

CITY OF ALAMEDA CITY COUNCIL RESOLUTION NO. _____

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

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

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

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

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

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

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

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

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

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

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

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

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

1. The proposal qualifies for a density bonus pursuant to Section 30-17. The applicant is proposing to provide 13 very low income units, which represents 9% of the base project of 140 units for very low-income households, which qualifies the project for a 30% density bonus for a total project size of 182 units.
2. The proposal qualifies for a certain waivers from City of Alameda Development Standards pursuant to Section 30-17. The applicant has requested certain waivers from certain development standards included in AMC Section 30-52 (to allow multifamily housing), AMC Section 30-4.2 (to allow parcels less than 2,000 square foot in size), and 30-7 (to allow some homes to have a one car garage) that physically preclude the construction of the development at the densities permitted.
3. The requested development standard waivers would not have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon health, safety, or physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
4. The requested development standard waivers would not be contrary to state or federal law.
5. The proposed development plan is in substantial conformance with the General Plan and Zoning for this site. The development is consistent with the R-2/PD and Open Space General Plan and Zoning designations for the property.
6. The site is physically suitable for the proposed residential development and waterfront public open space because: a) the property is within a one block walk of Park Street retail and transit services, b) the two acre waterfront park will improve public access to and along the waterfront in this area of the City, and c) at 19 units per acre, the project is less than the maximum 21 units per acre permitted by the General Plan and City of Alameda Density Bonus Ordinance.
7. The proposed design of the subdivision and improvements, as conditioned, will not cause environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The design of the subdivision and its improvements will create public easements and rights of way required by the public at large for access through, around, and adjacent to the property. The project will include public right-of-way that will enhance public access through the property to and along the waterfront.

Easements for public open space, parking, traffic circulation, surface drainage runoff, and utilities are required as conditions of approval.

8. Based on substantial evidence in the record, no further environmental review is required for the proposed project as provided by Section 15162 of the California Environmental Quality Act Guidelines because neither the project, nor the circumstances surrounding the project, would result in any new or more severe significant impacts to the environment; and

WHEREAS, on August 1, 2016, attorney Shona Armstrong, on behalf of Boatworks, LLC, submitted a letter to the City appealing the imposition of conditions on the Development Plan. In support of its appeal, Boatworks asserted that the conditions placed on the Development Plan: (1) “abrogate[d] Boatworks’ vested rights and [were] beyond the City’s jurisdiction”; and (2) would cost Boatworks a minimum of \$45 Million in square footage and market rate housing units”; and

WHEREAS, the City Council held a public hearing on September 6, 2016, at which it examined pertinent maps, drawings, and documents, heard comments from Boatworks’ representatives and the public, and made the following findings:

1. The proposal qualifies for a density bonus pursuant to Section 30-17. The applicant is proposing to provide 13 very low income units, which represents 9% of the base project of 140 units for very low-income households, which qualifies the project for a 30% density bonus for a total project size of 182 units.
2. The proposal qualifies for a certain waivers from City of Alameda Development Standards pursuant to Section 30-17. The applicant has requested certain waivers from certain development standards included in AMC Section 30-52 (to allow multifamily housing), AMC Section 30-4.2 (to allow parcels less than 2,000 square foot in size), and 30-7 (to allow some homes to have a one car garage) that physically preclude the construction of the development at the densities permitted.
3. The requested development standard waivers would not have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon health, safety, or physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
4. The requested development standard waivers would not be contrary to state or federal law.
5. The proposed development plan is in substantial conformance with the General Plan and Zoning for this site. The development is consistent with the R-2/PD and Open Space General Plan and Zoning designations for the property.

6. The site is physically suitable for the proposed residential development and waterfront public open space because: a) the property is within a one block walk of Park Street retail and transit services, b) the two acre waterfront park will improve public access to and along the waterfront in this area of the City, and c) at 19 units per acre, the project is less than the maximum 21 units per acre permitted by the General Plan and City of Alameda Density Bonus Ordinance.
7. The proposed design of the subdivision and improvements, as conditioned, will not cause environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The design of the subdivision and its improvements will create public easements and rights of way required by the public at large for access through, around, and adjacent to the property. The project will include public right-of-way that will enhance public access through the property to and along the waterfront. Easements for public open space, parking, traffic circulation, surface drainage runoff, and utilities are required as conditions of approval.
8. Based on substantial evidence in the record, no further environmental review is required for the proposed project as provided by Section 15162 of the California Environmental Quality Act Guidelines because neither the project, nor the circumstances surrounding the project, would result in any new or more severe significant impacts to the environment.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Alameda hereby finds that the Planning Board's action were proper under the City's broad authority under its general police power to regulate the development and use of real property within its jurisdiction and the conditions imposed on the Development Plan were properly imposed and were crafted to ensure and preserve a viable project for the property and that other projects on the Northern Waterfront of Alameda have proposed and/or been approved with similar conditions of approval; and

