

CITY OF ALAMEDA PLANNING BOARD  
**DRAFT RESOLUTION**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING DENSITY BONUS, DEVELOPMENT PLAN AND DESIGN REVIEW AND RECOMMENDING CITY COUNCIL APPROVE A VESTING TENTATIVE TRACT MAP (TRACT NO. 8654) TO ALLOW THE CONSTRUCTION OF 90 TOWNHOME UNITS WITH 5 ACCESSORY DWELLING UNITS AT 2015 GRAND STREET.

WHEREAS, a preliminary application was filed under the Housing Crisis Act of 2019 (SB 330) on March 7, 2022 by Trumark Homes (“Applicant”) for Vesting Tentative Map, Design Review, Development Plan and Density Bonus to allow the construction of 90 townhome units with 5 accessory dwelling units within an approximately 4.14-acre parcel at 2015 Grand Street; and

WHEREAS, the applicant submitted a formal final application to construct 90 townhomes on July 7, 2022, within 180 days of filing a preliminary application consistent with SB330; and

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

WHEREAS, the subject property is located in the R-4-PD-MF, Neighborhood Residential Planned Development District with Multi-Family Residential Combining Zone; and

WHEREAS, on December 12, 2022, the Planning Board held a duly noticed public hearing to consider a Development Plan, Density Bonus, Design Review, and Vesting Tentative Map; and examined all pertinent application materials and public testimony.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds this project is categorically exempt from environmental review pursuant to CEQA Guidelines Section 15332 – Infill Development:

- 1. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.**

The proposed development of this site for 90 townhome units and 5 accessory dwelling units is consistent with the R-4-PD-MF, Neighborhood Residential with Planned Development and Multi-Family Combining Zoning District and the Medium-Density Residential land use designation. Overall, the project is consistent with the applicable General Plan policies and zoning regulations.

- 2. The proposed development occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses.**

The property is less than five acres (the project site is approximately 4.14 acres), is located entirely within city limits, and is surrounded by urban residential, commercial or institutional uses.

**3. The project has no value as habitat for endangered, rare, or threatened species.**

The project site was developed as a petroleum packaging and distribution facility for several decades and was only recently cleared of buildings and improvements. As a result, the project site has no value as habitat for endangered, rare or threatened species.

**4. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.**

The project is conditioned to implement a Transportation Demand Management program to reduce the automobile trips generated by the project to reduce any significant effects relating to traffic. The project would not have any significant effects to traffic, noise, air quality, or water quality.

**5. The site can be adequately served by all required utilities and public services.**

The property is located within a developed urban area that is served by all required utilities and services.

The Planning Board finds that none of the exceptions in CEQA Guidelines Section 15300.2 apply. As a separate and independent basis, the Planning Board finds that the project is also exempt from CEQA pursuant to CEQA Guidelines Section 15183, projects consistent with General Plan for which an EIR has been certified (Alameda General Plan 2040 EIR, State Clearinghouse #2021030563); and

BE IT FURTHER RESOLVED, that pursuant to AMC Section 30-4.13(f), the Board has made the following findings relative to the proposed Development Plan:

- 1. The development is a more effective use of the site than is possible under the regulations for which the PD district is combined.** This project is important for the City of Alameda not just for the housing units but also for providing physical access and connectivity in the Grand Street/Clement Avenue vicinity. The proposed development is a more effective use of the site because the proposal will include the construction of 15 deed-restricted affordable units. The Development Plan and Density Bonus Waivers allow for a site plan that achieves the additional residential units while providing access, parking, and useable open space areas for the residential development. The proposed Development Plan also provides for the completion of the final segment of the Clement Avenue extension.
- 2. 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 site is located adjacent to other residentially zoned and developed properties. The proposed use, as conditioned, is consistent with the General Plan designation and the Zoning Ordinance, and will be operationally compatible with the surrounding area. The architectural design of the building is architecturally and aesthetically harmonious with the community and the surrounding development. The project provides important physical access and connectivity between the site and the surrounding neighborhood.

