

CITY OF ALAMEDA PLANNING BOARD
DRAFT RESOLUTION

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING DESIGN REVIEW APPLICATION NO. PLN25-0256 TO CONSTRUCT 62 RESIDENTIAL BUILDINGS CONTAINING 284 RESIDENTIAL UNITS ON AN APPROXIMATELY 12.4 ACRE SITE WITHIN WEST MIDWAY PHASE A LOCATED AT THE SOUTHWEST CORNER OF WEST MIDWAY AVENUE AND MAIN STREET.

WHEREAS, an application was made on May 8, 2025 by Brookfield Residential for Design Review approval to construct 62 buildings containing 284 residential units on an approximately 12.4 acre site located at the southwest corner of West Midway Avenue and Main Street; and

WHEREAS, the subject property is designated as Mixed-Use in the Alameda 2040 General Plan; and

WHEREAS, the subject property is located within the AP-MS, Alameda Point – Main Street Neighborhood Zoning District; and

WHEREAS, the West Midway Property is a Housing Opportunity Site and a priority program in the Housing Element and is critical to the City of Alameda's commitment to construct at least 5,353 housing units between 2023 and 2031; and

WHEREAS, on February 4, 2014, per City Resolution No. 14891, the City Council certified a Final Environmental Impact Report (State Clearinghouse No. 201312043) ("APP FEIR") under the California Environmental Quality Act ("CEQA"), California Public Resources Code Section 21000 et seq., and adopted written findings, a Statement of Overriding Considerations ("APP SOC"), and a Mitigation Monitoring and Reporting Program ("MMRP") for the Alameda Point Project; and

WHEREAS, on March 21, 2017, per City Ordinance 3177, the City Council adopted the Main Street Neighborhood Specific Plan pursuant to Government Code Section 65450 et seq. for a mixed use, mixed-income development of the area bounded by Main Street, West Tower Avenue, and Man Am Way. The Main Street Neighborhood Specific Plan requires the Planning Board approve a Development Plan prior to redevelopment and reuse of the West Midway Property; and

WHEREAS, on December 1, 2021, per City Resolution No. 15841, the City Council certified a FEIR (State Clearinghouse No. 2021030563) ("General Plan Update EIR") under CEQA, and adopted written findings, a Statement of Overriding Considerations ("GPU SOC"), and an MMRP for the General Plan Amendment to Update the Alameda General Plan ("General Plan Update"); and

WHEREAS, on May 22, 2023, per Planning Board Resolution No. PB-23-09, the Planning Board approved Planning Application No. PLN23-0367 for Development Plan,

Use Permit for exceeding the maximum off-street parking requirements, and Universal Design Waiver for the West Midway project, and a CEQA Checklist for the project was prepared and reviewed concurrently by the Planning Board. Pursuant to streamlining provisions of Public Resources Code Sections 21166 and 21083.3 and CEQA Guidelines Section 15162 and 15183, the Planning Board found the environmental effects of the West Midway Project were adequately evaluated in the Alameda Point FEIR and the General Plan Update EIR, and no further environmental review is required. The Planning Board also adopted a Mitigation Monitoring and Reporting Program (MMRP) for the West Midway project, The Planning Board also adopted a Mitigation Monitoring and Reporting Program for the West Midway project, and readopted and incorporated the Alameda Point Project EIR and General Plan EIR Statements of Overriding Considerations; and

WHEREAS, on September 5, 2023, per Ordinance 3347, the City Council adopted Disposition and Development Agreement for the RESHAP and West Midway projects. The City Council also adopted Ordinance 3348 for a Development Agreement for the development of approximately 26 acres of land for the West Midway project; and

WHEREAS, pursuant to the streamlining provision of Public Resources Sections 21166 and 21083.3 and Sections 15162 and 15183 of the CEQA Guidelines, no further environmental review is required because the West Midway project is consistent with the development density in an adopted Specific Plan for the area; the environmental impacts of the development of the area consistent with the Specific Plan were considered in the APP FEIR adopted by the City Council on February 4, 2014, in compliance with the California Environmental Quality Act (CEQA); the West Midway project is consistent with the development density of, is specifically listed in, and implements the City of Alameda's Housing Element adopted on November 15, 2022; the environmental impacts of the Housing Element and the development of the sites included in the Housing sites inventory were considered in the General Plan Update EIR adopted by the City Council on November 30, 2021; and as documented in the project CEQA Checklist, the West Midway project would not result in new or substantially more severe significant impacts than identified in the APP FEIR due to changes in the project, changed circumstances, or new information and there are no new or considerably different feasible mitigation measures or alternatives from those identified in the APP FEIR that would substantially reduce one or more significant effects that the project proponent declines to adopt; and the West Midway project would not result in significant impacts that: (1) are peculiar to the project or project site; (2) were not already identified as significant effects, cumulative effects, or off-site effects in the General Plan Update FEIR; or (3) were previously identified as significant effects; but are determined to be substantially more severe than discussed in the General Plan Update FEIR; and

WHEREAS, on December 8, 2025, the Planning Board held a duly noticed public hearing on the subject Design Review application and examined all pertinent application materials, staff analysis, and public testimony; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds that the environmental effects of the West Midway Project within the Main Street Neighborhood Specific Plan area have been adequately evaluated, and that:

1. The West Midway Project is consistent with the General Plan Land Use Element, Housing Element, Zoning Ordinance, and Main Street Neighborhood Specific Plan densities and use regulations; and
2. The APP FEIR was certified by the City Council on February 4, 2014; and
3. On March 21, 2017, the City Council approved the Main Street Neighborhood Specific Plan and found it to be consistent with the prior APP EIR; and
4. The General Plan Update FEIR was certified in 2021 by the City Council for the 2021 General Plan update and the 2022 Housing Element Update; and
5. On May 22, 2023, a CEQA Checklist was prepared analyzing the West Midway Project under the APP FEIR and General Plan Update FEIR and was reviewed concurrently with the review and approval of the Development Plan, Use Permit, and Universal Design Waiver; and
6. There are no environmental impacts peculiar to the West Midway Project that were not analyzed in the prior APP FEIR or General Plan Update FEIR, or any such impact can be substantially mitigated by imposition of uniformly applied development policies or standards previously adopted by the City; and
7. There are no significant effects of the West Midway Project that were not analyzed as significant effects in the prior APP FEIR or General Plan Update FEIR; and
8. There are no potentially significant off-site impacts of the proposed West Midway Project and there are no cumulative impacts to which the proposed West Midway Project makes a considerable contribution which were not discussed in the FEIRs; and
9. There are no previously identified significant impacts of the proposed West Midway Project which, as a result of changes in the project, changed circumstances, or new information which was not known at the time the prior FEIRs were certified, have been determined to have a substantially more severe adverse impact than discussed in the APP FEIR or General Plan Update FEIR; and
10. There are no new or considerably different feasible mitigation measures or alternatives from those identified in the APP FEIR that would substantially reduce one or more significant effects that the project proponent declines to adopt; and

