Service Point) in the public right-of-way, as designated by AMP. AMP will connect the service to the distribution transformer or to the secondary distribution system.

94. The improvement plans and all subdivision maps shall show all necessary easements and access to all electrical utility facilities that are in the private properties, at no charge to AMP.
95. Prior to issuance of Certificate of Occupancy, the Applicant shall furnish and install service equipment for each building. The service equipment shall meet Electric Utility Service Equipment Requirement Committee (EUSERC) standards. Electric meter(s) shall be located as close as practicable to the point of entry of the service-entrance conductors to the building. Outdoor meter locations are preferred. When meters are located within a building, the meter room shall be directly accessible from the exterior of the building. No remote metering.
96. Concurrent with acceptance of work by City Council, the applicant/developer shall dedicate and AMP shall take over ownership and will be responsible for maintaining all new substructures for under grounding primary and secondary circuits, and distribution transformers once the improvements have been inspected by AMP and found to have been properly installed. The Applicant or successor property owner(s) shall be responsible for the service cables and service equipment.
97. The Applicant/developer shall be responsible for all expenses involved in the duct/joint trench system engineering design, plan check, project coordination, and electrical construction inspection. The Applicant shall be responsible for the cost of AMP assigned inspector during construction.
98. The Applicant/developer shall submit, with the site improvement plans, detailed drawings showing the required site electric utility facilities.

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

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

NOTICE. The conditions of project approval set forth herein include certain fees and other

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

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

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

- AYES: (4) Knox White, Köster, Curtis, and Zuppan
- NOES: (0)
- ABSENT: (3) Burton, Mitchell, and Sullivan

ATTEST:


Andrew Thomas, Secretary
City of Alameda Planning Board

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

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

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

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

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

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

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

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

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

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

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

DESIGN REVIEW FINDINGS:

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

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

2. **The proposed design is appropriate for the site, is compatible with adjacent or neighboring buildings or surroundings, and promotes harmonious transitions in scale and character in areas between different designated land uses.** The proposed design of Block 10 is compatible with the residential uses proposed on the adjacent blocks in the Site A Development Plan. Block 10 will provide a transition between the multi-family housing proposed to the west on Block 11 and on Block 9 to the east. The plan creates a clear and strong open space connection between the waterfront park to the west, and the neighborhood park to the northeast creating a continuous and contiguous “necklace of parks” throughout the project. The one new retail building with its open glass façade and winged roof design facing West Atlantic Avenue and Waterfront Park across the street is designed to create a strong visual connection between the Waterfront Park, its commercial pavilion with its winged roof design, and the interconnecting open spaces that are integral to the Site A Development Plan open space objectives. The new building is positioned to create a continuous street-facing retail frontage between Block 11, Block 10, and Block 9.

3. **The proposed design of the structure(s) and exterior materials and landscaping are visually compatible with the surrounding development, and design elements have been incorporated to ensure the compatibility of the structure with the character and uses of adjacent development.** The existing buildings and landscape features embrace and highlight the history of Alameda Point. Three of the four buildings are existing former Navy buildings and are planned to be rehabilitated and adaptively reused for retail uses. Within the publicly accessible open space area, the existing rails from the prior use of the land by rail cars, and other materials that remain from the prior use of the land by the United States Navy, will be retained and reused in the design of the district. Reuse of existing buildings and preservation of existing cultural landscape features and materials will work to create a truly unique and interesting retail environment and public spaces. The one new retail building with its open glass façade and winged roof design facing West Atlantic Avenue and Waterfront Park across the street is designed to create a strong visual connection between the Waterfront Park, its commercial pavilion with its winged roof design, and the interconnecting open spaces that are integral to the Site A Development Plan open space objectives. The new building is positioned to create a continuous street-facing

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

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

USE PERMIT FINDINGS:

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

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

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

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

- 3. The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity and will not have deleterious effects on existing business districts or the local economy.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

occupancy permit, whichever comes first.

11. Modifications: Project design details requested by the applicant may be established, modified, and approved by the Community Development Director. Engineering standards and specifications requested by the applicant may be established, modified and approved by the Public Works Director, or his designee. Major modifications that are not consistent with this design review approval or these conditions shall be subject to review and approval of the Planning Board.
12. Other Agency Approvals: Prior to issuance of building permit(s) for work within jurisdictional lands, the applicant shall provide evidence that all required approvals, permits, or waivers from Regional Water Quality Control Board (Water Board), including a possible 401 Certification for the construction of a stormwater outfall, and/or the Army Corp. of Engineers, if any, have been obtained. The final improvement plans shall incorporate all other agency requirements.

