

CITY OF ALAMEDA PLANNING BOARD
DRAFT RESOLUTION

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, the Planning Board held a notice public hearing and examined all pertinent materials in June 27, 2016,

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

Exhibit 9

Item 7-B, 6/27/2016

Planning Board Meeting

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

NOW THEREFORE BE IT FURTHER RESOLVED the Planning Board finds that the potential environmental impacts of the project have been evaluated and disclosed pursuant to CEQA. On February 4, 2014, the City of Alameda certified the FEIR in compliance with CEQA. The FEIR evaluated the environmental impacts of redevelopment and reuse of the lands within the Alameda Point zoning district, which includes Site A. Consistent with the February 2014 action, the draft conditions of approval of the Tentative Map Applications require that property owners comply with, and implement, all the relevant mitigations measures adopted by the City Council in February 2014.

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

Final Map

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

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

Land Use and Redevelopment

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

improvements plans and/or final map for each phase of development prior to the first Final Map for that phase of development.

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

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

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

15. Design Review Approval: Prior to first Final Map, the applications for the following items shall be submitted for Planning Board review and approval:
- a. Final design of the public right-of-way of West Atlantic Avenue details, such as the dimensions, cross-section, and configuration of the Bus Rapid Transit facilities.
 - b. Final street tree, street lights, street signage, paving materials, and street furniture design details. All street trees shall be protected by a curb.
 - c. Final shared plaza design details, such as bollard placement, pavement details,

and tree placement to create a successful shared space where the pedestrians, bicyclists, and people in automobiles may slowly and safely move through and enjoy the space.

16. Biological Regulations and On-Site Lighting: Prior to issuance of a design review, building or site improvement permit, the applicant must comply with all required conditions set forth in the Declaration of Restrictions for the Former Naval Air Station Alameda (Declaration) consistent with the Biological Opinion issued by the U.S. Department of Fish and Wildlife, and Exhibit C of the Memorandum of Agreement between the City of Alameda and Department of Veteran's Affairs (Alameda Point Lighting Mitigation Measures).
17. Public Trust Exchange Act and Agreements: All use of land and buildings and new construction on Public Trust Lands shall be subject to the public trust for commerce, navigation and fisheries and shall be reviewed for consistency with the Naval Air Station Alameda Public Trust Exchange Act, Chapter 734, Statutes of 2000, as amended by Chapter 429, Statutes of 2011 and the Naval Air Station Alameda Exchange Agreement regarding Public Trust Lands at Alameda Point.
18. TDM and Parking Management Plan: Prior to issuance of the first Occupancy Permit, the project applicant and/or property owner shall submit an updated TDM Compliance Strategy, including phase 1 TDM facilities, and a Parking Management Plan for Planning Board review and approval. The plan will address the management and pricing of public and private on-site spaces and public on-street parking and public parking lots and structures.
19. Other Agency Approvals: Prior to issuance of building permit(s) or site improvement permit for work within jurisdictional lands, the applicant shall provide evidence that all required approvals, permits, or waivers from Bay Conservation and Development Commission (BCDC), Regional Water Quality Control Board (RWQCB), including a possible 401 Certification for the construction of a stormwater outfall, and/or the Army Corp. of Engineers, if any, have been obtained. The final improvement plans shall incorporate all other agency requirements.

Improvement Plans

20. Maintenance Agreement: Prior to the approval of the Improvement Plans, the developer shall prepare and enter into a maintenance agreement with the City of Alameda Public Works Department. The maintenance agreement shall require the Developer to maintain any existing water lines within Site A and any temporary storm drain siphons created by the development of Site A during the construction and phasing of Site A. No permanent storm drain siphons will be allowed.
21. Existing Utilities: The applicant shall be responsible to maintain access and utility services that are affected by the development of Site A to the existing buildings within Alameda Point to the satisfaction of the Public Works Director.
22. Stormwater Outfall: The improvement plans shall include the stormwater outfall to the

Seaplane Lagoon consistent with the MIP and Tentative Map, and shall be in accordance with the AMC and other regional jurisdictional permits and requirements as obtained by the City of Alameda Public Works Department.