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

Community Development Conditions of Approval.

1. Subsequent Approvals: All subsequent Design Review, Subdivision Map and Improvement Plans filed pursuant to this approval shall be in substantial compliance with Exhibit A titled, "Alameda Boatworks Green Development Plan" (the "Development Plan"), and on file in the office of the City of Alameda Community Development Department.
2. Development Phasing: Issuance of building permits and development of the property shall proceed consistent with the phasing plan included in Exhibit A, Development Plan page ps/DP-10. Minor adjustments to the phasing plan may be

approved by the Community Development Department as necessary to facilitate construction of the project.

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

the City with, and dedicate to, the City a permanent public access easement all public open space shown on Exhibit 1, page ps/OS-4.

7. Affordable Housing: Prior to the approval of the first building permit the applicant/developer shall complete an executed Affordable Housing Agreement consistent with Alameda Municipal Code 30-17 which shall document the final location, quality, size and distribution of the twenty nine (29) affordable units required. The total units provided shall include a minimum of thirteen (13) very-low income units, six (6) low-income units, and ten (10) moderate-income units. The 29 affordable units shall be dispersed throughout the property with the market rate units and shall be of comparable size and quality to the market rate units, per AMC Section 30-17.8. The very low and low income units may be located in a single building if required to permit the units to be managed by a qualified non-profit housing provider that requires the units to be consolidated into a single building to provide for on-site services and support facilities for the very low and low income households.
8. Residential Design Review. Prior to issuance of the first building permit, the applicant shall submit a Design Review application and plans for the review and approval by the Planning Board for the proposed residential units shown on Exhibit A. The Design Review plans shall be consistent with the City of Alameda Design Review Manual (Design Review Manual) for residential development and the following standards:
 - a. 182 Units: The total number of units developed on the property shall not exceed 182 residential units, provided that the applicant complies with the requirements of Condition #7 above regarding affordable housing. If the applicant does only 6 very low income units, 6 low income units and 10 moderate income units, then the total units permitted shall be limited to 140.
 - b. Building Types: The Design Review Plan may include single family, townhome, courtyard home, senior assisted living, and/or live work unit building types, as defined by citywide Design Review Manual, provided that at least 30% of the units shall be constructed in multifamily stacked flats buildings as defined the Design Review Manual.
 - c. Housing Unit Sizes: To accommodate a variety of household sizes, at least 40% of the units shall be 1,100 square feet or less in size and at least 70% of the units shall be 2,000 square feet in size or less.
 - d. Universal Design: To accommodate households with disabled family members and/or seniors aging in place, at least 15% of the single family homes and 8% of the townhome units shall include the kitchen, the main common area, and at least one bedroom and at least one full bathroom on the ground floor. The 8%

townhomes may be smaller in size than the other townhomes and may include a single car garage.