Biological

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

Improvement Plans

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

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

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

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

Public Improvements

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

Water Quality

28. 401 Certifications Conditions. The development of Block 10 must be designed and constructed to comply with all of the conditions of the Conditional 401 Water Quality Certification for Alameda Point Stormwater Outfall Upgrades Project in the City of Alameda (Corps File No. 2014-00087S) (401 Certification Conditions) issued by the Water Board.
29. Final Stormwater Management Plan: The improvement plans shall incorporate a Final Stormwater Management Plan for Block 10, including all appropriate pollution prevention source control measures, permanent low impact development (LID) measures, storm water treatment controls and/or design techniques to manage the quantity and quality of storm water runoff from the project site to prevent and minimize impacts to water quality and must be consistent with the 401 Certification Conditions, the Site A Stormwater Management Plan (Site A SWMP), the preliminary stormwater management plan for Block 8 attached to this application, the MIP and the Provision C3 requirements of the City's municipal stormwater permit. Efforts shall be taken to minimize impervious surface areas, especially directly connected impervious surface areas. Roof drains shall discharge and drain to an unpaved area wherever practicable. Design techniques may include green roofs, rainwater harvesting, vegetated swales, vegetated buffer zones, bio retention units, retention/detention basins and ponds, tree well systems, and the incorporation of pervious surface areas and LID measures. The improvement plans shall provide details sufficient to ensure that the storm water design and treatment measures shall be constructed consistent with the latest version of the Alameda County Clean Water

Program's Provision C3 Technical Guidance Manual, the MIP, the Site A SWMP, the preliminary stormwater plan for Block 8, and the 401 Certification Conditions. Applicants may also refer to the Bay Area Storm water Management Agencies Association (BASMAA) *Start at the Source Manual* for technical guidance. All storm water design and treatment measures for private development pads shall be consistent with the C3 requirements and 401 Certification Conditions and be located on the development pad or an adjacent private development pad and shall not be located on property planned for public parks or public rights of way. Areas between the building and the public right of way with public access easements may be treated within the public storm water treatment system if sized to handle the flow. With the finalized stormwater quality management plan and finalized, stamped, signed City of Alameda C3 certification form from a qualified independent civil engineer with stormwater treatment facility design experience, licensed in the State of California, and acceptable to Public Works Engineering that indicates the LID and treatment measure designs of the finalized improvement plans and stormwater quality management plan meet the established sizing design criteria for stormwater treatment measures. These will be at the 100% complete level.

30. Certification Report: Prior to issuance of the initial, temporary or first occupancy permit, whichever comes first, the applicant/developer shall submit a certification report (Report) prepared by a registered civil engineer, licensed in the State of California, affirming that all project site stormwater treatment measures have been constructed per the City approved plans and specifications. As appropriate, the Report shall include, but not be limited to, assurances that: imported materials used for the treatment measure(s) are certified by the supplier; installation of these materials is per approved plans and specifications and meets the intent of the design engineer; required on-site testing results conform with approved plans and specifications; treatment measures conform to dimensions, grades and slopes on approved plans and specifications; all structural features of the treatment measures comply with plan specifications; the irrigation system is installed and functions as designed; healthy vegetation/ground cover is installed as shown on plans. The Report shall be submitted in a form acceptable to Public Works Engineering
31. Water Board Approval. Pursuant to Condition #15 of the 401 Certification Conditions, the applicant shall submit the proposed Site A SWMP to the Water Board's Executive Officer for review and approval prior to the issuance of a building permit or site improvement permit by the City for any construction of the Site A development, including Block 10. If the Water Board staff does not respond to the applicants Site A SWMP within 45 days of the received date, the plans will be deemed approved by the Executive Officer and the City may issue a building or site improvement permit if no changes have been made to the submitted Site A SWMP. The on-site drainage management areas indicated in the finalized stormwater management plans shall be reviewed for conformance with the corresponding off-site improvement plans.
32. Other Water Board Documents: The applicant/developer shall provide to the City Engineer or his designee, prior to the issuance of the first combination building/grading permit, a copy of both the WDID# issued to the project site by Water Board and the required Storm Water Pollution Prevention Plan (SWPPP). These documents shall provide verification to the City that the project site is in compliance with SWRCB Order

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

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

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

38. Stormwater Agreement: For any stormwater treatment or design measure not to be maintained by an HOA or CA, the Applicant/Developer shall execute a Stormwater Treatment Measures Maintenance Agreement (Stormwater Agreement) with the City prior to the issuance of the certificate of occupancy. The Stormwater Agreement shall include, but not be limited to: the O&M plan for all approved stormwater treatment measures; identification of the party responsible for implementing the O&M plan; assurances of access to inspect and verify the treatment system O&M for the life of the project; and assurances of the submittal of the annual O&M report to the City. The executed Stormwater Agreement shall be recorded, at applicant/developer's expense, with the County Recorder's Office of the County of Alameda.
39. Landscape Plans: Landscaping plans shall be designed to minimize runoff, promote surface infiltration, incorporate Bay Friendly Landscaping approaches, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution and be consistent with the MIP, the Site A SWMP, the preliminary stormwater management plan for Block 10, and 401 Certification Conditions
40. Backflow Prevention: Backflow prevention devices shall be installed on all new and existing domestic, commercial, irrigation, and fire water services and as required by the East Bay Municipal Utility District (EBMUD).
41. Certification Report: Prior to issuance of the initial, temporary or first occupancy permit, whichever comes first, the applicant/developer shall submit a certification report (Report) prepared by a registered civil engineer, licensed in the State of California, affirming that all project site stormwater treatment measures have been constructed per the City approved plans and specifications. As appropriate, the Report shall include, but not be limited to, assurances that: imported materials used for the treatment measure(s) are certified by the supplier; installation of these materials is per approved plans and specification and meets the intent of the design engineer; required on-site testing results conform with approved plans and specifications; treatment measures conform to dimensions, grades and slopes on approved plans and specifications; all structural features of the treatment measures comply with plan specifications; the irrigation system is installed and functions as designed; healthy vegetation/ground cover is installed as shown on plans. The Report shall be submitted in a form acceptable to Public Works Engineering.