3. **The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.** The project provides off-street automobile, bicycle, and electric vehicle parking facilities that are consistent with the City's Off-Street Parking, Electrical Vehicle Charging, and Transportation Demand Management Regulations. The project provides important physical access and connectivity between the site and the surrounding neighborhood via the Clement Avenue extension and public access through the site connecting along Hibbard Street.
4. **The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity and will not have substantial deleterious effects on existing business districts or the local economy.** The proposed residential use of the site to construct 90 townhome units and 5 accessory dwelling units will not have a negative impact on adjacent or nearby residential, open space, or commercial uses. The project will complete a section of Clement Avenue and the Cross Alameda Trail. Clement Avenue is a designated Truck Route in the City's General Plan and the construction of the project will complete the major East-West truck route across the island. Cross island commercial truck traffic will no longer have to turn off of Clement Avenue onto Buena Vista Avenue between Sherman Avenue and Grand Street, improving public safety and the flow of commercial truck traffic. The site plan and layout of the buildings provides for appropriate interfaces with the surrounding residential neighborhood.
5. **The proposed use relates favorably to the General Plan.** The proposed Development Plan to allow the construction of 90 townhome units is consistent with the Medium Density Residential land use designation of the General Plan. In addition, the project relates favorably to Alameda General Plan 2040 policy LU-2 by permitting a well-designed multi-family opportunity; and

BE IT FURTHER RESOLVED, that pursuant to Alameda Municipal Code Section 30-37.5, the Board has made the following findings relative to proposed Design Review approval:

1. **The proposed design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual.** The project is consistent with the Alameda General Plan 2040 and development regulations of the Zoning Ordinance. The project is consistent with the Objective Design Review Standards for Multi-Family and Mixed Use Buildings (ODRS) which created using the Design Review Manual and other specific design review manual, therefore the project is consistent with the City of Alameda Design Review Manual.
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 three-story buildings are compatible and in scale with other residential buildings in the vicinity, which features a mix of two-story single family homes and three-story townhomes.

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 siding materials and colors are designed to match the design elements found on existing developments adjacent to the project site, and design elements have been incorporated to ensure the compatibility of the townhome buildings with the character and uses of adjacent development; and

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

1. **The proposal qualifies for a 20% density bonus pursuant to State Density Bonus Law, Government Code Section 65915 et seq. and Alameda Municipal Code Section 30-17.** The applicant is proposing to provide 9 low-income units, or 10% of the base project of 90 units, affordable to very low-income (4 units) and low-income (5 units) households. Under state law, a unit restricted to very low-income households is also by definition a unit that qualifies as a low-income unit. By providing a total of 9 very low- and low-income units, the project qualifies for a 20% density bonus, one incentive or concession, and density bonus waivers described below. The applicant is not requesting a density bonus or an incentive or concession.
2. **Pursuant to AMC section 30-17, the project qualifies for an unlimited number of waivers from City of Alameda development standards that physically preclude the construction of the development at the density permitted.** The applicant has requested waivers from the City's Universal Residential Design Ordinance requirements, which are development standards in the AMC that would physically preclude the project at the permitted density. Of the 90 townhome units, 37% (34 units) meet the visitability standards where 100% is required, and 5.5% (5 units) meet the universal design requirements where 30% (27 units) is required. To enable development of the project at the permitted density, the Planning Board grants density bonus waivers of the City's Universal Residential Design Ordinance requirements.
3. **The proposal qualifies for one incentive or concession reducing or modifying development standards that result in identifiable and actual cost reductions to provide for affordable housing costs.** The applicant is not seeking to use a concession or incentive.
4. **The recommended development standard waivers will not have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Government Code section 65589.5, upon public health, safety, or physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.**
5. **The recommended development standard waivers are not contrary to state or federal law; and**

BE IT FURTHER RESOLVED, that the Planning Board of the City of Alameda hereby makes the following findings regarding Vesting Tentative Tract Map No. 8654:

1. **The proposed subdivision, together with the provisions for its design and improvement, is in conformance with the General Plan and Zoning.**  
The proposed Vesting Tentative Tract Map is consistent with the Medium-Density Residential General Plan designation and R-4-PD-MF, Neighborhood Residential Planned Development and Multi-Family, zoning regulations for the property.
2. **The site is physically suitable for the type and density of development.** The site was previously developed as a packaging and distribution center for petroleum products for several decades. The applicant submitted a Phase I/II site assessment prepared by a qualified professional that found no evidence of soil contamination on site.
3. **The proposed design of the subdivision and improvements, as conditioned, will not cause environmental damage or substantially and avoidably injure fish or wildlife or their habitat.** The proposed design of the subdivision and improvements, as conditioned, will not cause environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The site does not include construction of any improvements within water bodies or in areas that have not previously been used for residential purposes.
4. **The design of the subdivision and its improvements will not conflict with easements acquired by the public at large for access through or use of property within the subdivision.** The project provides a public dedication for the extension of Clement Avenue and Cross Alameda Trail and widening of Hibbard Street and continuation of Hibbard via ped/bike public access easement through the project site. The size of these public dedication will allow for the construction of vehicle travel lanes wide enough to accommodate truck traffic as well as provide dedicate and separated bicycle track.
5. **The design of the subdivision and its improvements will not cause serious public health problems.** The design of the subdivision and the type of improvements are not likely to cause serious public health problems, because site will be served by public sewer and water facilities and the review process of the subdivision has taken those concerns into consideration and has found the proposal in conformance with City standards.
6. **In recommending approval of the vesting tentative map, the Planning Board has considered its effect upon the housing needs of the region, balanced with the public service needs of Alameda residents and available fiscal and environmental resources.**
7. **The discharge of waste from the proposed subdivision into the sewer system would not violate regional water quality control regulations in accordance with Section 66474.6 of the Subdivision Map Act;** and

BE IT FURTHER RESOLVED, that the Planning Board hereby approves Density Bonus, Development Plan and Design Review application No. PLN22-0127 and hereby recommends the City Council approve Vesting Tentative Tract Map No. 8654 to allow the

construction of 90 townhome units with 5 accessory dwelling units, subject to the following conditions:

### **Planning and Design Conditions**

1. Substantial Compliance with Approvals: The plans submitted for the Building Permit shall be in substantial compliance with the plans prepared by KTG Architects dated September 30, 2022, and on file in the City of Alameda Planning, Building & Transportation Department, except as modified by the conditions specified in this resolution.
2. 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.
3. Vesting: This Design Review approval shall expire two (2) years after the date of approval or by **December 12, 2024** unless substantial construction or use of the property has commenced under valid permits. Upon written request and payment of appropriate fees submitted no later than the expiration date of the Design Review approval, the Applicant may apply for a time extension not to exceed two (2) years. An extension request will be subject to approval by the Planning Director and must be filed prior to the date of expiration.
4. Hibbard Street Public Access Easement: The Final Map shall show a sixteen (16) foot wide public access easement along the pedestrian/bike path continuing Hibbard Street between Fortmann Way and Clement Avenue.
5. Planning Inspection: A site inspection to determine compliance 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 the Planning, Building, and Transportation Department at least four days prior to the requested Planning Inspection dates.
6. Affordable Housing Agreement: The project applicant shall execute an Affordable Housing Agreement with the City in conformance with the requirements of AMC Section 30-16 and 30-17. The approval and execution of the Affordable Housing Agreement shall take place prior to final map approval and shall be recorded upon final map recordation or, where a map is not being processed, prior to the issuance of building permits for such lots/units. The Affordable Housing Agreement shall bind all future owners and successors in interest for the term of years specified therein. The Affordable Housing Agreement shall require fifteen (15) affordable housing units consisting of: four (4) on-site residential units affordable to Very Low-Income households, five (5) on-site residential units affordable to Low-Income households, and six (6) on-site residential units affordable to Moderate Income households.