- e. Off Street Parking. At least one and no more than two off-street parking spaces shall be provided in private garages or in common parking areas under multifamily buildings. The total number of residential/non-visitor parking spaces on the site shall be limited to 1.5 parking spaces per unit. All parking in multifamily stacked units shall be leased separately from the cost of the unit.
- f. Building Heights: Building heights shall step down from Clement Avenue to the Oakland Estuary and the waterfront open space. Multifamily stacked flat buildings may be four stories (up to 50 feet) in height, and townhomes and single family homes may be three stories and 35 feet in height. An additional “penthouse” floor may be added to multifamily buildings or attached townhome buildings facing Clement Avenue or Oak Street provided that the penthouse floor is set back at least 8 feet from the front of the building to be hidden from public view from the adjacent right of way. The floor area of a penthouse floor may not exceed 50% of the floor area of the floor below. Buildings facing paseos of 35 feet in width between building faces shall be limited to two stories, with a permitted penthouse, provided the penthouse is setback 10 feet from the side of the building facing the paseo. At least 25% of the townhome units and single family units shall be two stories in height. Penthouse units may also be placed on buildings facing paseos and parks of over 35 feet in height, provided the penthouse is setback at least 10 feet from the front of the building facing the paseo or park.
- g. Building Setbacks Building setback standards for Clement Street, Oak Street, and Elm Street and from internal paseos and parks shall be consistent with Exhibit B Boatworks Green Setback Standards and Sections. Bay windows may project up to two feet into required setbacks and projecting open air porches on the ground floor may project up to 5 feet into the required setback. Townhomes and single family homes that are adjacent to a park, paseo, or street along their side elevation must provide a four (4) foot landscaped setback from the public right of way or sidewalk.
- h. Private Open Space: Each housing unit with access to the ground floor of the structure shall include a minimum of 120 square feet of private open space, consistent with AMC 30-5.4.2.d.9. Stacked flats and apartments accessed from the second floor of the structure or above shall include a minimum of 60 square feet of private open space. For stacked flats, private open space may be provided in common spaces, such as roof decks or courtyards.
- i. Oak Street. The Oak Street frontage shall include an 8 foot sidewalk and street trees on the property. Residential buildings shall be setback 16 feet from the existing property line (existing curb line) at the edge of the existing automobile

right of way. A 12 foot pedestrian and bicycle path shall be provided from the intersection of Blanding to the waterfront along the eastern side property line.

- j. East-West Walkway. As shown on Exhibit A, a minimum 10 foot wide publically accessible walkway shall be provided between Oak Street and Elm Street bisecting the block between Clement and the Blanding extension. The alignment of the walkway may be off-set up to 50 feet.
 - k. Elm Street View Corridor. To preserve the Elm Street view corridor to the park and Estuary, no building shall encroach closer than 35 feet from the western side property line. A 12 foot pedestrian and bicycle path shall be provided from the intersection of Blanding to the waterfront along the western side property line.
9. Public Art. Prior to issuance of the first building permit, the applicant is required to comply with the terms of the City of Alameda Public Art requirement as specified in Alameda Municipal Code section 30-65.
10. Transportation Impacts: As required by the Boatworks EIR Mitigation Measure B-3a prior to issuance of the first occupancy permit, the project shall fund and provide transit services from the property to the regional transportation facilities including BART. At minimum, the transportation services shall include access to AC Transit services and commute hour shuttle services to BART. Such services shall be made available to each home owner and tenant upon first occupancy of the first unit. The transportation services may be provided by the project Homeowners Association, a third party provider, or an existing transit agency such as AC Transit. To insure permanent funding for transportation services, a Homeowner's Association or other funding mechanism shall be created for properties located within the project site. The project shall be subject to its Declaration of Covenants, Conditions and Restrictions or alternative funding mechanism, to which these conditions shall be attached as an Exhibit. The provisions of this Declaration shall provide a requirement and mechanism of annual funding by the Homeowners Association. The funding shall be provided on a permanent basis as an assessment on the Lots and Units in the Project. The participation and funding for program services under these conditions is mandatory and shall be considered an obligation and requirement of the project. The obligations, requirements and provisions under this condition cannot be amended, revised, deleted or rescinded by the HOA or property owners without the prior written approval of the City's Transportation Commission or City Council. To provide the required transportation services, the project developer/applicant shall establish or join an existing transportation demand management association (TMA) or transit provider organization to provide transportation services to the project residents. To fund the necessary services, the project CC&Rs or similar instrument shall require that each unit provide annual funding to the transit provider or TMA in the following amounts: \$550/year/Single Family Detached Unit, \$450/year/Single Family Attached Unit (townhome), and

\$350/year/Stacked Flat Unit. The 2016 initial annual assessment fee per unit per year established by this condition shall be subject to annual adjustment according to the annual changes in the Bay Area Consumer Price Index. The Homeowners Association shall be responsible for providing an annual report for Transportation Commission and City Council review and approval at a noticed public hearing which shall include peak hour automobile counts at the two project entries and surveys of project residents to determine whether the 10% reduction requirement is being achieved annually. In the event that the development fails to achieve the 10% reduction in any given year, the annual report shall identify additional measures that shall be taken to further reduce automobile trips during the peak periods.