Solid Waste

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

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

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

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

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

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

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

by the AMC to be maintained as unencumbered.

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

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

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

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

Construction Conditions

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

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

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

Fire Safety

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

Alameda Municipal Power (AMP)

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

necessary, the applicant shall provide (at no charge to AMP) an easement and access to all AMP facilities on the property prior to issuance of building permits.

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

66. The Applicant/Developer shall install all electric pull boxes and vaults in-line with the conduit joint trench. No conduit bend will be allowed between electric pull boxes, unless conduit section terminates to an electrical equipment pad. All primary and secondary electrical distribution pull boxes shall not be greater than two section deep (34-inches from finish grade to bottom of pull box). Any deviations from this standard shall be approved by the AMP Project Engineer in writing.
67. Applicant/Developer will be required to provide an oil containment facility for all AMP owned pad-mount distribution switches and/or transformers installed within 100-feet of any body of water or in other critical locations. Applicant/Contractor shall contact AMP to verify all dimensions, elevations, and orientation before commencing work.
68. The Applicant shall furnish and install code-size service cables in code-size conduit from each customer electric meter switchgear to the nearest secondary pull box (or Service Point) in the public right-of-way, as designated by AMP. AMP will connect the service to the distribution transformer or to the secondary distribution system.
69. The improvement plans and all subdivision maps shall show all necessary easements and access to all electrical utility facilities that are in the private properties, at no charge to AMP.
70. Prior to issuance of Certificate of Occupancy, the Applicant shall furnish and install service equipment for each building. The service equipment shall meet Electric Utility Service Equipment Requirement Committee (EUSERC) standards. Electric meter(s) shall be located as close as practicable to the point of entry of the service-entrance conductors to the building. Outdoor meter locations are preferred. When meters are located within a building, the meter room shall be directly accessible from the exterior of the building. No remote metering.
71. Concurrent with acceptance of work by City Council, the applicant/developer shall dedicate and AMP shall take over ownership and will be responsible for maintaining all new substructures for under grounding primary and secondary circuits, and distribution transformers once the improvements have been inspected by AMP and found to have been properly installed. The Applicant or successor property owner(s) shall be responsible for the service cables and service equipment.
72. The Applicant/developer shall be responsible for all expenses involved in the duct/joint trench system engineering design, plan check, project coordination, and electrical construction inspection. The Applicant shall be responsible for the cost of AMP assigned inspector during construction.
73. The Applicant/developer shall submit, with the site improvement plans, detailed drawings showing the required site electric utility facilities.

HOLD HARMLESS. The applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda City Planning Board and their respective agents, officers, and employees from any claim, action, or proceeding

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

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

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

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

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

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

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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

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

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

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

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

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

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

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

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

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

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

DESIGN REVIEW FINDINGS:

1. **The proposed design is consistent with the General Plan, Zoning Ordinance, Town Center Plan, approved Site A Development Plan, and the City of Alameda Design Review Manual.** The proposed design of the townhomes on Block 7 along a major transit corridor within Alameda Point's "town center" creates a transit-and pedestrian-oriented higher density mixed-income living environment consistent with the General Plan, Zoning Ordinance, Town Center Plan and Site A Development Plan.
2. **The proposed design is appropriate for the site, is compatible with adjacent or**

neighboring buildings or surroundings, and promotes harmonious transitions in scale and character in areas between different designated land uses. The proposed design of Block 7 is compatible with the residential uses proposed on the adjacent blocks in the Site A Development Plan. Block 7 will provide a transition between the multi-family housing proposed to the west on Block 8 and the townhomes proposed for Block 6 to the east. The southern townhomes on Block 7 front on West Atlantic Boulevard, the main transit corridor, and the landscaped areas and entrances to these townhome units at the ground floor help to create an active pedestrian environment along West Atlantic. The northern townhomes fronting on G Street maintain their entrances at the ground floor and help to create a pedestrian scaled environment as an appropriate transition to the active neighborhood park across the street. Additionally, the north-south landscape corridor that traverses the middle of the site creates a strong open space and pedestrian connection between West Atlantic to the south and the neighborhood park to the north.