11. Pursuant to the streamlining provisions of Public Resources Code Sections 21166 and 21083.3 and CEQA Guidelines Sections 15162 and 15183, no further environmental review of the West Midway Project is required; and

Separately, because it only requires Design Review approval, the Planning Board finds that the project is not subject to further CEQA review pursuant to *McCorkle Eastside Neighborhood Group v. City of St. Helena* (2018) 31 Cal.App.5th 80. Under *McCorkle*, local design review does not require environmental review when it is the only discretionary aspect of a project, and the agency lacks authority to disprove the project or otherwise mitigate non design related environmental impacts. *McCorkle* applies when an agency's discretion over a project is limited to aesthetic and design issues such as orientation, bulk, materials, and colors. Here, the project is located in the City's Alameda Point Main Street Neighborhood Residential District, and within the district, the proposed multifamily housing project is permitted by right and is not subject to discretionary review, except for Design Review, pursuant to AMC Sec. 30-4.23(c)(1). Accordingly, no CEQA review is required because the City's review of the project is limited to design issues.

BE IT FURTHER RESOLVED, that the Planning Board finds that the application conforms to the Design Review findings in AMC section 30-37.5, as follows:

- a. **The proposed design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual.** The proposed mixed use development provides three different architectural styles with various forms of complementary massing, roof heights and articulation consistent with the requirements of the Main Street Specific Plan and the approved West Midway development plan. The architectural designs and landscaping provide for visually interesting and varied facades that are accented with multiple changes in materials and colors to provide for pleasant pedestrian experience and create a visually appealing neighborhood. The building designs provide quality architecture that is compatible with the neighborhood and addresses the building's relationship to surrounding public space as intended in the Design Review Manual and in the Main Street Specific Plan. The proposed buildings are oriented towards a street or pedestrian paseo and provide building locations and setbacks consistent with the approved development plan. The development supports the City's sustainable design policies with all electric buildings, heat pumps and energy efficient appliances, electric vehicle charging, and renewable solar energy panels. The development also provides walkable neighborhoods, accessible open space and parks, native drought tolerant landscaping, and bike facilities consistent with the approved development plan. In addition, the proposed designs conform to the City of Alameda Objective Design Review Standards

adopted in 2023. As conditioned, the project is consistent with the City of Alameda's General Plan, Zoning Ordinance, Main Street Specific Plan, Development Plan, Development Agreement, Design Review Manual because the landscape and building designs are compatible with the surroundings and will provide for a distinctive new neighborhood in the City of Alameda.

- b. **The proposed design is appropriate for the site, is compatible with adjacent or neighboring buildings or surroundings, and promotes harmonious transitions in scale and character in areas between different designated land uses.** The project design is appropriate for the site because it is consistent with the West Midway Development Plan, the Main Street Specific Plan, and compatible with the adjacent Naval Air Station Historic District and the surrounding Alameda Point residential and commercial uses. Building elevations are well designed with ample articulation, fenestration, entryways, quality materials and colors to provide visual interest. Materials with different textures, surfaces, and colors are used to distinguish the building elevations and create more interesting facades. The palette of materials and colors for residential buildings will be constructed to ensure that all the new buildings, in combination with a unifying landscape plan and well-designed street system, create a visually appealing new neighborhood. The Duets buildings incorporate parapet roofs, rectangular and vertical elements, clean lines, protruding and receding geometries, decks, horizontal siding and stone elements which are inspired by existing building at Alameda Point. The Townhomes design defines the overall building with rhythm of units within the overall massing and incorporates simple rectangular building massing, localized symmetrical building entrances, and horizontal bands defining the window locations as found in buildings in the surrounding area. The 4 story condominium designs incorporate vertical or horizontal siding, modern use of board and batten siding, and saw tooth roof features which are also found on buildings at Alameda Point. In addition, a community park and central greenway provides access for bicyclists and pedestrians and facilitate harmonious transitions between the neighborhood and the surrounding area. Overall, the proposed development is compatible with adjacent or neighboring buildings and incorporates design features that promote harmonious transition in scale and character with the neighborhood.
- c. **The proposed design of the structure(s) and exterior materials and landscaping are visually compatible with the surrounding development, and design elements have been incorporated to ensure the compatibility of the structure with the character and uses of adjacent development.** The architectural design and exterior materials and colors provide for visually interesting facades accented with multiple changes in materials and colors to

differentiate portions of each building. The designs provide decorative vertical elements to accent the buildings and reinforce the relationship among the buildings, the landscape and surrounding developments. The building architecture draw inspiration from existing buildings at Alameda Point and the surrounding neighborhood and share elements, materials and colors that reflect and respect, without replicating, the architecture of the contributing buildings in the Alameda Naval Air Station Historic District. Examples of these elements include parapet roof designs with rectangular and vertical elements, clean lines, protruding and receding geometries, and localized symmetrical building entrances found on Building 1 of the NAS Historic District. Designs also incorporate vertical and horizontal siding such as the exterior siding found on Building 92. The designs also include simple rectangular building massing and horizontal bands defining the windows which are found on Buildings No. 8 and No. 9. The development also provides an open space park and greenway paths that provide public access and bicycle and pedestrian circulation. Overall, the proposed designs incorporate exterior materials and landscaping that are visually compatible with the surrounding development.