PUBLIC WORKS CONDITIONS OF APPROVAL

Engineering

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

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

issuance of any occupancy permit, including a temporary occupancy permit, whichever comes first, that the installation of landscaping and irrigation in the public right of way was constructed in accordance with the approved plans.

14. To guarantee completion of the required on-site and off-site improvements, the applicant/developer shall enter into an agreement with the City and provide a security in a form and amount acceptable to the City prior to approval of the improvements plans and parcel/final map.
15. A sanitary sewage flow analysis, acceptable to the Public Works Director, identifying the total peak sanitary sewage flow quantities to be generated by the proposed development shall be prepared by a registered civil engineer licensed in the State of California and submitted as part of the construction improvement plans. The engineer shall sign and stamp the analysis as approved. The applicant/developer will pay for the cost of the analysis. The City will determine the required improvements, if any, to ensure sufficient sewage capacity for this project and anticipated cumulative growth in the associated sewer sub-area. The applicant/developer will include the City and EBMUD recommended improvements, if any, from the sewer study and into the project's improvements plans prior to approval of the improvement plan or parcel/final map, whichever comes first. All permits, easements and/or approvals for modifications to the sewer system required by EBMUD are to be obtained prior to Final Map.
16. Prior to the Final Inspections, the applicant/developer shall comply with the provisions of the EBMUD Regional Private Sewer Lateral Program (which the City is a participant of). Compliance requires that each parcel within the subdivision be issued a Compliance Certificate by EBMUD for the upper lateral. The applicant/developer shall schedule verification testing for the public and private sewer mains, manholes, and other appurtenances in the public or private streets within the subdivision, including lower laterals. The City will provide their acquired test results for sewer infrastructure that is privately-owned to EBMUD so Compliance Certificates can be issued for those parcels (parcels to be owned by Homeowners Association). Review the program requirements and cost for Compliance Certificates at <http://www.easbaypsl.com/>
17. A storm drainage hydrology analysis, acceptable to the Public Works Director, identifying the total peak drainage flow quantities to be generated by the proposed development shall be prepared by a registered civil engineer licensed in the State of California and submitted as part of the construction improvement plans. The engineer shall sign and stamp the analysis as approved. The City will provide this data to an independent consultant who will assess the impact of the proposed development on the City's storm drainage system using a hydraulic model and determine the improvements, if any, to ensure sufficient capacity for this project and anticipated cumulative growth in the associated drainage basin. The

applicant/developer will pay for the cost of the modeling study. The applicant/developer will include the recommended improvements into the project's improvements plans prior to approval of the improvement plan or parcel/final map, whichever comes first.

18. Prior to issuance of a building permit or approval of a subdivision map for the property, the applicant/developer shall submit a soils investigation and geotechnical report, acceptable to the Public Works Director, in accordance with the AMC and prepared by a registered geotechnical engineer licensed in the State of California, with recommendations based on the findings. The report shall address the structural and environmental analysis of existing soils and groundwater. The improvement plans shall incorporate all design and construction criteria specified in the report. The geotechnical engineer shall sign and stamp the improvement plans as approved and as conforming to their recommendations prior to approval of the improvement plans or parcel/final map, whichever comes first. The geotechnical engineer shall also assume responsibility for inspection of the work and shall certify to the City, prior to acceptance of the work that the work performed is adequate and complies with their recommendations. Additional soils information may be required during the plan check of individual house plans. The applicant/developer will include the engineer's recommended improvements into the projects improvement plans prior to approval of the improvement plan or parcel/final map, whichever comes first.
19. All required public frontage and street improvements shall be designed, built, and dedicated to the City in accordance with City ordinances and Public Works Department standards and shall include curbs, gutters, sidewalks, street trees, landscaping and irrigation, streetlights, etc.
20. Maintenance of public improvements shall be the responsibility of the new development through an Assessment District and/or Homeowners Association.
21. All new utilities shall be placed underground prior to issuance of any occupancy permit, including a temporary occupancy permit. In addition, when approval of a tentative subdivision/parcel map is required, all existing utilities within the project shall be placed underground in accordance with the AMC, prior to acceptance of the project.
22. Applicant/developer shall resurface the existing street pavement whenever a street is cut, either by a longitudinal or transverse cut, for utility or other improvement installations so the street is restored to pre-project conditions. The resurfacing shall extend a sufficient distance beyond any cut to ensure a smooth transition, as determined by the Public Works Director, and shall consist of a one and a half (1½) inch asphalt concrete overlay. Applicant/developer shall also provide digouts and reconstruction of any potholed and/or alligatored areas adjacent to the project.