23. Engineer Approved: The improvement plans shall be prepared, signed, and stamped as approved by a registered civil engineer licensed in the State of California and be consistent with the MIP and Tentative Map. The engineer shall also assume responsibility for inspection of the on-site construction work, and shall certify to the City, prior to acceptance of the work or issuance of any occupancy permit, that the installation of the on-site work (excluding the building and foundation) was constructed in accordance with the approved plans.
24. CC&Rs: In conjunction with the on-site improvement plans, the applicant/developer shall prepare Master Conditions, Covenants and Restrictions (CC&R's) for all properties within Site A, which CC&Rs shall establish a Master Homeowners' Association(s) (HOA) for the residential properties of the project and a Master commercial association (CA) for the commercial properties. All property owners must be a member of an HOA or the CA. The applicant/developer must submit Master CC&Rs, HOA, and CA requirements for the residential and commercial components of the Site A development to the City for approval prior to recording the Final Map and prior to having the documents recorded. The applicant/developer shall bear all costs for recording the documents. The submittal shall include an estimate of costs and proposed level of maintenance for each of the activities to be funded by the HOA or CA. The CC&R's shall provide for funding and provision of maintenance of all common facilities, including but not limited to streets, utilities, and parks and open spaces not accepted for maintenance by a public agency and TDM services outlined in the TDM Compliance Strategy. The CC&R's shall stipulate that the HOAs and CA are responsible for maintenance of landscaping along the streets (not in public ROW), paseos, on-site open spaces and set forth their obligations related to the TDM Compliance Strategy. The CC&Rs shall require that all private improvements adjacent to and visible from the public right of way be maintained in a first class condition consistent with other mixed-used developments in the Oakland Metropolitan submarket, taking into consideration water conservation and other measures that may apply to landscaping and other features from time to time to address state water shortage issues or concerns and will provide the City with the right to enforce the maintenance requirements and the right to perform such maintenance and receive a reimbursement of expenses after notice and expiration of applicable cure periods.
25. Potable Water: The developer/applicant shall be responsible for potable water infrastructure consistent with the MIP and Tentative Map to serve the project, whose design shall be shown on the Improvement Plans to the satisfaction of EBMUD, the Public Works Director, and the Fire Chief.
26. Water Master Meter: The Developer / Applicant shall be responsible for coordinating and processing the necessary Alameda Point water master meter relocations to the satisfaction of EBMUD, the Public Works Director and the Fire Chief.
27. Storm water Quality and Treatment Controls: The improvement plans shall incorporate

appropriate pollution prevention source control measures, permanent low impact development (LID) measures, storm water treatment controls and/or design techniques to manage the quantity and quality of storm water runoff from the project site to prevent and minimize impacts to water quality and be consistent with the MIP and Tentative Map and any existing or future conditions of a 401 certification for Alameda Point (401 Certification Conditions) and the Provision C3 requirements of the City's municipal stormwater permit. Efforts shall be taken to minimize impervious surface areas, especially directly connected impervious surface areas. Roof drains shall discharge and drain to an unpaved area wherever practicable. Design techniques may include green roofs, rainwater harvesting, vegetated swales, vegetated buffer zones, bio retention units, retention/detention basins and ponds, tree well systems, and the incorporation of pervious surface areas and LID measures. The Improvement Plans shall provide details sufficient to ensure that the storm water design and treatment measures shall be constructed consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual, the MIP, Tentative Map and the 401 Certification Conditions. Applicants may also refer to the Bay Area Storm water Management Agencies Association (BASMAA) *Start at the Source Manual* for technical guidance. All storm water design and treatment measures for private development pads shall be consistent with the C3 requirements and 401 Certification Conditions and be located on the development pad or an adjacent private development pad and shall not be located on property planned for public parks or public rights of way.

28. Landscape Plans: The improvement plans shall include landscape and irrigation plans for both on-site and off-site improvements consistent with the Town Center Plan, MIP, and Tentative Map, including shoreline flood and sea-level rise protection improvements, as required by the MIP, Tentative Map, and DDA. The plans shall be prepared, signed, and stamped by a licensed landscape architect and civil engineer for flood and sea-level rise protection improvements and shall be in accordance with the AMC and other regional jurisdictional requirements. The landscape architect shall also assume responsibility for inspection of the work and shall certify to the City, prior to acceptance of the work, that the installation of landscaping and irrigation in the public right-of-way was constructed in accordance with the approved plans.