- d. **The introduction of four story buildings and buildings up to 50 feet in height is necessary and appropriate to improve the architectural design of the buildings and the architectural character of the entire project.** The maximum building height exception allowing certain four-story buildings up to 50 feet in height and increasing the height of two three-story building to four stories, as shown on the project plans and consistent with previously approved West Midway Development Plan, is necessary and appropriate to improve the project's architectural design. The four-story 50-foot maximum building height is necessary to improve the buildings' design and to ensure the project meets the goal to provide variation of architectural character in the residential development. A four-story building with four 10-foot floors results in an unattractive box-like building with fewer opportunities for incorporating architectural details and fenestration to break up the box-like appearance. The 50-foot maximum height allows flexibility to achieve the desired variation in building design. Furthermore, the overall architecture of the residential development becomes more interesting with the 50-foot height exception for a limited number of buildings, as well as the more even distribution of three-story and four-story buildings throughout the project, which avoids the visual monotony that arises from clustering uniformly-sized buildings. For example, increasing Buildings 41 and 32 to four stories adds the variation of four-story building forms and heights to the primarily three-story northern half of the neighborhood, which is offset by including some three-story buildings in the southern half, improving design cohesion across the entire project. The intensity of use of a three-story vs. four-story townhome is negligible. Overall,

the increased maximum building height allows architectural variety that will enhance the existing visual character of the site and its surroundings.

BE IT FURTHER RESOLVED, that the Planning Board approves the Design Review application subject to the following conditions:

Planning Conditions

1. Compliance with Law. The final plans submitted for Building Permit approval shall conform to all applicable codes, laws and regulations of the City and other governmental agencies, whether or not such applicable requirements are specifically mentioned in these Conditions of Approval as of the date of submittal.
2. Building Permit. These conditions shall be printed on the building plans and improvement plans.
3. Substantial Compliance with Approvals: The plans submitted for the building permit shall be in substantial compliance with the plans prepared by Brookfield Residential, received on October 10, 2025, and on file in the office of the City of Alameda Planning, Building & Transportation Department, except as modified by the conditions listed in this resolution
4. Changes to Approved Plans. 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. Any substantial changes to the approved scope of the project shall be submitted to the Planning Building and Transportation Department for review and approval.
5. Vesting: This Design Review approval shall expire three (3) years after the date of approval or by **December 8, 2028**, unless substantial construction or use of the property has commenced under valid permits. A one-time extension for an additional two years may be granted by the Planning, Building and Transportation Director upon written request and payment of applicable fees
6. CEQA Mitigation Measure Monitoring: Prior to issuance of a building permit or site improvement permit, the applicant shall submit a Mitigation Measure Compliance Checklist confirming compliance with all required environmental mitigation measures contained in the West Midway MMRP adopted by the Planning Board for the redevelopment of West Midway.
7. Planning Inspection. A site inspection by Planning staff to determine

consistency with this approval is required prior to the final building inspection and/or to the issuance of a Certificate of Occupancy. The applicant shall notify Planning staff at least four business days prior to the requested Planning Inspection dates.

8. Public Access agreement. Prior to submittal of building permits or improvement plans the applicant shall record a public access easement/agreement on the property granting public access to the community park and Valor Avenue.
9. Windows: Prior to submittal of building permits the applicant shall provide window installation details for each building design.
10. Bicycle Parking: Required bicycle parking shall be consistent with AMC Section 30-7.6 (Off-Street Bicycle Parking Requirements) and the City of Alameda Bicycle Facility Design Standards. The location of the bicycle parking required shall be shown on the Building Permit plans, along with any information necessary to demonstrate compliance with objective requirements. The bicycle facility shall be located in a secure and safe location.
11. Building Signage: Any temporary or permanent signage shall be subject to separate Sign Permit approval pursuant AMC Section 30-6.
12. Water Efficiency Landscape Ordinance: Projects subject to the requirements of AMC Section 30-58 (Bay-Friendly and Water Efficient Landscape Ordinance) shall submit all documentation required by that section, as applicable, prior to issuance of building permits and at the time of final inspection and post-construction audits.
13. Bird Safe Ordinance: Building Permit plans shall demonstrate compliance with the Alameda Bird-Safe Building Ordinance (AMC Section 30-5.16.b), as applicable at time of Planning Approval.
14. Dark Skies Ordinance: Plans submitted for building permits shall demonstrate compliance with the Alameda Dark Skies Ordinance (AMC Section 30-5.16.c), as applicable.
15. Affordable Housing Deferment: Under the Main Street Specific Plan and the West Midway Project Disposition and Development Agreement (DDA), the 478-unit West Midway Project is required to, among other requirements, provide a total of thirty-nine (39) moderate-income inclusionary units. This first phase of the development, with 284 units, is proportionally responsible for 23 of those inclusionary units. However, pursuant to the DDA and its phasing plan, this first phase shall only be required to construct a minimum of two (2) inclusionary units, provided that the remaining 21

inclusionary units will be deferred and constructed in Phase 2 of the project. If, without receiving a timely extension, Phase 2 fails to complete the construction of any deferred inclusionary units by the time required for completion of that phase under the milestone requirements of the DDA, constructed market-rate units in Phase 1 or Phase 2, or both, shall be designated as inclusionary units in an amount sufficient to satisfy this first phase's remaining proportional responsibility for inclusionary units (i.e. 23 units less already completed deferred units). The applicant, project sponsor, and/or any vertical developer shall work with the City to execute an amended Affordable Housing Agreement if required by the provisions of this condition.

16. Affordable Housing and Affordable Housing Plan: The inclusionary units shall comply with the requirements of the City's Inclusionary Housing Ordinance (AMC 30-16) and adopted Affordable Housing Guidelines, including that the units be of similar bedroom count and build quality as the market-rate units, except that the inclusionary units may be of smaller size (i.e. floor area) and utilize less expensive appliances. Prior to the issuance of the first final map or first building permit for vertical improvements for this phase of the development, whichever occurs first, an Affordable Housing Agreement with the City of Alameda for the on-site moderate income units shall be executed consistent with this approval, the DDA, the City's Inclusionary Housing Ordinance, and the adopted Affordable Housing Guidelines, and it shall be in substantially the same form as provided in the DDA (Exhibit R of the DDA), which shall be recordable and clearly designate the location of the inclusionary units within the development. The project may elect to utilize a single Affordable Housing Agreement covering all phases of development in lieu of one for each phase. Pursuant to AMC 30-16.8(e), the inclusionary units in this phase shall be completed prior to or concurrently with the issuance of the Certificates of Occupancy for any market-rate units in this phase.
17. Public Art: Prior to issuance of building permits, the applicant shall make a Public Art Commission application and submit a plan to the Economic Development Department or pay a fee in lieu of public art pursuant to AMC section 30-98. Prior to final building inspection, the Applicant shall demonstrate compliance with the Public Art Ordinance.
18. Modifications: Minor project design details requested by the applicant may be established, modified, and approved by the Planning Director. Engineering standards and specifications requested by the applicant may be established, modified and approved by the Public Works Director or designee. Major modifications that are not consistent with, or not in furtherance of, this design review approval or these conditions, as determined by the Planning Director, shall be subject to review and approval of the Planning Board

Building Division Conditions

19. All construction documents shall be prepared in accordance with the latest

applicable California Building Codes.