23. Any retaining walls, which are adjacent to a property line, shall be masonry, metal, or concrete. Wood retaining walls shall not be installed adjacent to property lines. Existing retaining walls are to be evaluated by a geotechnical/structural engineer for integrity. The engineer is to provide design criteria and recommendations for all retaining structures. The applicant/developer will include the engineer's recommended improvements into the projects improvement plans prior to approval of the improvement plan or parcel/final map, whichever comes first.
24. Installation of street paving shall include reconstruction of the existing pavement section to provide adequate conforms. The limits of the reconstruction shall be established by the Public Works Director prior to approval of the improvement plans or parcel/final map, whichever comes first. The Public Works Director may waive undergrounding of the KV 115 lines on Clement with the concurrence of Alameda Municipal Power.
25. Exposed soil surfaces shall be periodically sprinkled to retard dust. During construction, the applicant/developer shall ensure that construction crews undertake a program of dust control including, but not limited to, watering soil surfaces as needed to prevent dust blowing, covering trucks carrying materials to and from the site, and frequent clean-up of soil carried by construction vehicle tires from the site onto streets. No City water shall be used for this purpose.
26. All project related grading, trenching, backfilling, and compaction shall be conducted in accordance with City of Alameda Standards and Specifications.
27. Construction activities are restricted to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturday, unless a permit is first secured from the City Manager or designee based upon a showing of significant financial hardship.
28. Construction equipment must have state of the art muffler systems as required by current law. Muffler systems shall be properly maintained.
29. Noisy stationary construction equipment, such as compressors, shall be placed away from developed areas off-site and/or provided with acoustical shielding.
30. Grading and construction equipment shall be shut down when not in use.
31. During non-working hours, open trenches shall be provided with appropriate signage, flashers, and barricades approved by the Public Works Director to warn oncoming motorists, bicyclists, and pedestrians of potential safety concerns.
32. Prior to trenching within existing street areas, the applicant's engineer shall ascertain the location of all underground utility systems and shall design any proposed subsurface utility extensions to avoid disrupting the services of such system.

33. New street trees shall maintain clearances from utilities as follow: a) Fire hydrant – six feet; b) top of driveway wing – five feet; c) stop signs – 15'; d) street/pathway lights and utility poles – 25'; e) storm drain, sanitary mains, gas, water, telephone, electrical lines – five feet; f) front of electrical pad-mounted equipment – ten feet. Verify minimum clearance distances of street trees/shrubs from electrical transformers with Alameda Municipal Power (AMP).
34. Approved backflow prevention devices shall be installed on all new and existing domestic, commercial, irrigation, and fire water services and as required by the East Bay Municipal Utility District (EBMUD). These devices must be tested by an AWWA certified tester from a list of testers provided by EBMUD.
35. Costs for inspection by the Public Works construction inspectors during non-working hours shall be at time and one half. Work on Saturday's requiring inspection shall not be done unless approved in advance by the Public Works Director. No work allowed on Sundays. Any work done without inspection may be rejected at the contractor's expense.

Stormwater and Water

36. Prior to issuance of building permits, the applicant/developer shall secure all necessary permit approvals from EBMUD regarding the installation of all water or sewer service connections for the project. Accumulated wastewater must be drained to the sanitary sewer.
37. The applicant/developer shall provide the Public Works Department City Engineer or designee, prior to the issuance of the first combination building/grading permit, a copy of both the WDID# issued to the project site by the State Water Resources Control Board (SWRCB) and the required Storm Water Pollution Prevention Plan (SWPPP). These documents shall provide verification to the City that the project site is in compliance with SWRCB Order No. 2009-0009-DWQ prior to the initiation of construction activity. Information on this State Order is available at: http://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml
38. In compliance with the submittals to the SWRCB, the developer shall submit a Storm Water Pollution Prevention Plan (SWPPP) as part of the improvement plan submittal. The SWPPP shall be reviewed and accepted by the Public Works Director or designee for conformance with the City's erosion and sediment control standards.
39. In compliance with the SWPPP, the developer shall be responsible for ensuring that all contractors and sub-contractors install and regularly maintain all control measure elements required in the project SWPPP during any construction activities.