29. Waste Water: A sanitary sewage flow analysis, identifying the total peak sanitary sewage flow quantities generated by the proposed development shall be prepared by a registered civil engineer licensed in the State of California and submitted as part of the construction improvement plans. The City will provide the analysis to an independent consultant who will assess the impact of the proposed development on the City's sanitary sewer system and determine if any improvements to the City's system are required to ensure sufficient sewage capacity for this project and any anticipated growth within the associated sewer sub-area. The applicant/developer will pay for the cost of the modeling study. The applicant/developer will incorporate any recommended improvements from the sewer study into the project's improvements plans and be consistent with the MIP and tentative map. The final location of pump station #2 will be set in the improvement plans by the City of Alameda.

30. Waste Water Capacity: A sanitary sewage treatment capacity analysis for wet weather

flows associated with the development, compared to existing or previous conditions, shall be prepared by a registered civil engineer licensed in the State of California and submitted as part of the construction improvement plans. The plan shall identify and mitigate any increase in wet weather flow capacities. The improvements plans will include any recommended improvements and be consistent with the MIP and tentative map.

31. Storm Drainage: A storm drainage hydrology analysis identifying the total peak drainage flow quantities to be generated by the proposed development shall be prepared by a registered civil engineer licensed in the State of California and submitted as part of the construction improvement plans. The improvements plans will include any recommended improvements and be consistent with the MIP and tentative map.
32. Off-Site Storm Drainage: A storm drainage analysis identifying improvements to accommodate off-site run-off from the Northside watershed consistent with the City's Storm Drain Master Plan shall be prepared by a registered civil engineer licensed in the State of California and submitted as part of the construction improvement plans. The Public Works Director may elect to require that the infrastructure improvements plans include any recommended improvements within Site A to accommodate this off-site run-off to the satisfaction of the Public Works Director. If included, the City's Urban Runoff Fund would fund the incremental cost of construction these improvements, per the MIP.
33. Utilities: The improvement plans shall include facilities and improvements to ensure that utility services are maintained for existing users throughout the construction process and the access to such service for maintenance purposes is preserved throughout the construction process for new utilities. The improvement plans shall preserve access to the Cartwright Substation throughout the construction process.
34. Bulkhead Repair and Shoreline Stabilization. The improvements plans for the repair of the Seaplane Lagoon bulkhead and shoreline stabilization shall be consistent with the Seaplane Lagoon Seawall Condition Assessment, Moffat & Nichol, dated May 20, 2016, and Seaplane Lagoon Shoreline Structures and Flooding summary, Moffat & Nichol, dated May 9, 2016.
35. Geotechnical Report: A geotechnical report, including recommendations, shall be prepared by a registered geotechnical engineer licensed in the State of California. The improvement plans shall incorporate all geotechnical recommendations in the report and be consistent with the MIP and DDA. The geotechnical engineer shall sign and stamp the improvement plans as conforming to its recommendations. The geotechnical engineer shall also assume responsibility for inspection of the work and shall certify to the City of Alameda Public Works Department, prior to acceptance of the work that the work performed is adequate and complies with their recommendations.