- 3. The proposed design of the structure(s) and exterior materials and landscaping are visually compatible with the surrounding development, and design elements have been incorporated to ensure the compatibility of the structure with the character and uses of adjacent development.** The proposed design of Block 7 draws inspiration from design elements of the existing buildings near and within the Naval Air Station Alameda Historic District. The Block 7 architectural design shares architectural elements, materials and colors that reflect and respect, without replicating, the architectural elements of some of the most important contributing buildings in the Historic District. Examples of these elements include strong vertical masses that frame and punctuate horizontal runs of windows with window accents, sawtooth roofs that occur across the tops of the hangars, and repeated horizontal bands along the hangar doors.

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

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

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

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

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

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

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

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

8. Automobile Parking: The Building Permit plans shall include garages pre-wired for cost effective adaptation for plug-in electric car charging.
9. Bicycle Parking: Final bicycle parking plan shall be consistent with AMC-30.7.15 Bicycle Parking. The facility, location, and type shall be approved by the Community Development Department prior to approval of the improvements plans or building permit, whichever comes first. The Community Development Department shall inspect the location, type, and number of facilities to ensure they are in accordance with the approved plans prior to acceptance of the work or issuance of any occupancy permit, including temporary occupancy permit, whichever comes first.
10. Sea Level Rise: Prior to Building Permit approval, a description of the improvements shall be provided to ensure that any new habitable buildings will be constructed at a minimum elevation of 24 inches above the 100-year tidal flood plan elevation.
11. Sustainable Design: Prior to issuance of a building permit, the applicant shall submit a checklist showing that the project meets either: a minimum LEED™ Certified rating and be so certified by the US Green Building Council or a minimum GreenPoint Rated score of fifty (50) and be so verified by Build It Green.
12. Modifications: Minor project design details requested by the applicant may be established, modified, and approved by the Community Development Director. Engineering standards and specifications requested by the applicant may be established, modified and approved by the Public Works Director, or his designee. Major modifications that are not consistent with this design review approval or these conditions shall be subject to review and approval of the Planning Board.
13. Other Agency Approvals: The final improvement plans shall incorporate all other agency requirements.

Biological

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

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

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

Improvement Plans

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

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

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

Public Improvements

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

Water Quality

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

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

30. Water Board Approval. Pursuant to Condition #15 of the 401 Certification Conditions, the applicant shall submit the proposed Site A SWMP to the Water Board's Executive Officer for review and approval prior to the issuance of a building permit or site improvement permit by the City for any construction of the Site A development, including Block 7. If the Water Board staff does not respond to the applicants Site A SWMP within 45 days of the received date, the plans will be deemed approved by the Executive Officer and the City may issue a building or site improvement permit if no changes have been made to the submitted Site A SWMP. The on-site drainage management areas indicated in the finalized stormwater management plans shall be reviewed for conformance with the corresponding off-site improvement plans.

31. Other Water Board Documents: The applicant/developer shall provide to the City Engineer or his designee, prior to the issuance of the first combination building/grading permit, a copy of both the WDID# issued to the project site by Water Board and the required Storm Water Pollution Prevention Plan (SWPPP). These documents shall provide verification to the City that the project site is in compliance with SWRCB Order No. 2009-0009-DWQ. Information on this State Order is available at: <http://www.waterboards.ca.gov>.

32. Best Management Practices: The applicant/developer shall be responsible for ensuring that all contractors and sub-contractors install, implement and effectively maintain

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

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

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

38. Landscape Plans: Landscaping plans shall be designed to minimize runoff, promote surface infiltration, incorporate Bay Friendly Landscaping approaches, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution and be consistent with the MIP, the Site A SWMP, the preliminary stormwater management plan for Block 7, and 401 Certification Conditions
39. Backflow Prevention: Backflow prevention devices shall be installed on all new and existing domestic, commercial, irrigation, and fire water services and as required by the East Bay Municipal Utility District (EBMUD).
40. Certification Report: Prior to issuance of the initial, temporary or first occupancy permit, whichever comes first, the applicant/developer shall submit a certification report (Report) prepared by a registered civil engineer, licensed in the State of California, affirming that all project site stormwater treatment measures have been constructed per the City approved plans and specifications. As appropriate, the Report shall include, but not be limited to, assurances that: imported materials used for the treatment measure(s) are certified by the supplier; installation of these materials is per approved plans and specification and meets the intent of the design engineer; required on-site testing results conform with approved plans and specifications; treatment measures conform to dimensions, grades and slopes on approved plans and specifications; all structural features of the treatment measures comply with plan specifications; the irrigation system is installed and functions as designed; healthy vegetation/ground cover is installed as shown on plans. The Report shall be submitted in a form acceptable to Public Works Engineering.