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

completed City of Alameda Stormwater Requirements Checklist Form, as above. As part of the final improvement plan submittal, the applicant/developer shall submit a stamped, signed certification from a qualified independent civil engineer with stormwater treatment facility design experience, licensed in the State of California, and acceptable to the Public Works Director or designee that indicates the LID and treatment measure design meets the established sizing design criteria for stormwater treatment measures prior to approval of the improvements plans, grading permit, or building permit, whichever comes first. If no building permit is required, the plans shall be approved by the Public Works Director prior to establishment of the use. Effective December 1, 2011, this requirement also applies to any restaurant, automobile service facility, retail gasoline outlet, or uncovered parking project of 5,000 square feet or greater.

45. The applicant/developer shall submit a Stormwater Treatment Measures Operations and Maintenance (O&M) Plan as part of the improvement plans for the project. The O&M plan shall include, but not be limited to: treatment measure(s) descriptions and summary inventory; a legible, recordable, reduced-scale (8.5"x11") copy of the Site Plan indicating the treatment measure(s) location(s) and site drainage patterns; treatment measure(s) maintenance requirements and maintenance schedule; detailed description of the integrated pest management principals and techniques and/or Bay Friendly Landscaping Program techniques to be utilized during landscape maintenance to ensure pesticide/herbicide use-minimization in landscaped areas; the approved plant palette list; name and contact information of current maintenance personnel. The O&M Plan shall be reviewed and approved by the Public Works Director or designee prior to approval of the improvements plans, or grading permit, or building permit whichever comes first. If no building permit is required, the plans shall be approved by the Community Development Department and Public Works Director prior to establishment of the use. Effective December 1, 2011, this requirement also applies to any restaurant, automobile service facility, retail gasoline outlet, or uncovered parking project of 5,000 square feet or greater.
46. The applicant/developer shall execute a Stormwater Treatment Measures Maintenance Agreement (Agreement) with the City. The Agreement shall include, but not be limited to: the approved O&M plan for all post-construction (permanent) stormwater LID and treatment measures; identification of the party responsible for stormwater LID and treatment measures O&M; assurances of access to inspect and verify the treatment system O&M for the life of the project; and assurances of the submittal of the annual O&M report approved by the City. The Agreement shall be executed between the project owner and the City and recorded prior to the issuance of any occupancy permit, including a temporary occupancy permit. The Agreement shall also be recorded at Project Owner's expense, with the County Recorder's Office of the County of Alameda prior to establishment of the use. Effective December 1, 2011, this requirement also applies to any restaurant, automobile service facility, retail gasoline outlet, or uncovered parking project of 5,000 square feet or greater.

47. The applicant/developer shall submit a certification report (Report) prepared by a registered civil engineer, licensed in the State of California, affirming that all project site stormwater treatment measures have been constructed per the City approved plans and specifications. As appropriate, the Report shall include, but not be limited to, assurances that: imported materials used for the treatment measure(s) are certified by the supplier; installation of these materials is per approved plans and specifications and meets the intent of the design engineer; required on-site testing results conform with approved plans and specifications; treatment measures conform to dimensions, grades and slopes on approved plans and specifications; all structural features of the treatment measures comply with plan specifications; the irrigation system is installed and functions as designed; healthy vegetation/ground cover is installed as shown on plans. The Report shall be submitted in a form acceptable to the Public Works Director or designee, prior to the issuance of any occupancy permit, including a temporary occupancy permit.
48. Fire sprinkler system test water discharges shall be directed to the sanitary sewer system or to appropriately-sized onsite vegetated area(s).
49. All new storm drain inlets shall be clearly marked with the words "No Dumping! Drains to Bay," or equivalent, as approved by the City Public Works Department. Permanently affixed thermoplastic, metallic or plastic laminate style markers are examples of acceptable forms.