Public Improvements

36. Maintenance: Maintenance of improvements not within the public ROW shall be the responsibility of the new development.
37. Funding Mechanism and Agreement for Bulkhead Repair: Prior to first Final Map, the applicant must enter into a funding agreement with the City and/or create a binding funding mechanism for the estimated cost to repair and/or stabilize the bulkhead and shoreline of the Phase 1 waterfront park (or replace in the case of limited damage to visible components that are unrepairable) in the event of failure or deformation.
38. Funding and Maintenance Agreement for Phase 1 Waterfront Park. Prior to issuance of a building permit or site improvement permit for any portion of the Phase 1 Waterfront Park, the applicant must have entered into a funding and maintenance agreement with the City of Alameda for the private funding and maintenance of the Phase 1 Waterfront Park, including performance standards, consistent with the plan contained in the design review approval.
39. Funding and Maintenance Agreement for Shared Plaza. Prior to issuance of a building permit or site improvement permit for the shared plaza waterfront street adjacent to Block 11 and the Phase 1 Waterfront Park, the applicant must have entered into a funding and maintenance agreement with the City of Alameda for the private funding and maintenance of the waterfront street, including performance standards, consistent with the plan contained in the design review approval.
40. Survey Monuments: Applicant/developer shall install new City survey monuments at locations to the satisfaction of the City Engineer in accordance with the City's Standard Subdivision Specifications and Design Criteria prior to acceptance of the project.
41. Street Resurfacing: Applicant/developer shall resurface the existing street pavement whenever a street is cut for utility or other improvement installations or the condition of the existing pavement requires improvements. The resurfacing shall extend a sufficient distance beyond any cut to ensure a smooth transition and shall consist of a minimum one and a half (1½) inch asphalt concrete overlay.
42. Curb and Gutter: Applicant/developer shall replace any damaged curb, gutter, and sidewalk along street frontages to the satisfaction of the Public Works Director, in accordance with the Public Works Department's Standard Plans and Specifications prior to acceptance of the project.
43. Sewer Laterals. Prior to the Final Inspections, the applicant/developer shall comply with the provisions of the EBMUD Regional Private Sewer Lateral Program (which the City is a participant of). Compliance requires that each parcel within the subdivision be issued a Compliance Certificate by EBMUD for the upper lateral. The applicant/developer shall schedule verification testing for the public and private sewer mains, manholes, and other appurtenances in the public or private streets within the subdivision, including lower laterals. The City will provide their acquired test results for sewer infrastructure that is privately-owned to EBMUD so that Compliance Certificates can be issued for those parcels (parcels to be owned by Homeowners Association). Review the program requirements and cost for Compliance Certificates

at <http://www.easbaypsl.com/>

Water Quality

44. State Water Resources Control Board: The applicant/developer shall provide to the City Engineer or his designee, prior to the issuance of the first combination building/grading permit for each project block or phase, a copy of both the WDID# issued to the project site by the State Water Resources Control Board (SWRCB) and the required Storm Water Pollution Prevention Plan (SWPPP). These documents shall provide verification to the City that the project site is in compliance with SWRCB Order No. 2009-0009-DWQ. Information on this State Order is available at: <http://www.waterboards.ca.gov>.
45. Best Management Practices: The applicant/developer shall be responsible for ensuring that all contractors and sub-contractors install, implement and effectively maintain appropriate sediment control, erosion control and other water quality protection measures to prevent any pollutants from entering the municipal storm water drainage system or the Seaplane Lagoon, either directly or indirectly, during all construction activities. All implemented measures shall be consistent with the City's urban runoff Best Management Practices (BMPs) standards. The applicant/developer shall pay for any required cleanup, testing, and/or City administrative costs resulting from consequence of construction materials entering the storm water drainage system.
46. Erosion Control Measures: The installation of effective erosion control measures (for example, Hydro seeding) for all disturbed pervious surface areas shall be completed in compliance with the requirements included in the State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ.
47. Storm Water Quality Management Plan: The applicant/developer shall submit a stormwater quality management plan for each distinct project block and/or phase, consistent and concurrent with the finalized improvement plans, to demonstrate and verify appropriate site design for LID and stormwater treatment consistent with the Provision C3 requirements, the MIP, Tentative Map, and the 401 Certification Conditions. This Plan shall include: a completed City of Alameda's Stormwater Requirements Checklist; the determination and identification of drainage management areas (DMAs) for all proposed impervious surface areas on the proposed project site; the establishment of Provision C3-compliant stormwater quality measures for each DMA; a site plan map and inventory identifying each DMA and corresponding C3-compliant measure, including area values (in square feet) for all areas; a stamped, signed City of Alameda certification form from a qualified independent civil engineer with stormwater treatment facility design experience, licensed in the State of California, and acceptable to the Public Works Department that indicates the Plan and all LID and treatment measure designs meet the established sizing design criteria for stormwater treatment measures consistent with Provision C3 of the municipal stormwater permit.
48. On-Site Storm Water Trash Capture: Prior to the issuance of the first