Solid Waste

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

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

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

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

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

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

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

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

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

Construction Conditions

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

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

51. Notice to Neighbors: At least two weeks prior to initiating any construction activities at the site, the applicant shall provide notice to businesses and residents within 500 feet of the project site including (1) project description, (2) description of construction activities, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name and phone number of the Noise Management Individual for the project, (5) commitment to notify neighbors at least four days in advance of authorized extended work hours and the reason for extended hours, and (6) that construction work is about to commence. A copy of such notice and methodology for distributing the notice shall be provided to the City for review and approval at least five (5) business days in advance.

52. Construction Hours: Construction activity shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Friday, and between 8:00 a.m. and 5:00 pm on Saturday. No construction-related activity shall occur on Sunday or on any Federal Holiday. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment re-design, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) wherever feasible and necessary. No construction activity that may cause excessive off-site vibration from heavy machinery such as drilling rigs (except as necessary for elevator, shoring, and soil testing), etc. shall be allowed. Impact tools (e.g., jack hammers, pavement breakers and noise drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to 10dB. External jackets on the tools themselves shall be used where feasible. Quieter procedures shall be used such as drilling rather than impact equipment whenever feasible.

53. Dust Control: Prior to issuance of building or grading permits, the developer/applicant shall ensure that a program of dust control is implemented consistent with City, MMRP and BAAQMD requirements.

54. Cultural Resources: In the event that previously unidentified cultural resources are discovered during site preparation or construction, work shall cease in the immediate area until such time as a qualified archaeologist and City of Alameda personnel can assess the significance of the find. If human remains are encountered, work shall halt within 50 feet of the find and the County Coroner shall be notified immediately.

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

Fire Safety

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

Alameda Municipal Power (AMP)

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

62. If public, the Applicant shall be required to furnish two streetlight poles and LED fixtures of each type installed, at no cost, to AMP as a stock for future pole/fixture replacement on public street. If AMP agrees to maintain private streetlights, the Applicant/Developer shall also be required to furnish two additional streetlight assemblies (e.g. pole, fixture, arm, shroud, etc) of each type.
63. All public streets shall be lit with LED lighting. Streetlight layout shall be staggered for a more uniform light distribution. Applicant/Developer can provide alternate design if a better efficient light distribution is met. Applicant/Developer shall use AMP LED standard fixtures. LED streetlight fixtures shall offer tri-level lighting with the mid-level setting meeting IES RP-8-14.
64. The Applicant shall provide all necessary underground substructures, including conduits, pull boxes, electric utility equipment pads, etc. per the AMP specifications. AMP will require easements for all transformers, primary and secondary boxes, and conduits. AMP will furnish and install all required transformers, high voltage distribution cables, and secondary cables. Existing Alameda Point electric substructures will NOT be re-used.
65. The Applicant/Developer shall install all electric pull boxes and vaults in-line with the conduit joint trench. No conduit bend will be allowed between electric pull boxes, unless conduit section terminates to an electrical equipment pad. All primary and secondary electrical distribution pull boxes shall not be greater than two section deep (34-inches from finish grade to bottom of pull box). Any deviations from this standard shall be approved by the AMP Project Engineer in writing.
66. Applicant/Developer will be required to provide an oil containment facility for all AMP owned pad-mount distribution switches and/or transformers installed within 100-feet of any body of water or in other critical locations. Applicant/Contractor shall contact AMP to verify all dimensions, elevations, and orientation before commencing work.
67. The Applicant shall furnish and install code-size service cables in code-size conduit from each customer electric meter switchgear to the nearest secondary pull box (or Service Point) in the public right-of-way, as designated by AMP. AMP will connect the service to the distribution transformer or to the secondary distribution system.
68. The improvement plans and all subdivision maps shall show all necessary easements and access to all electrical utility facilities that are in the private properties, at no charge to AMP.
69. Prior to issuance of Certificate of Occupancy, the Applicant shall furnish and install service equipment for each building. The service equipment shall meet Electric Utility Service Equipment Requirement Committee (EUSERC) standards. Electric meter(s) shall be located as close as practicable to the point of entry of the service-entrance conductors to the building. Outdoor meter locations are preferred. When meters are located within a building, the meter room shall be directly accessible from the exterior of the building. No remote metering.
70. Concurrent with acceptance of work by City Council, the applicant/developer shall

dedicate and AMP shall take over ownership and will be responsible for maintaining all new substructures for under grounding primary and secondary circuits, and distribution transformers once the improvements have been inspected by AMP and found to have been properly installed. The Applicant or successor property owner(s) shall be responsible for the service cables and service equipment.

71. The Applicant/developer shall be responsible for all expenses involved in the duct/joint trench system engineering design, plan check, project coordination, and electrical construction inspection. The Applicant shall be responsible for the cost of AMP assigned inspector during construction.