7. Development Impact Fees: Prior to the issuance of building permits, the Applicant shall pay all applicable Development Impact fees pursuant to AMC Section 27-3.5.
8. Public Art Requirement: Prior to issuance of building permits, the Applicant shall demonstrate compliance with the Public Art Ordinance (AMC Section 30-98).
9. Bird Safe Ordinance: Building Permit plans shall demonstrate compliance with the Alameda Bird-Safe Building Ordinance (AMC Section 30-5.16.b).
10. Dark Skies Ordinance: Plans submitted for building permits shall demonstrate compliance with the Alameda Dark Skies Ordinance (AMC Section 30-5.16.c).
11. Water Efficiency Landscape Ordinance: Prior to issuance of building permits or improvement plans, Applicant shall submit a complete WELO Landscape Document Package, as defined by Alameda Municipal Code (AMC) Section 30-58.3(d), subject to the approval of the Planning, Building, and Transportation Director.
12. Dust Control: Prior to issuance of building or grading permits, the Applicant shall ensure that a dust control program is implemented consistent with City and BAAQMD requirements. Construction activities shall be subject to the requirements of the Alameda Municipal Code, which restricts construction to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturday, unless a permit is first secured from the City Manager or designee based upon a showing of significant financial hardship.
13. The final plans submitted for Building Permit approval shall conform to all applicable codes and guidelines.
14. Building Signage: Any temporary or permanent signage shall be subject to separate Sign Permit approval pursuant AMC Section 30-6.
15. Transportation Demand Management Plan: Prior to the first Final Map approval or building permit, whichever comes first, the applicant shall ensure that the CC&Rs include participation in the Alameda Transportation Management Association to provide transit services via annual assessments as follows:
  - a. Every townhome unit that has one (1) private parking space provided shall be assessed an annual fee of \$400 (2020 dollars).
  - b. Every townhome unit that has two (2) private parking spaces provided shall be assessed an annual fee of \$500 (2020 dollars).
  - c. The annual assessments shall be adjusted annually in accordance with the San Francisco Bay Area Consumer Price Index for All Urban Consumers (CPI-U).The applicant shall submit to the Planning Director a final TDM brochure to be provided to residents during home purchase that explains the ATMA membership, fees, and benefits.

16. 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 this design review approval or these conditions shall be subject to review and approval of the Planning Board.

### **Public Works Conditions of Approval**

17. The intersection of Grand Street and Clement Avenue shall be designed to accommodate a future traffic signal (including designated location of poles, controller and foundations). The Applicant shall install the substructure (conduits and pull boxes). Construction of signal poles, controller, and foundations shall not be the responsibility of the Applicant.
18. The minimum lane width on Clement Avenue between Hibbard Street and Paru Street shall be 11', and the minimum two-way bikeway width in this segment shall be 10'.
19. Prior to issuance of a Building Permit the applicant shall apply for a [Public Works Development Permit](#).
20. Improvement 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 / Parcel Map or issuance of any Building Permit for the development.
21. 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.
22. The proposed work shall comply with Alameda's Standard Plans and Specifications and Standard Subdivision Specifications and Design.
23. The fee for plan checking and inspection shall be calculated in accordance with the latest Schedule of Fees & Charges as approved by the City Council.
24. Plans shall identify datum. If not NADV88, show conversion.
25. Site plans shall include applicable Standard Construction Notes, latest edition, from Public Works.
26. Clement Ave Extension and Related Improvements. The Applicant shall construct and dedicate to the public full street improvements of Clement Avenue between Grand Street and Hibbard Street and a portion of Hibbard Street between Clement and Ellen Craig Avenue. Improvements shall including concrete curb, gutter, sidewalk, paving, striping, sanitary sewer, drainage system, telecom, streetlights, and street trees, all to the satisfaction of the City Engineer. Public sidewalks shall connect to existing sidewalks for a continuous pedestrian path of travel. Improvement plans shall show raised crosswalks/bike crossing for the northern leg of the Grand/Clement intersection as recommended by the July 8, 2022 Fehr & Peers memorandum, unless deemed infeasible by the City Engineer.