20. Construction noise shall be subject to the provisions of the AMC Section 4-10 (Alameda Noise Regulations Ordinance), including provisions regarding loading and unloading, vibration, and construction. Pursuant to AMC Sections 4-10.5(b)(10) and 4-10.7(e), construction noise shall be restricted to 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 the prohibition does not apply pursuant to AMC Section 4-10.5(b)(10)(a)–(d). Commonly accepted best practice controls will be implemented.
21. Special inspectors need to be registered with the city for the specific job.
22. Special inspection reports will be required for all applicable items that are part of this design in accordance with chapter 17 of the CBC.
23. Structural observations will be required in accordance with the engineer's design and applicable risk category.
24. Submit complete sets of electronic plans including the following - * Plot Plan * Foundation Plan * Floor Plan * Ceiling and roof framing plan * Electrical Plans including size of main switch, number and size of service entrance conductors, circuit schedule and demand load. * Plumbing and sewer plan, isometric, including underground diagram, water piping diagram, sewer location, fixture units, gas piping and vents, heating, and air conditioning diagram. * Landscape and Irrigation plans. (Landscape plans shall be compliant with the Alameda MWELO requirements and approved prior to the issuance of any Building Permits.)
25. Submit electronic sets of structural calculations, energy conservation calculations and soils reports. Architects/Engineers electronic stamps and signatures are acceptable at the time of plan check submittal.
26. All contractors shall be licensed by the State of California and have an active business license to work in the City of Alameda.
27. No work shall be performed until the required permits are obtained.
28. All fees shall be paid before the permit is issued.
29. No structure shall be occupied until a Certificate of Occupancy has been issued by the Building Official.

30. The contractor, or other person responsible for completion of the work, shall timely schedule all necessary inspections with the appropriate city staff.
31. Building inspection hours are performed Monday through Thursday excluding City observed holidays. Requests for inspections outside of business hours need to be requested in advance, charged as additional overtime fees, and approved by the Building Official prior to being scheduled.
32. Changes or deviations from the approved set of plans shall be resubmitted for plan check.
33. All work shall remain accessible until inspected and approved by the Building Official.
34. Best management practices shall be observed during construction to prevent pollutants from entering the storm drain system.
35. Cal Green Code mandatory measures shall be observed during construction for example:
 - Water efficiency and conservation
 - Construction waste reduction, disposal, and recycling
 - All other applicable codes for the efficient construction and operation of the new structure.
36. Applicable deferred submittals must be clearly identified on the building plans, including submittals for Photovoltaic, fire sprinklers, fire alarms, trusses, etc.
37. All building permits shall expire by limitation 12 months after the issuance date. One or more extensions may be granted by the building official. Extensions shall be requested in writing prior to the expiration of the building permit.

Public Works Conditions

Public Works – General

38. Plans shall be prepared, signed, and stamped as approved by a registered civil engineer licensed in the State of California. The Improvement Plans and all documentation listed below, except as noted, shall be approved by the Public

Works Department prior to approval of the Final Map or issuance of any Building Permit for the development.

39. The proposed work shall comply with Chapter 30, Article 6 of the Alameda Municipal Code (Real Estate Subdivision Regulations) and Chapter 22 of the Alameda Municipal Code (Streets and Sidewalks) as determined by the City Engineer.
40. The proposed work shall comply with Alameda's Standard Plans and Specifications and Standard Subdivision Specifications and Design.
41. The fee for plan checking and inspection shall be calculated in accordance with the latest Master Fee Schedule as approved by the City Council.
42. Plans shall identify datum. If not NADV88, show conversion.
43. Site plans shall include applicable Standard Construction Notes, latest edition, from Public Works.
44. All streets constructed as part of this development are private.
45. The Developer shall provide as built drawings of all site and right of way improvements prior to issuance of final Certificate of Occupancy. Provide drawings in both durable hard copies and pdfs.
46. An engineer's cost estimate for frontage and site improvements shall be submitted. A cash security deposit or construction performance bond of an amount as determined by the City Engineer prior to issuance of a Public Works Development (PWD) permit.
47. An Encroachment Permit is required for all work within the Public Right-of-Way. The Encroachment Permit is required prior to issuance of any Building Permits for the proposed development. The encroachment permit application shall address circulation in and around the site, including pedestrians, cyclists, fire trucks, private vehicles, solid waste trucks, buses, and parking. The application shall address all construction phases.
48. The project shall submit an occupancy plan for review and approval prior to the approval of the Public Works Development Permit and any Building Permit. The occupancy plan shall include a fencing plan to ensure that the active construction areas are separated from the occupied areas.

49. The subdivider shall coordinate with the adjacent West Midway Backbone Infrastructure Developer for access during construction.

Streets, Sidewalks, Parking and Traffic Control

50. The proposed work shall comply with all current, applicable, plans, standards, policies and guidelines including Alameda's Bicycle Master Plan; Pedestrian Master Plan; Long Range Transit Plan; Transportation Demand Management and Transportation System Management (TSM/TDM) Plan; Multimodal Circulation Plan; Transportation Element of the General Plan; Transportation Choices Plan; Bicycle Facility Design Standards; Pedestrian Design Guidelines; Guidelines for Multiway Stop Signs, Crosswalks, and Pedestrian Paddles; as well as the Caltrans Design Manual and Standard Plans and the California MUTCD. Alameda Point development shall comply with the various Alameda Point key documents. All documents can be found at the City's Public Works webpage, under Key Documents, at <https://www.alamedaca.gov/Departments/Public-Works>.
51. All sidewalks shall comply with ADA and Title 24 requirements for cross slope, including driveway approaches and curb ramps. Where existing driveways are removed, the developer shall replace the curb, gutter, and full width of sidewalk to current standards.
52. The street section for any private access roads shall be designed by a registered civil engineer and is subject to approval by the City Engineer.
53. Parking layout shall be constructed in conformance with City's off-street parking design standards, Alameda Municipal Code Section 30, Article 1, Chapter 7 Off-Street Parking and Loading Regulations. Accessible stalls, ramps, loading and unloading platforms including for vans, slope and grade of ramps, landings and stalls, signs, striping, logo, width of landings and such details as are required shall comply with applicable City and State Standards.