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

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

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

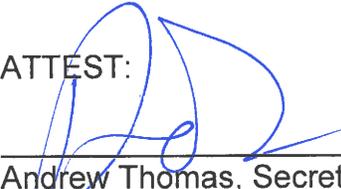
NOTICE. The conditions of project approval set forth herein include certain fees and other exactions. Pursuant to Government Code section 66020(d) (1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and exactions.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

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

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

- AYES: (4) Henneberry, Köster, Mitchell, and Zuppan
- NOES: (2) Knox White, and Sullivan
- ABSENT: (0)
- ABSTENTION: (1) Burton

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

* * * * *

CITY OF ALAMEDA PLANNING BOARD
RESOLUTION PB-16-21

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

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

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

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

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

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

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

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

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

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

DESIGN REVIEW FINDINGS:

1. **The proposed design is consistent with the General Plan, Zoning Ordinance, Town Center Plan, approved Site A Development Plan, and the City of Alameda Design Review Manual.** The proposed design of the townhomes on Block 6 along a major transit corridor within Alameda Point's "town center" creates a transit-and pedestrian-oriented higher density mixed-income living environment consistent with the General Plan, Zoning Ordinance, Town Center Plan and Site A Development Plan.
2. **The proposed design is appropriate for the site, is compatible with adjacent or**

neighboring buildings or surroundings, and promotes harmonious transitions in scale and character in areas between different designated land uses. The proposed design of Block 6 is compatible with the residential uses proposed on the adjacent blocks in the Site A Development Plan. Block 6 will provide a transition between the townhome units proposed to the west on Block 7 and the Bayport community consisting of single-family homes to the east. The southern townhomes on Block 6 front on West Atlantic Boulevard, the main transit corridor, and the landscaped areas and entrances to these townhome units at the ground floor help to create an active pedestrian environment along West Atlantic. The northern townhomes fronting on G Street maintain their entrances at the ground floor and help to create a pedestrian scaled environment as an appropriate transition to the active neighborhood park across the street. Additionally, the north-south and east-west landscape corridors that traverse the site create strong open space and pedestrian connection between West Atlantic to the south and the neighborhood park to the north and Main Street to the west and Block 7 to the east, respectively.

- 3. The proposed design of the structure(s) and exterior materials and landscaping are visually compatible with the surrounding development, and design elements have been incorporated to ensure the compatibility of the structure with the character and uses of adjacent development.** The proposed design of Block 6 draws inspiration from design elements of the existing buildings near and within the Naval Air Station Alameda Historic District. The Block 6 architectural design shares architectural elements and materials that reflect and respect, without replicating, the architectural elements of some of the most important contributing buildings in the Historic District, such as the seaplane hangars and Pan Am Terminal building (Building 77). Examples of these elements include window rhythm and grouping, hierarchy of elements with an emphasis on massing, repetition of components, and tower elements and glazing.

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

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

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

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

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

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

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

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

8. Automobile Parking: The Building Permit plans shall include garages pre-wired for cost effective adaptation for plug-in electric car charging.
9. Bicycle Parking: Final bicycle parking plan shall be consistent with AMC-30.7.15 Bicycle Parking. The facility, location, and type shall be approved by the Community Development Department prior to approval of the improvements plans or building permit, whichever comes first. The Community Development Department shall inspect the location, type, and number of facilities to ensure they are in accordance with the approved plans prior to acceptance of the work or issuance of any occupancy permit, including temporary occupancy permit, whichever comes first.
10. Sea Level Rise: Prior to Building Permit approval, a description of the improvements shall be provided to ensure that any new habitable buildings will be constructed at a minimum elevation of 24 inches above the 100-year tidal flood plan elevation.
11. Sustainable Design: Prior to issuance of a building permit, the applicant shall submit a checklist showing that the project meets either: a minimum LEED™ Certified rating and be so certified by the US Green Building Council or a minimum GreenPoint Rated score of fifty (50) and be so verified by Build It Green.
12. Modifications: Minor project design details requested by the applicant may be established, modified, and approved by the Community Development Director. Engineering standards and specifications requested by the applicant may be established, modified and approved by the Public Works Director, or his designee. Major modifications that are not consistent with this design review approval or these conditions shall be subject to review and approval of the Planning Board.
13. Other Agency Approvals: The final improvement plans shall incorporate all other agency requirements.

Biological

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

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

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

Improvement Plans

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

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

Public Improvements

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

Water Quality

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

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

30. Water Board Approval. Pursuant to Condition #15 of the 401 Certification Conditions, the applicant shall submit the proposed Site A SWMP to the Water Board's Executive Officer for review and approval prior to the issuance of a building permit or site improvement permit by the City for any construction of the Site A development, including Block 6. If the Water Board staff does not respond to the applicants Site A SWMP within 45 days of the received date, the plans will be deemed approved by the Executive Officer and the City may issue a building or site improvement permit if no changes have been made to the submitted Site A SWMP. The on-site drainage management areas indicated in the finalized stormwater management plans shall be reviewed for conformance with the corresponding off-site improvement plans.