Traffic and Transportation

50. The improvement plans shall include pedestrian cross walks and traffic control to ensure safe pedestrian access to the site at the intersections of Oak and Blanding and at the intersection at Elm and Clement Avenue. The improvement plans shall also include a traffic striping and signage plan for all on- and off-site improvements, including all crosswalks, bus stops, turn lanes, merge lanes, acceleration lanes, lane drops, etc., as part of the construction improvement plan submittal. The plans shall be prepared by a registered civil engineer or traffic engineer licensed in the State of California. The engineer shall sign and stamp the plans as approved. The plans shall be reviewed and approved by the Public Works Director prior to approval of the improvements plans or parcel/final map, whichever comes first.
51. For any off-street parking facilities associated with the Development Plan, the applicant/developer shall submit the improvement plans to the Community Development Department and Public Works Department for review and approval. The plans shall be prepared by a registered civil engineer licensed in the State of California and shall be signed and stamped as approved. The Community Development Department shall review and approve the parking lot layout, including number of spaces, dimensions of spaces, and Americans with Disabilities Act (ADA) requirements, and the Public Works Director shall review and approve the internal

and external circulation of the parking lot, including lane widths and access points, prior to approval of the improvements plans or parcel/final map, whichever comes first.

52. Final bicycle parking plan shall be consistent with AMC-30-7.15 Bicycle Parking.
53. At least three weeks prior to the commencement of work within the public right-of-way that affects access for pedestrian, bicyclist, and vehicular traffic, the applicant/developer shall provide a Traffic Control Plan (TCP) to the Public Works Department for review and approval. The TCP shall be prepared by a registered civil engineer or traffic engineer licensed in the State of California, and be in accordance with the California MUTCD standards. The engineer shall sign and stamp the plans as approved. In general, any vehicular, transit, bicyclist, and pedestrian access through and/or adjacent to the project site shall remain unobstructed during project construction or an ADA compliant alternative route established as approved by the Public Works Director. At locations where adequate alternate access cannot be provided, appropriate signs and barricades shall be installed at locations determined by the Public Works Director and Police Chief. Should transit routes be affected, applicant/developer is required to receive prior approval from AC Transit of any proposed traffic detours or temporary closure of bus stops. Constructed work may not commence until the TCP is approved by the Public Works Director.
54. Pedestrian and vehicular lighting at all intersections and project driveways shall meet AMP standards for crosswalks, sidewalks, and intersections.
55. Applicant/developer shall replace any damaged curb, gutter, and sidewalk along street frontages to the satisfaction of the Public Works Director, in accordance with the Public Works Department's Standard Plans and Specifications prior to acceptance of the project.

Environmental

WASTE/RECYCLING ENCLOSURES:

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

These facilities are to be designed to prevent water run-on to the area, runoff from the area, and to contain litter, trash, and other pollutants, so that these materials are not dispersed by the wind or discharged to the storm drain system. External enclosures are to be roofed and/or enclosed. Any enclosures containing food waste

shall have floor drains connected to the sanitary sewer system. If the enclosures are attached to buildings they shall have fire sprinklers. Internal collection and storage area(s) and the individual bins and containers provided, shall be adequate in capacity, number, and distribution to serve the anticipated demand for trash, recycling, and organics as determined by the Public Works Director.

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

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

ALAMEDA MUNICIPAL POWER (AMP)

67. Concurrent with submittal of Improvement Plans, the Applicant shall coordinate with the AMP regarding power requirements. All submittals shall refer to AMP's "Material and Installation Criteria for Underground Electrical Systems" for minimum clearances of street trees/shrubs from electrical transformers and other utility electrical equipment.
68. The Applicant shall provide and install street lighting consistent with AMP's standard specifications and AMP's "Material and Installation Criteria for Underground

Electrical Systems". No signs shall be installed or mounted on street light poles owned and/or maintained by AMP. All new signs shall be installed on dedicated sign posts.

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

ALAMEDA FIRE DEPARTMENT

76. Prior to approval of the Improvement Plans, the applicant shall submit plans for review and approval by the Public Works Director and the Fire Chief, that:
 - a. Provide fire hydrants spaced throughout the project as required in California Fire Code Appendix C. Ensure sufficient fire flow for the development compliant with California Fire Code Appendix B and Alameda Municipal Code 15-1.2

where a maximum reduction of the fire flow can be reduced by 50% for fire sprinklered buildings.

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

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

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

City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in regular meeting of the City Council assembled on the 6th day of September, 2016, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of the said City this 7th day of September, 2016.

Lara Weisiger, City Clerk
City of Alameda

Approved as to Form:

Janet C. Kern, City Attorney
City of Alameda