Grading and Floodplain

54. This development shall be designed to account for future predicted sea level rise to Elevation 13 feet, NAVD88 Datum. The project shall also be designed with to accommodate additional future adaptability provisions for sea level rise above Elevation 13 feet. Projects within the BCDC jurisdiction will be required to meet BCDC's Sea Level Rise conditions.
55. Submit a Conditional Letter of Map Revision base on Fill (CLOMR-F) from FEMA, addressing the affected lots, for any building permits in the mapped floodplain. A

second Elevation Certificate or Letter of Map Revision (LOMR) from FEMA, based on completed construction, is required prior to Certificate of Occupancy for any structure in the mapped floodplain.

56. The Applicant shall submit a soils investigation and geotechnical report for the proposed development, subject to the review and approval of the City Engineer. The report shall address the structural and environmental analysis of existing soils and groundwater and provide recommendations for all grading, retaining walls, bulkheads, surface and sub-surface drainage, lot drainage, utility trench backfilling, construction dewatering, and pavement design. The improvement plans shall incorporate all design and construction criteria specified in the report and shall be reviewed and signed by the Soils Engineer specifying that all recommendations within the report have been followed.
57. A Marsh Crust Permit issued by the Building Department is required for any excavation into the marsh crust/subtidal zone. The Applicant is responsible for abiding by the requirements of Alameda Municipal Code Section 13-56 Marsh Crust Ordinance and by the Alameda Point Site Management Plan (SMP), dated December 3, 2022 and revised September 30, 2022, prepared by Terraphase Engineering. The SMP is available at <https://www.alamedaca.gov/Departments/Alameda-Point>.
58. Any retaining walls, which are adjacent to a property line, shall be masonry, metal, or concrete. Any existing retaining walls to remain are to be evaluated by the Applicant's geotechnical/structural engineer for integrity and applicability to the geotechnical engineer's recommendations.
59. Prior to issuance of the first Temporary Certificate of Occupancy, the geotechnical/soils engineer shall submit a letter report to the City at completion of construction certifying that grading, drainage and backfill installation was performed in general compliance with recommendations in the geotechnical report. All material testing reports shall be attached to the certification letter report.

Drainage

60. All on-site surface drainage shall be collected and conveyed in an adequately designed underground storm drainage system in a manner to be approved by the City Engineer. The downstream drainage system shall be analyzed and inadequacies, if any, corrected as determined by the City Engineer. The site shall be graded so that no additional runoff is directed to and so as not to impede runoff from adjacent properties.

61. A storm drainage hydrology analysis, identifying the total peak drainage flow quantities to be generated by the proposed development shall be prepared in accordance with the Alameda County Flood Control District Hydrology and Hydraulics Manual 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 Applicant shall include the recommended improvements into the project's improvements.
62. Improvement plans and subdivision map shall clearly show the extent of public vs private storm drainage facilities, including basins, pipes, structures, and pump stations. All public drainage facilities shall be in public streets or in public drainage easements.
63. The developer shall be responsible to maintain access to and function of existing storm drain lines that run onto and/or through the developer's property.
64. Stormwater shall be dispersed, diffused, detained, or otherwise infiltrated on-site to the extent feasible. Downspouts shall not be directly connected to public or private storm drain facilities. Use of splash blocks directed towards landscape areas is encouraged. Stormwater, including roof drainage, shall not be directed across sidewalks or driveways.
65. All bioretention basins and associated storm drain pumps constructed as part of this development shall be privately maintained. The private maintenance responsibility includes the bioretention basins located on Parcel I, which receives and treats public stormwater from Skylark St in addition to the private stormwater. The private maintenance responsibility of the bioretention basins that receives and treats combined public and private stormwaters shall be memorialized in the C3 Treatment Measures Maintenance Agreement.
66. The private low flow pump inside the storm drain manhole, located in the right of way on Skylark Street just west of Parcel I, shall be privately maintained. The low flow pump maintenance responsibility shall be memorialized as part of the C3-LID Treatment Measures Maintenance Agreement with reference to an Encroachment Agreement for the placement of the private pump facility in the right of way.

Stormwater Quality Protection and Treatment

67. All projects shall incorporate permanent stormwater low impact development (LID) design techniques and source control measures to manage the quantity and quality of stormwater runoff from the planned development to prevent and minimize impacts to water quality, in accordance with the City of Alameda's National Pollution Discharge Elimination System (NPDES) Permit, and consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual. Project plans shall indicate the efforts taken to minimize impervious surface areas, especially directly connected impervious surface areas
68. The Applicant shall submit a Stormwater Quality Management Plan complete with the individual drainage management areas identified treating the entirety of project areas, a completed Stormwater Requirements Checklist, and a stamped, signed City of Alameda C3 certification form from a qualified independent (i.e. different engineering firm) civil engineer with stormwater treatment facility design expertise and experience, licensed in the State of California, and acceptable to City Engineer that indicates the LID and treatment measure designs of the improvement plans and Stormwater Quality Management Plan meet the established sizing design criteria for stormwater treatment measures. The Civil Improvement Plans shall be consistent with the approved Stormwater Quality Management Plan submittal. Stormwater 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.
69. Prior to Final Map Approval, the Property Owner(s) shall provide an executed C3-LID Treatment Measures Maintenance Agreement with the City, referencing an approved Operations and Maintenance Plan associated with a City permit, the template for annual self-reporting, and assurances for property access for City verification inspections.
70. Prior to issuance of the Permit, the Applicant shall submit for review and approval by the City Engineer a Stormwater 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 stormwater treatment, including trash capture, and LID design measures at the site. This O&M Plan shall be consistent with the City of Alameda's C3-LID Measures O&M Plan Checklist.
71. The development is subject to full trash capture requirements of the City's NPDES permit, regardless of impervious surface area. The developer shall provide a full trash capture system, 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 location, detail and cross-sectional drawings of the stormwater full trash capture device(s) necessary to treat the entirety of the site. The developer shall confirm that the full trash capture device(s) included in the development plan are on the State Water Resources Control Board's list of certified full trash capture systems. Trash capture shall occur on site, not in the public right of way downstream. Applicant shall submit an Operations and Maintenance (O&M) plan detailing the necessary maintenance tasks and schedule required to maintain all on-site trash capture devices.