31. Other Water Board Documents: The applicant/developer shall provide to the City Engineer or his designee, prior to the issuance of the first combination building/grading permit, a copy of both the WDID# issued to the project site by Water Board and the required Storm Water Pollution Prevention Plan (SWPPP). These documents shall provide verification to the City that the project site is in compliance with SWRCB Order No. 2009-0009-DWQ. Information on this State Order is available at: <http://www.waterboards.ca.gov>.

32. Best Management Practices: The applicant/developer shall be responsible for ensuring

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

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

37. Stormwater Agreement: For any stormwater treatment or design measure not to be maintained by an HOA or CA, the Applicant/Developer shall execute a Stormwater Treatment Measures Maintenance Agreement (Stormwater Agreement) with the City prior to the issuance of the certificate of occupancy. The Stormwater Agreement shall include, but not be limited to: the O&M plan for all approved stormwater treatment measures; identification of the party responsible for implementing the O&M plan; assurances of access to inspect and verify the treatment system O&M for the life of the project; and assurances of the submittal of the annual O&M report to the City. The executed Stormwater Agreement shall be recorded, at applicant/developer's expense, with the County Recorder's Office of the County of Alameda.
38. Landscape Plans: Landscaping plans shall be designed to minimize runoff, promote surface infiltration, incorporate Bay Friendly Landscaping approaches, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution and be consistent with the MIP, the Site A SWMP, the preliminary stormwater management plan for Block 6, and 401 Certification Conditions
39. Backflow Prevention: Backflow prevention devices shall be installed on all new and existing domestic, commercial, irrigation, and fire water services and as required by the East Bay Municipal Utility District (EBMUD).
40. Certification Report: Prior to issuance of the initial, temporary or first occupancy permit, whichever comes first, the applicant/developer shall submit a certification report (Report) prepared by a registered civil engineer, licensed in the State of California, affirming that all project site stormwater treatment measures have been constructed per the City approved plans and specifications. As appropriate, the Report shall include, but not be limited to, assurances that: imported materials used for the treatment measure(s) are certified by the supplier; installation of these materials is per approved plans and specification and meets the intent of the design engineer; required on-site testing results conform with approved plans and specifications; treatment measures conform to dimensions, grades and slopes on approved plans and specifications; all structural features of the treatment measures comply with plan specifications; the irrigation system is installed and functions as designed; healthy vegetation/ground cover is installed as shown on plans. The Report shall be submitted in a form acceptable to Public Works Engineering.

Solid Waste

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

42. Waste Circulation: A 40-foot turning radius must be provided for any street that would otherwise require the collection truck to back up a distance greater than 150 feet. Although not required, construction of a concrete pad just outside each solid waste enclosure is recommended in order to accommodate the truck weight while servicing the dumpster. Driveways or aisles shall provide unobstructed access for collection vehicles and personnel and provide at least the minimum clearance required by the collection methods and vehicles used by the City's designated collector or hauler. In all cases where a parcel is served by an alley, all exterior storage areas shall be directly accessible to the alley.
43. Exterior Solid Waste and Recyclable Material Storage: Exterior solid waste and recyclable material storage shall be adjacent or combined and may only be located on the outside of a structure, in a designated interior courtyard with appropriate access, or in rear or side yards. External storage area(s) shall not be located in any required front yard, street side yard, required parking, landscaped, or open space, or any areas required by the AMC to be maintained as unencumbered.
44. Storage Area Guidelines: The design and construction of the storage area(s) shall:
- Be compatible with the surrounding structures and land uses; and
 - 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
 - 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
 - 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
 - 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
 - Protect the area(s) and containers from adverse environmental conditions, which might render the collected materials non-collectible, noxious, unsafe, or in the case of recyclable materials, unmarketable.

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

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

Construction Conditions

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

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

Fire Safety

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

Alameda Municipal Power (AMP)

57. The applicant shall comply to AMP's Rules and Regulations and AMP's "Material and Installation Criteria for Underground Electrical Systems" (both available at www.alamedamp.com) and provide completed "Service Planning Sheets" for AMP's review prior to submitting plans for building permits.

58. The applicant shall provide information on the location of transformers and total load in kilowatts or kilowatt/volts (KVA) to AMP for approval prior to building permit issuance. If necessary, the applicant shall provide (at no charge to AMP) an easement and access to all AMP facilities on the property prior to issuance of building permits.

59. Concurrent with submittal of Improvement Plans, the Applicant shall coordinate with AMP regarding power requirements. All submittals shall refer to AMP's "Material and Installation Criteria for Underground Electrical Systems" for minimum clearances of street trees/shrubs from streetlights, electrical transformers and other utility electrical equipment. New street trees shall maintain clearances from electrical utilities as follow: a) public street lights – 25 feet; b) joint trench and all underground electrical lines – five feet; c) access doors of electrical pad-mounted equipment– **ten feet**; d) all sides of electrical pad-mounted equipment – **three feet**. Any variance from these standards must be approved by Alameda Municipal Power and may include mitigations measures, such as root barriers.