grading/building/combo permit for each project phase, the Improvement Plans shall indicate the storm water trash capture measure(s) being installed on the project site to ensure that the stormwater drainage from the project site is subject to full trash capture consistent with the City's municipal stormwater permit definition of a full trash capture device. Improvement plan sheets shall provide sufficient plan views and details of the full trash capture device installation(s) necessary for engineering review and approval. A full trash capture system or device is any single device or series of devices that trap all particles retained by a 5mm mesh screen and has a design treatment capacity of not less than the peak flow Q resulting from a one-year, one-hour storm in the sub-drainage area. Plan sheets shall include detail and cross-sectional drawings of any stormwater full trash capture device.

49. Off-Site Storm Water Trash Capture: Appropriately sized full trash capture devices are to be installed at all new stormwater outfall structures at Alameda Point to implement the trash treatment requirements for all the upgradient drainage areas not independently subject to full trash control in accordance with the standards of full trash control in the City's municipal stormwater permit Provision C10."
50. Storm Drains: All new public storm drain inlets shall be clearly marked with the words 'No Dumping! Drains to Bay' by means approved by the Public Works Department. Permanently affixed thermoplastic, metallic or plastic laminate style markers are acceptable forms. The Improvement Plans shall clearly indicate this.
51. Operations and Maintenance Plan: The Applicant/Developer shall submit a stormwater treatment measures Operations and Maintenance (O&M) plan for review and approval to the Public Works Department prior to the approval of and consistent with the improvement plans for each project block and/or phase. The O&M plan shall include, but not be limited to: treatment and design measure(s) descriptions and summary inventory; a legible, recordable, reduced-scale (8.5"x11") copy(-ies) of the Site Plan indicating the treatment and design measure(s) location(s) and site drainage patterns; treatment measure(s) maintenance requirements and maintenance schedule; the approved plant list and planning plan; detailed description of the integrated pest management principals and techniques and/or Bay Friendly Landscaping Program techniques to be utilized during landscape maintenance to ensure pesticide/herbicide use-minimization in landscaped areas; name and contact information of current maintenance personnel; and template of the annual O&M report submittal to the City. The O&M plan(s) for all stormwater treatment and design measures to be maintained by any HOA or CA shall be incorporated with the CC&Rs of the relevant HOA/CA.
52. Stormwater Agreement: For any on-site stormwater treatment or design measure not to be maintained by an HOA or CA, the Applicant/Developer shall execute a Stormwater Treatment Measures Maintenance Agreement (Stormwater Agreement) with the City prior to the issuance of the certificate of occupancy. The Stormwater Agreement shall include, but not be limited to: the O&M plan for all approved stormwater treatment measures; identification of the party responsible for implementing the O&M plan; assurances of access to inspect and verify the treatment system O&M for the life of the project; and assurances of the submittal of the annual

O&M report to the City. The executed Stormwater Agreement shall be recorded, at applicant/developer's expense, with the County Recorder's Office of the County of Alameda.

53. Stormwater Treatment Measures Construction Certification Report: The applicant/developer shall submit this certification report (Report) for each project block and/or phase prepared by a registered civil engineer, licensed in the State of California, affirming that all project site stormwater treatment measures have been constructed per the City approved plans and specifications. As appropriate, the Report shall include, but not be limited to, assurances that: imported materials used for the treatment measure(s) are certified by the supplier; installation of these materials is per approved plans and specifications and meets the intent of the design engineer; any required on-site testing results conform with approved plans and specifications; treatment measures conform to dimensions, grades and slopes on approved plans and specifications; all structural features of the treatment measures comply with plan specifications; the irrigation system is installed and functions as designed; healthy vegetation/ground cover is installed as shown on plans. The Report shall be submitted in a form acceptable to the Public Works Director or designee, prior to the issuance of any occupancy permit, including a temporary occupancy permit.
54. Full Trash Capture Devices: Appropriately sized full trash capture devices are to be installed at all new stormwater outfall structures at Alameda Point to implement the trash treatment requirements for all the upgradient drainage areas not independently subject to full trash control in accordance with the standards of full trash control in the City's municipal stormwater permit Provision C10.
55. Landscape Plans: Landscaping plans shall be designed to minimize runoff, promote surface infiltration, incorporate Bay Friendly Landscaping approaches, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution and be consistent with the MIP, Tentative Map, and 401 Certification Conditions.
56. Backflow Prevention: Backflow prevention devices shall be installed on all new and existing domestic, commercial, irrigation, and fire water services and as required by the East Bay Municipal Utility District (EBMUD).