72. All new storm drain inlets shall be clearly marked with the words "No Dumping! Drains to Bay," or equivalent, as approved by the Public Works Director.
73. Prior to project acceptance and any certificate of occupancy, the Property Owner(s) shall provide the following:
 73. Shapefiles/GIS coordinates for all stormwater treatment measures (public and private treatment measures on two different GIS layers), including the numbering of each asset as directed.
 74. 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 and photos of various stages of the construction of the required treatment measures, that imported materials used for the treatment measure(s) are certified by the supplier; installation of these materials is per approved plans and specifications and meets the intent of the design engineer; required on-site testing results conform with approved plans and specifications; treatment measures conform to dimensions, grades and slopes on approved plans and specifications; all structural features of the treatment measures comply with plan specifications; the irrigation system is installed and functions as designed; healthy vegetation/ground cover is installed as shown on plans. The Report shall be submitted in a form acceptable to the City Engineer.
76. The Developer shall obtain all necessary permits from other regulatory agencies for projects within sensitive areas or which have significant stormwater pollution potential. Other regulatory agencies include, but are not limited to, the Regional Water Quality Control Board, Department of Fish and Wildlife, Army Corps of Engineers, and the Bay Conservation and Development Commission.

77. The developer shall comply with the State Water Quality Control Board's Construction General Permit requirements. Copies of the required "Notice of Intent" (NOI) and "Storm Water Pollution Prevention Plan" (SWPPP) along with the WDID# shall be submitted to the City Engineer prior to the issuance of the Permit for any site work. The SWPPP shall utilize the California Storm Water Best Management Practices Handbook for Construction Activities, the ABAG Manual of Standards for Erosion & Sediment Control Measures, the City's Grading and Erosion Control ordinances, the City's "Urban Runoff Best Management Practices Standards", and other generally accepted engineering practices for construction activity pollution prevention, sediment, and erosion control.
78. Implement site SWPPP and/or the approved erosion and sediment control program prior to the any demolition, grading or construction activity begins. The applicant shall notify the City and schedule an inspection to verify the project's installation of these plans prior to commencing demolition, grading or construction activities. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations and/or a project stop order.
79. The City of Alameda shall be contacted in the event of any slope failure, sediment pond overflow, or any other malfunction resulting in pollutant-laden runoff. If erosion or an unauthorized discharge occurs, the construction activity that is attributing to the erosion or discharge must cease immediately. The erosion and discharge must be controlled and cleaned up immediately. Remediation completion shall be approved by the City Engineer.
80. Construction access routes shall be limited to those approved by the City Engineer and shall be shown on the approved Improvement Plans.
81. The applicant is responsible for ensuring that all contractors and subcontractors are aware of and implement all stormwater quality control measures. Erosion and sediment control measures shall be maintained and repaired throughout the construction phase and removed at the end of construction, including the following:

Erosion and Sediment Control

- a. Install erosion prevention and perimeter protection measures (soil stabilization) such as fiber rolls, silt fence, and/or sediment traps or basin. Sediment controls should be a secondary defense behind good erosion control and site perimeter measures.
- b. Install and maintain stabilized construction entrances to minimize the

tracking of dirt, mud, dust and debris onto the public right-of-way.

- c. Filter materials (such as block and gravel bags, sandbags, filter fabric) shall be installed at the storm drain inlets at, surrounding, and directly adjacent to the project site.
- d. Minimize the removal of natural vegetation or ground cover to minimize the potential for erosion and sedimentation. Re-plant the area and stabilize all cut and fill slopes as soon as possible after grading is completed.
- e. The Contractor(s) shall avoid creating excess dust when breaking asphalt/concrete and during excavation and grading. If water is used for dust control, use as little as possible.
- f. Site shall follow its Construction General Permit requirements and conduct inspections before and after each storm event, and every 24 hours for extended storm events, to identify areas that contribute to erosion and sediment problems or any other pollutant discharges. If additional measures are needed, revise the SWPPP and implement the measures immediately. Document all inspection findings and actions taken.
- g. Any breach, malfunction, leakage, or spill observed that could result in the discharge of pollutants to surface waters which would not be visually detectable in stormwater shall trigger the collection of a sample of discharge. Necessary sampling procedures shall be followed, consistent with the SWRCB General Construction Stormwater Permit requirements as applicable.

Good Site Management

- h. On-site piles shall be removed regularly from site, with only temporary storage allowed. All temporary soil or other stockpiles on site shall be securely covered with a tarp, sheeting and bermed. Stockpiling or staging of any materials in the public right-of-way requires a City encroachment permit.
- i. Place all construction debris in containers and empty them regularly. When appropriate, use tarps or equivalent on the ground to collect fallen debris or splatters that could contribute to stormwater pollution.
- j. Create a contained and covered area on the site for the storage of cement

bags, paints, flammables, oils, fertilizers, pesticides, or any other materials used on the project site that have the potential for being discharged to the storm drain system by wind, exposure to rainfall or in the event of a material spill.

- k. Concrete trucks shall have a self-contained wash-out system or discharge to a dedicated, secure site wash-out. Washout and/or slurry waste shall not accumulate on surrounding pavement or enter the storm water conveyance system.
- l. Vacuum saw-cutting slurry immediately and remove from site. Saw-cut slurry shall not accumulate on surrounding pavement or enter the storm water conveyance system.

Non-Stormwater Management

- m. Site de-watering operations shall be designed to prevent the discharge of any sediment, debris or other pollutants to the municipal storm water conveyance system.
- n. Do not discharge wash water, residues or wastes into street gutters or drains. Clean up leaks, drips and spills immediately. Never clean machinery, tools, brushes, etc., rinse containers and/or dispose of washwater into a street, gutter, storm drain or watercourse.
- o. The project perimeter shall be swept and maintained so it is litter free. Caked-on mud or dirt shall be scraped before sweeping. At the completion of work the street shall be washed and the wash water collected and disposed offsite.

Sewer and Water

- 82. Sanitary sewerage shall be in accordance with the EBMUD Regional Standards for Sanitary Sewer Installation. All permits, easements, and/or approvals for modifications to the sewer system required by EBMUD shall be obtained prior to issuance of any building permits by the City.
- 83. Improvement Plans shall clearly state extents of public and private sewerage, including pipes, structures, and pump stations. Lower (public) and upper (private) sewer laterals shall be separated by a one-way cleanout or manhole.