60. The Applicant shall provide and install street lighting consistent with AMP's standard specifications and AMP's "Material and Installation Criteria for Underground Electrical Systems" for work in the public right of way. Cobra head light fixtures shall not be used for street lights and all street lights shall be designed to preserve "dark skies" and direct light downward toward the public right of way. No signs shall be installed or mounted on street light poles owned and/or maintained by AMP. All new signs shall be installed on dedicated sign posts.

61. Applicant/Developer shall have all public streetlights included in the Improvement Plans, installed, fully functional and operating prior to issuance of a Certificate of Occupancy for any building unless a phasing plan is approved by the Director of Public Works. Applicant/Developer shall pay to AMP the sum of Six Dollars (\$6.00 as adjusted no more than annually for inflation) per streetlight per month, or portion of a month, for the streetlight energy costs until the applicable improvements are accepted for maintenance by City.

62. If public, the Applicant shall be required to furnish two streetlight poles and LED fixtures of each type installed, at no cost, to AMP as a stock for future pole/fixture replacement

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

63. All public streets shall be lit with LED lighting. Streetlight layout shall be staggered for a more uniform light distribution. Applicant/Developer can provide alternate design if a better efficient light distribution is met. Applicant/Developer shall use AMP LED standard fixtures. LED streetlight fixtures shall offer tri-level lighting with the mid-level setting meeting IES RP-8-14.
64. The Applicant shall provide all necessary underground substructures, including conduits, pull boxes, electric utility equipment pads, etc. per the AMP specifications. AMP will require easements for all transformers, primary and secondary boxes, and conduits. AMP will furnish and install all required transformers, high voltage distribution cables, and secondary cables. Existing Alameda Point electric substructures will NOT be re-used.
65. The Applicant/Developer shall install all electric pull boxes and vaults in-line with the conduit joint trench. No conduit bend will be allowed between electric pull boxes, unless conduit section terminates to an electrical equipment pad. All primary and secondary electrical distribution pull boxes shall not be greater than two section deep (34-inches from finish grade to bottom of pull box). Any deviations from this standard shall be approved by the AMP Project Engineer in writing.
66. Applicant/Developer will be required to provide an oil containment facility for all AMP owned pad-mount distribution switches and/or transformers installed within 100-feet of any body of water or in other critical locations. Applicant/Contractor shall contact AMP to verify all dimensions, elevations, and orientation before commencing work.
67. The Applicant shall furnish and install code-size service cables in code-size conduit from each customer electric meter switchgear to the nearest secondary pull box (or Service Point) in the public right-of-way, as designated by AMP. AMP will connect the service to the distribution transformer or to the secondary distribution system.
68. The improvement plans and all subdivision maps shall show all necessary easements and access to all electrical utility facilities that are in the private properties, at no charge to AMP.
69. Prior to issuance of Certificate of Occupancy, the Applicant shall furnish and install service equipment for each building. The service equipment shall meet Electric Utility Service Equipment Requirement Committee (EUSERC) standards. Electric meter(s) shall be located as close as practicable to the point of entry of the service-entrance conductors to the building. Outdoor meter locations are preferred. When meters are located within a building, the meter room shall be directly accessible from the exterior of the building. No remote metering.
70. Concurrent with acceptance of work by City Council, the applicant/developer shall dedicate and AMP shall take over ownership and will be responsible for maintaining all new substructures for under grounding primary and secondary circuits, and distribution

transformers once the improvements have been inspected by AMP and found to have been properly installed. The Applicant or successor property owner(s) shall be responsible for the service cables and service equipment.

71. The Applicant/developer shall be responsible for all expenses involved in the duct/joint trench system engineering design, plan check, project coordination, and electrical construction inspection. The Applicant shall be responsible for the cost of AMP assigned inspector during construction.

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

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

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

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

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

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

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

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-16-26

DECLARING A STATEMENT OF COMPLIANCE UNDER PERIODIC REVIEW FOR A DEVELOPMENT AGREEMENT FOR THE DEL MONTE PROJECT, FOR THE PERIOD FROM JANUARY 2015 THROUGH JANUARY 2016

WHEREAS, TL Partners I, LP has initiated a Periodic Review of a Development Agreement with the City of Alameda, as required under Zoning Ordinance Section 30-95.1; and

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

WHEREAS, the Board finds that TL Partners I, LP has complied with the terms and conditions of the Development Agreement for the Del Monte Project, for the period from January 2015, through December 2015, as summarized in the Annual Report Letter submitted by TL Partners I, LP dated March 30, 2016, and has demonstrated a continuing good faith effort to implement the terms and conditions as set forth in said Development Agreement.

WHEREAS, the Annual Review and reporting is exempt from the California Environmental Quality Act.

THEREFORE BE IT RESOLVED that the Planning Board of the City of Alameda hereby declares that TL Partners I, LP has demonstrated good faith compliance with the terms and conditions of the Del Monte Development Agreement.

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

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

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

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

NOES: (0)

ABSENT: (2) Mitchell and Zuppan

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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