Transportation Facilities

57. Traffic Signal Preparation: All of the street improvements and sub-grade structures at the intersection of Orion Street and West Atlantic Avenue must be designed and constructed to accommodate a future traffic signal.
58. Traffic Circulation Plan: The Applicant/Developer shall submit a traffic striping and signage plan for all on- and off-site improvements, including all crosswalks, bus stops, turn lanes, merge lanes, acceleration lanes, lane drops, etc., as part of the construction improvement plan submittal. The plan shall provide the queuing summary for all study locations and all project driveways. The traffic circulation plan shall include plan(s) showing truck turning templates including rear/front wheel and body

tracking movement and shall include delivery trucks, fire engines, moving vans and waste management trucks. The Public Works Department will review and approve the internal and external circulation of the parking lot, including lane widths, sight distance, and access points to ensure conformance with the AMC, the Town Center Plan, MIP, Tentative Map, and all applicable standards. The plans shall be prepared by a registered civil engineer or traffic engineer licensed in the State of California. The engineer shall sign and stamp the plans as approved. The plans shall be reviewed and approved by the Public Works Director prior to approval of the improvement plans or Final Map, whichever comes first. The plan shall include all necessary striping to ensure safe ingress and egress from the project site to the adjacent public streets.

59. Off Street Parking: For any off-street parking facilities the applicant/developer shall submit the improvement plans to the Community Development Department and Public Works Department for review and approval. The plans shall be prepared by a registered civil engineer licensed in the State of California and shall be signed and stamped as approved. The Community Development Department shall review and approve the location, pricing, and policies consistent with the Alameda Point Transportation Demand Management Plan and the parking lot layout, including number of spaces, dimensions of spaces, and Americans with Disabilities Act (ADA) requirements, and the Public Works Director shall review and approve the internal and external circulation of the parking lot, including lane widths and access points, prior to approval of the improvements plans or final map, whichever comes first.
60. Traffic Control Plan: At least three weeks prior to the commencement of work within the public right-of-way that affects access for pedestrian, bicyclist, and vehicular traffic, the applicant/developer shall provide a Traffic Control Plan (TCP) to the Public Works Department for review and approval. The TCP shall be prepared by a registered civil engineer or traffic engineer licensed in the State of California, and be in accordance with the most current California MUTCD standards. The engineer shall sign and stamp the plans as approved. In general, any public right-of-way shall remain unobstructed during project construction or an ADA compliant alternative route established as approved by the Public Works Director. At locations where adequate alternate access cannot be provided, appropriate signs and barricades shall be installed at locations determined by the Public Works Director and Police Chief. Should transit routes be affected, applicant/developer is required to obtain prior approval from AC Transit of any proposed traffic detours or temporary closure of bus stops. Construction work may not commence until the TCP is approved by the Public Works Director.
61. Lighting: Pedestrian and vehicular lighting at all intersections and project driveways shall meet Alameda Municipal Power standards for crosswalks, bicycle facilities, sidewalks, and intersections and be consistent with the Declaration and Alameda Point Lighting Mitigation Measures.