27. The Applicant 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.
28. 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 is required prior to issuance of a Public Works Development (PWD) permit that involve the public ROW.
29. 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.
30. A current title report shall be submitted to identify current ownership and any existing easements or land use restrictions.
31. The Applicant shall enter into a Subdivision Improvement Agreement with the City, pay all fees, and provide a security in a form and amount acceptable to the City prior to approval of Parcel / Final map. If the construction of the project is in 2 phases, the applicant shall provide security for each phase separately. Both securities will be provided with the SIA. Once the SIA has been approved by the City Attorney, the Applicant shall provide four (4), wet signed, hard copies to Public Works.
32. The Final Map shall show all existing and proposed easement locations, uses and recording information. The Owner's Statement shall list all public right-of-way and easements to be dedicated and the Certificate of City Clerk shall list all public easements and right-of-way to be abandoned with recording information as part of the parcel/final map.
33. The Applicant shall pay for all reasonable office and engineering costs expended by the City Engineer's office, including overhead, in conjunction with reviewing the Parcel Map, improvement plans, easements, and in obtaining the map signature of the City's consulting surveyor.
34. The Applicant shall provide five copies of the permit approved site/off-site civil improvement plans, landscape plans, and specifications along with a Mylar or other reproducible set (plans only), and a digital copy acceptable to the City Engineer.
35. The Applicant shall dedicate Clement Avenue and a portion of Hibbard Street to the public.
36. 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. All documents can be found at the City's Public Works webpage, under Key Documents, at <https://www.alamedaca.gov/Departments/Public-Works>.

37. 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 Applicant shall replace the curb, gutter, and full width of sidewalk to current standards.
38. 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.
39. Parking layout shall be constructed in conformance with City's off-street parking design standards, Alameda Municipal Code Section 30-7 Off-Street Parking, Electric Vehicle Charging, and Transportation Demand Management 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.
40. When replacing or repairing concrete at an existing arch culvert, remove and replace the corrugated metal arch "lid" and associated hardware.
41. 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.
42. 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.
43. 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.
44. 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 site shall be graded so that no additional runoff is directed to and so as not to impede runoff from adjacent properties.
45. 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.

46. 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.
47. The Applicant shall be responsible to maintain access to and function of existing storm drain lines that run onto and/or through the Applicant's property.
48. 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.
49. 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.
50. The Applicant shall submit a Stormwater Quality Management Plan complete with:
  - a. the individual drainage management areas identified
  - b. a completed Stormwater Requirements Checklist and
  - c. 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 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.
51. The Civil Improvement Plans shall be consistent with the approved Stormwater Quality Management Plan submittal. 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. The development shall incorporate permanent post-construction stormwater quality controls in accordance with the City of Alameda's National Pollution Discharge Elimination System (NPDES) Permit. 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.
52. The development is subject to full trash capture requirements of the City's NPDES permit, regardless of impervious surface area. The Applicant 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 Applicant 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 O&M plan detailing the necessary maintenance tasks and schedule required to maintain all on-site trash capture devices.