All public sanitary sewer facilities shall be in public streets or in public utility easements. Private streets shall have private sewer facilities.

84. The applicant/developer shall provide information necessary to run the City's hydraulic model, to assess the impact on trunk sewer capacity to determine if additional capacity is required. The applicant/developer is responsible for cost associated with the model run/assessment. After the above information is provided but prior to the model run, the applicant/developer will be provided an estimated cost for approval. The applicant/developer is required to provide the following data to the City:

- Project name:
- Site location (APN and street names) (attach map if available):
- Location of proposed connection point(s) to sewer mainline (identify by pipe/manhole ID if known, or attach map):
- Current site use Details of proposed development land uses
- Type (e.g., single-family residential, apartments, office, retail, restaurant, etc.)
- Number of residential units by type
- Square footage of non-residential building floor space (by type of use)
- Other details as applicable (e.g., number of students, beds, etc.)
- Similar information for any existing development to be removed or replaced
- Weekly and diurnal flow pattern if not typical residential or commercial pattern
- Estimated average and peak daily flow if atypical land use and significant discharge

85. The City participates in the EBMUD Regional Private Sewer Lateral Program; therefore the Applicant shall comply with the provisions of this program prior to the issuance of Certificate of Occupancy. Each parcel within the subdivision must be issued a Compliance Certificate by EBMUD. Please review the program requirements and cost for Compliance Certificates: <http://www.eastbaypsl.com/eastbaypsl/>.

86. The Applicant shall include the City and EBMUD recommended improvements, if any, from the sewer study into the project's improvements plans prior to approval of the improvement plan or Final Map, whichever comes first.

87. The Applicant shall secure all necessary permit approvals from EBMUD regarding the installation of all water service for the project.

Power, Telecom, Street Lighting and Gas:

88. The Applicant shall design and construct power, telecom, gas, and other utilities in accordance with applicable utility standards.
89. Street lighting shall be designed in accordance with the City of Alameda Street Lighting Design Guide, latest edition. A photometric study shall be provided with the improvement plans. Any adjustments to bring street lighting up to City standards will be incorporated into final permit drawings.
90. All utilities along the project frontage(s) shall be undergrounded. If utility poles are to remain, accessible paths shall be provided around these poles whether existing or new. If poles to be removed support street lighting, new street light poles shall be installed.
91. The Applicant shall work with AMP to locate a transformer and pad, if needed, on private property with appropriate maintenance access.

Solid Waste

92. The project shall be designed to accommodate three waste streams: recycling, organics, and trash; as required by the City of Alameda Municipal Code – Solid Waste and Recycling (Chapter 21). Signage clearly identifying how to sort materials into three waste streams shall be posted at each storage area. The storage/disposal area(s) and the individual bins and containers provided within shall be adequate in capacity, number and distribution to serve the anticipated demand, consistent with written City guidance and as determined by the Public Works Director.
93. The design, sizing, location, access, and provisions for waste hauler collection of all external enclosures and containers for solid waste, recycling, and organics shall be sufficient to serve the development, consistent with written City guidance, and as approved by the Public Works Department.
94. 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. For safety reasons, a turnaround

- must be provided for any street that would otherwise require the collection truck to back up a distance greater than 150 feet.
95. A 40-foot turning radius or equivalent hammer head must be provided for any street or alley that would otherwise require the collection truck to back up a distance greater than 150 feet.
96. Trash enclosure(s) shall comply with Best Management Practices in accordance with the Clean Water Act. These facilities shall be designed to prevent water run-on to the area and 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. Design shall incorporate a solid roof, impervious floor, solid walls on three sides, and a lockable gate on the fourth side. Trash enclosures attached to buildings shall have fire sprinklers.
97. The design and construction of storage area(s) shall:
98. Be compatible with the surrounding structures and land uses;
99. Storage area(s) must be able to accommodate three (3), four (4) cubic yard bins consistent with the current methods of collection provided by the City's Franchised Hauler
100. 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
101. 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.
102. Maintain a minimum space of 12 inches between the dumpster(s) and the wall of the enclosure and the recycling container(s) to allow for maneuvering the dumpster(s); and
103. Protect the area(s) and containers from adverse environmental conditions, which might render the collected materials non-collectable, noxious, unsafe, or in the case of recyclable materials, unmarketable.
104. A sign clearly identifying each exterior solid waste and recyclable and organic 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.

105. Trash enclosures serving restaurant and other food-related uses shall include a water supply, a drain to the sanitary sewer, and a grease trap and/or water/oil separator.
106. Provide a concrete pad in front of the trash enclosure to accommodate the truck weight while serving the dumpsters.
107. The Development shall comply will Chapter 21, Article 6 of the Alameda Municipal Code and submit a Waste Management Plan documenting the diversion of project related construction and demolition debris to the satisfaction of the Public Works Director.
108. Per Chapter 4, Article I of the Alameda Municipal Code, persons distributing merchandise of any kind, including food and beverage, shall provide adequate interior and exterior disposal containers, and frequent enough removal of their contents, to enable patrons to deposit all waste material generated by said merchandise therein.
109. Prior to approval of the Permit, the applicant shall submit for review and approval by the Public Works Department a Waste Management Plan (WMP) demonstrating how the project will achieve California's Green Building Standards Code (CALGreen) diversion requirements for construction waste and achieve a minimum recycling rate of 65%. The WMP shall be consistent with the City's written guidance and can be completed by creating an account and submitting a plan via <http://alameda.wastetracking.com>.

Landscaping, Bus Stops, Street Furniture and Public Art

110. The landscape and irrigation plans for on-site and public right-of-way improvements shall be prepared, and signed and stamped as approved, by a licensed landscape architect. The plans shall be in accordance with the most recent version of the "Bay-Friendly Landscape Guidelines" developed by StopWaste.Org, and the Bay Friendly Coalition, the AMC, the Alameda Master Tree Plan, the Alameda Tree Removal Policy, the Integrated Pest Management Policy, as well as conditions of approval by the Planning Board, and other applicable standards, as applicable. Landscaping shall be designed to improve curb appeal while promoting low maintenance plant material and xeriscaping.

Alameda Municipal Power

111. Prior to approval of Improvement Plans, the Applicant shall coordinate with Alameda Municipal Power (AMP) regarding power requirements.
112. The Applicant shall comply with AMP's Rules and Regulations and "Material and Installation Criteria for Underground Electrical Systems" (available at www.alamedamp.com) which provides service options, standards, and minimum clearances from electrical transformers and other utility electrical equipment.
113. New street trees shall maintain clearances from electrical utilities as follow: a) street/pathway lights and utility poles – **15 feet**; b) joint trench and all underground electrical lines – **five feet**; c) front of electrical pad-mounted equipment (e.g. switches, transformers and capacitors) – **ten feet**. Verify minimum clearance distances of trees/shrubs from all sides and back of electrical pad-mounted equipment with Alameda Municipal Power (AMP).
114. All service installations to commercial/industrial, multiple dwelling units and subdivisions, shall be underground.
115. The Applicant shall be responsible for all expenses involved in the duct/joint trench system engineering design, plan check, project coordination, and electrical construction inspection.
116. The applicant will also be billed for 100% cost of distribution line extension (except transformers that are rated less than 750 kVA). AMP will require a refundable deposit for transformers rated 750 kVA and higher based on their capacity utilization.
117. Applicant shall allocate space for pad-mounted transformers and switches in addition to the primary and secondary boxes and conduits that will be required to provide power to the development. AMP will require easements for all transformers, primary and secondary boxes, and conduits.
118. The Applicant shall submit, with the site improvement plans, detailed drawings showing the required site electric utility facilities. The Applicant shall also supply electrical single line diagrams and forecasted electrical load calculations signed off by a California Electrical PE license engineer.
119. 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 underground 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.

120. 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. Remote metering is not allowed.
121. The applicant shall provide (at no charge to AMP) all required easements to AMP facilities on the property prior to issuance of the Final Map.
122. The Final Map shall show all necessary easements and access to all electrical utility facilities that are in the private properties.
123. The **development will be served from 208/120V, 120/240V or 277/480V** pending design of the requirements of the project.
124. The Applicant shall provide completed "Service Planning Sheets" for AMP's review.
125. The Applicant shall provide information on the location of transformers and total load in kilowatts or kilovolt-amp (kVA) to AMP for approval prior to building permit issuance. The location, number and type of electric facilities, such as transformers and primary cables, cannot be finalized until electric estimates of each unit are provided. Special loads, such as EV chargers, and solar installations should be identified.
126. The Applicant shall provide all necessary underground substructures, including conduits, pull boxes, electric utility equipment pads, etc. per AMP specifications. AMP will furnish and install all required transformers, high voltage distribution cables, and secondary cables.
127. The Applicant shall install all electric pull boxes and vaults in-line with the conduit joint trench. No conduit bend will be allowed between electric pull boxes, unless conduit section terminates to an electrical equipment pad. All primary and secondary electrical distribution pull boxes shall not be greater than two section deep (34- inches from finish grade to bottom of pull box). Any deviations from this standard shall be approved by the AMP Engineering Manager or designee in writing.

128. All conduit installed within 5 feet from the existing or proposed tree shall be provided with a tree root barrier. (Refer to AMP Drawing 1-L-639)
129. The Applicant shall furnish and install code-size service cables in code-size conduit from each electric metering facility to the nearest secondary pull box (or Service Point) in the public right-of-way, as designated by AMP. AMP will connect the service to the distribution transformer or to the secondary distribution system.
130. AMP's existing 115kV West Transition Station equipment and cable crossing to Oakland shall be adequately protected during construction to prevent damage. Developer shall be responsible for the repair and/or replacement required from any such damage. The cost of any relocation of existing facility will be fully paid by the developer.
131. AMP requires a 30 foot (15 feet on each side) easement along the final alignment of the overhead 115kV transmission lines and poles. No trees/shrubs are allowed around the poles or from the street to the pole.
132. All metal fences or other metallic facilities within the right of way shall be properly grounded.
133. Light or traffic signal poles, trees (at mature height), landscaping, fences and equipment shall not exceed 15 feet in height within the right of way, so long as there is adequate clearance.
134. No structures either permanent or temporary shall be constructed within the right of way, including covered parking, swimming pools, spas, gazebos, etc.
135. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.
136. Operation of equipment that exceeds 15 feet in height is not permitted within the right of way without proper authorization from AMP.
137. Notify AMP 48 hours before starting any work within the easement and at the conclusion for field review that all requirements have been met.
138. Access for line equipment shall be provided at all times to AMP's tower/pole structures.

139. All grading shall maintain General Order 95 clearances and shall not affect the integrity of tower/pole footings. Footings shall not be covered with soil. Excavations within 10 feet of any structure will not be allowed.
140. Protect AMP's towers/poles from vehicular damage by installing protective barriers as required.
141. The transmission easement and tower/pole locations will be shown on the development plans.
142. Vehicles parked in a transmission easement must be in operating condition and moveable at all times.
143. AMP's transmission easement shall be designated on subdivision/parcel maps as "RESTRICTED USE AREA-NO BUILDING."
144. The Applicant shall provide and install street lighting consistent with the City of Alameda Public Works.
145. All public streets shall be lit with LED lighting. Streetlight layout shall be staggered for a more uniform light distribution. Applicant can provide alternate design if a better efficient light distribution is met.
146. No signs shall be installed or mounted on street light poles owned and/or maintained by the City. All new signs shall be installed on dedicated sign posts.
147. The Applicant shall have all streetlights included in the Improvement Plans, installed, fully functional, operational and approved by the City of Alameda Public Works prior to issuance of a Certificate of Occupancy for any building unless a phasing plan is approved by the Director of Public Works. Applicant shall coordinate with the City to determine responsibilities for the streetlight ownership, maintenance and energy costs.

Additional Conditions

148. INDEMINIFICATION AND HOLD HARMLESS. To the maximum extent permitted by law, the applicant (or its successor in interest) shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, its City Council, City Planning Board, officials, employees, agents and volunteers (collectively, "Indemnitees") from and against any and all claims, actions, or proceedings against Indemnitees to attack, set aside, void or annul an approval by

Indemnitees relating to this project. This indemnification shall include, but is not limited to, all damages, losses, and expenses (including, without limitation, legal costs and attorney's fees) that may be awarded to the prevailing party arising out of or in connection with an approval by the Indemnitees relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding and the applicant (or its successor in interest) shall reimburse the City for its reasonable legal costs and attorneys' fees

149. Judicial Proceedings. 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.

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

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

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