53. Prior to project acceptance and any certificate of occupancy, the Property Owner(s) shall provide the following:

- a. Executed C3-LID Treatment Measures Maintenance Agreement with the City, complete with an approved Operations and Maintenance Plan, the template for annual self-reporting, and assurances for property access for City verification inspections.
- b. Verification that the following have all been incorporated with the CC&Rs of the relevant HOA:
  - i. O&M plans for all stormwater treatment
  - ii. trash control and design measures to be maintained by any homeowners' association or property owners' association
  - iii. the template for annual self-reporting, and assurances for property access for City verification inspections.
- c. Certification report (Report) prepared by a registered civil engineer, licensed in the State of California, affirming that all project site stormwater treatment measures have been constructed per the City approved plans and specifications. As appropriate, the Report shall include, but not be limited to, assurances that: imported materials used for the treatment measure(s) are certified by the supplier; installation of these materials is per approved plans and specifications and meets the intent of the design engineer; required on-site testing results conform with approved plans and specifications; treatment measures conform to dimensions, grades and slopes on approved plans and specifications; all structural features of the treatment measures comply with plan specifications; the irrigation system is installed and functions as designed; healthy vegetation/ground cover is installed as shown on plans. The Report shall be submitted in a form acceptable to the City Engineer.

54. The Applicant 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.

55. The applicant shall assess and verify for the potential of PCBs in Building Demolition materials by:
  - a. Reviewing the packet “PCBs in Priority Building Materials: Model Screening Assessment Applicant Package (Rev. Nov. 2019)” (Packet);
  - b. Completing the two-page “PCBs Screening Assessment Form” (pp 18-19 in the Packet) AND submitting a signed copy to Public Works for review; AND
  - c. IF Part 3 of the “PCBs Screening Assessment Form” is applicable and necessary, submit all necessary assessment records also referenced in attached guidance document prior to issuance of building/demolition permit AND provide verification to the City prior to close out of the permit of the proper management and disposal of the relevant materials.
56. The Applicant 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.
57. Projects proposed for construction between October 1st and April 15th, shall have an erosion and sedimentation control program approved, and implemented to the maximum extent possible, prior to the start of on-site earthwork. Installation of all components of these plans shall be completed by October 1.
58. 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.
59. 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.
60. Improvement plans and subdivision map 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 two-way cleanout or manhole. All public sanitary sewer facilities shall be in public streets or in public utility easements.
61. A sanitary sewage flow analysis identifying the total peak sanitary sewage flow quantities to be generated by the proposed development, shall be prepared by a registered civil engineer licensed in the State of California and submitted as part of the construction improvement plans. The analysis shall identify required improvements, if any, to ensure sufficient sewage capacity for this project and anticipated cumulative growth in the associated sewer sub-area.
62. 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 lateral must be issued a Compliance Certificate by

EBMUD. Please review the program requirements and cost for Compliance Certificates: <http://www.eastbaypsl.com/eastbaypsl/>.

63. 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 parcel/final map, whichever comes first.
64. The Applicant shall secure all necessary permit approvals from EBMUD regarding the installation of all water service for the project.
65. The Applicant shall design and construct power, telecom, gas, and other utilities in accordance with applicable utility standards.
66. 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.
67. All utilities along the project frontage(s) shall be undergrounded, with the exception of the existing high voltage 115kV electrical lines. 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.
68. Applicant shall furnish two additional street light poles and LED fixtures of each type installed, at no cost, to the Public Works Department as a stock for future pole/fixture replacement on public street. The applicant shall be responsible for all costs associated with the transportation, handling and delivery of the poles/fixtures to a Public Works storage yard designated by the City Engineer. The applicant shall coordinate and schedule the delivery of the poles/fixture with the Public Works Department.
69. Work with AMP to locate a transformer and pad, if needed, on private property with appropriate maintenance access.
70. In accordance with Alameda's Climate Action and Resiliency Plan, natural gas is not permitted for new residential units.
71. The project shall be designed to accommodate three waste streams: recycling, organics, and trash; as required by the Alameda County Waste Management Authority's Mandatory Recycling Ordinance (ACWMA Ord. 2012-01). Signage clearly identifying how to sort materials into three waste streams shall be posted at each storage/disposal 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.
72. Residential structures that are new or remodeled (involving 25% or greater of gross floor area), residential developments which include five (5) or more single family homes, and multifamily dwelling units within residential zoning districts shall provide solid waste, recyclable, and organic material storage areas as follows:
  - a. Internal Storage Requirements -- Each dwelling unit shall include an area with a minimum of nine (9) cubic feet designed for the internal storage of solid waste, recyclable, and organic material. A minimum of three (3) cubic feet shall be provided for storage of solid waste and a minimum of three (3) cubic feet each

shall be provided for storage of recyclable and organic material. Each single family dwelling unit with a separate garage shall include a minimum of twenty seven (27) square feet of garage floor space with forty eight (48) inches of height clearance designed for internal storage of one (1) solid waste container, one (1) recycling container, and one (1) organics container.

- b. External Storage Requirements -- The following are minimum exterior solid waste and recyclable material storage area requirements for multifamily residential developments with five (5) or more dwelling units. These requirements apply to each residential development.
  - i. 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
  - ii. 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
  - iii. 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.

73. 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.

74. 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.

75. 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.

76. Prior to approval of the PWD 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>.

77. 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.

## **AMP**

78. Prior to approval of Improvement Plans, the Applicant shall coordinate with Alameda Municipal Power (AMP) regarding power requirements.
79. The Applicant shall comply with AMP's Rules and Regulations and "Material and Installation Criteria for Underground Electrical Systems" (available at [www.alamedamp.com](http://www.alamedamp.com)) which provides service options, standards, and minimum clearances from electrical transformers and other utility electrical equipment.
80. 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).
81. All service installations to commercial/industrial, multiple dwelling units and subdivisions, shall be underground.
82. 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.
83. 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.
84. 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.
85. The Applicant shall submit, with the site improvement plans, detailed drawings showing the required site electric utility facilities.
86. Concurrent with acceptance of work by City Council, the Applicant 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.
87. 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.
88. 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.

Exhibit 5

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Planning Board Meeting



89. The Final Map shall show all necessary easements and access to all electrical utility facilities that are in the private properties.
90. The development will be served from 208/120V or 480/277V sources, not 120/240V.
91. The Applicant shall provide completed "Service Planning Sheets" for AMP's review.
92. 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.
93. 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.
94. 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.
95. 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)
96. 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.
97. AMP's existing 12kV overhead lines and telecommunication facilities along Grand St. (Clement Avenue to Ellen Craig Avenue) on the west side and 2 spans at end of Clement Avenue shall be converted to underground at no charge to AMP. The 115kV overhead lines will remain overhead. The Applicant should provide easements for new pad mounted switches (southwest corner of Clement Avenue and Grand Street) and transformers to convert overhead systems to underground.
98. 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.
99. All metal fences or other metallic facilities within the right of way shall be properly grounded.
100. 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.
101. No structures either permanent or temporary shall be constructed within the right of way, including covered parking, swimming pools, spas, gazebos, etc.

102. 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.
103. Operation of equipment that exceeds 15 feet in height is not permitted within the right of way without proper authorization from AMP
104. Notify AMP 48 hours before starting any work within the easement and at the conclusion for field review that all requirements have been met.
105. Access for line equipment shall be provided at all times to AMP's tower/pole structures.
106. 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.
107. Protect AMP's towers/poles from vehicular damage by installing protective barriers as required.
108. The transmission easement and tower/pole locations will be shown on the development plans.
109. Vehicles parked in a transmission easement must be in operating condition and moveable at all times.
110. AMP's transmission easement shall be designated on subdivision/parcel maps as "RESTRICTED USE AREA-NO BUILDING".
111. The Applicant shall provide and install street lighting consistent with the City of Alameda Public Works.
112. 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.
113. 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 signposts.
114. 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.
115. Applicant shall pay non-refundable advance engineering fees of \$30,000 to start the engineering process. This fee is to cover costs of pre-engineering, performing preliminary site investigations, plan review, designing utility duct systems, conducting system impact studies, project coordination, construction inspection and testing. Provide contact information of the owner to whom the invoice will be sent.
116. Provide printable PDF and Autocad files of joint trench plan.
117. Applicant joint trench consultant shall directly coordinate with AMP engineering to expedite the review and approval process.

118. 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.

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

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

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

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