Solid Waste

62. Waste Management Plan: The applicant/developer shall submit a Waste Management Plan (WMP) to the Public Works Environmental Services Division for approval. The

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

63. Waste Circulation: A 40-foot turning radius must be provided for any street that would otherwise require the collection truck to back up a distance greater than 150 feet. Although not required, construction of a concrete pad just outside each solid waste enclosure is recommended in order to accommodate the truck weight while servicing the dumpster. Driveways or aisles shall provide unobstructed access for collection vehicles and personnel and provide at least the minimum clearance required by the collection methods and vehicles used by the City's designated collector or hauler. In all cases where a parcel is served by an alley, all exterior storage areas shall be directly accessible to the alley.
64. Green Halo: Within thirty (30) days after the completion of the demolition work, the developer shall submit a Summary Report to the Public Works Environmental Services Division, via Green Halo (greenhalosystems.com) or other form approved by the Public Works Director. For approval, this reporting will specify actual tonnages disposed and/or recycled for each material, and the actual destination/processor. Disposal and/or recycling weight tags from that facility or facilities will be directly uploaded to Green Halo to verify this activity.
65. External Enclosures: Design of all external enclosures for solid waste, recycling, and organics consistent with this condition shall be approved by the Public Works Director prior to approval of the improvements plans, final map(s), or the building permit, whichever comes first. Exterior solid waste and recyclable material storage shall be adjacent or combined and may only be located on the outside of a structure, in a designated interior courtyard with appropriate access, or in rear or side yards. External storage area(s) shall not be located in any required front yard, street side yard, required parking, landscaped, or open space, or any areas required by the AMC to be maintained as unencumbered. These facilities are to be designed to prevent water run-on to the area, runoff from the area, and to contain litter, trash, and other pollutants, so that these materials are not dispersed by the wind or discharged to the storm drain system. External enclosures are to be roofed and/or enclosed. Any enclosures containing food waste shall have floor drains connected to the sanitary sewer system. A sign clearly identifying each exterior solid waste and recyclable material storage area and the accepted material(s) is required. Each sign shall not exceed two square feet in area and shall be posted on the exterior of the storage area adjacent to all access points. If the enclosures are attached to buildings they shall have fire sprinklers. Internal collection and storage area(s) and the individual bins and containers provided, shall be adequate in capacity, number, and distribution to serve the anticipated demand for trash, recycling, and organics as determined by the Public Works Director.

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

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

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

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

- a. Be compatible with the surrounding structures and land uses; and
- b. Be properly secured to prevent access by unauthorized persons. If gates with locks are planned to limit access to the enclosure or to the property, cards or keys must be provided to the City's franchised waste hauler and recycling collector; at present Alameda County Industries; and
- c. Contain a concrete pad within the fenced or walled area(s) and a concrete

- apron which facilitates handling of the individual bins and containers; and
- d. Provide a 6-inch wide curb or parking bumpers along the interior perimeter of the enclosure walls to protect them from damage by the dumpster. A 6-inch wide parking bumper, at least 3 feet long, should also be placed between the refuse dumpster and the recycling containers; and
- e. Maintain a minimum space of 12 inches between the dumpster(s) and the walls of the enclosure and the recycling container(s) to allow for maneuvering the dumpster(s); and
- f. Protect the area(s) and containers from adverse environmental conditions, which might render the collected materials non-collectible, noxious, unsafe, or in the case of recyclable materials, unmarketable.

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

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

Construction Conditions

- 70. Hazardous Materials. The applicant/developer shall provide documentation from a qualified professional to the City of Alameda stating that adequate soils and ground water investigations and, where warranted, remediation, have been conducted to ensure that future site use complies with the regulatory requirements for hazard related risks as established by applicable Federal, State and local requirements. The project sponsor shall ensure that all proposed areas for demolition and abatement shall be assessed by qualified licensed contractors for the potential presence of lead-based paint or coatings, asbestos containing materials, and PCB-containing equipment prior to issuance of a demolition permit. During Construction the developer/applicant shall ensure that all construction crews are properly trained and made aware of any site contamination issues consistent with the Alameda Point Site Management Plan (SMP) and MMRP.
- 71. Truck Plan: Prior to issuance of grading permit, developer/applicant shall submit a Truck Route Plan for hauling to be approved by the City Engineer. The Plan must be incorporated into any construction documents for every contract.
- 72. Notice to Neighbors: At least two weeks prior to initiating any construction activities at the site, the applicant shall provide notice to businesses and residents within 500 feet of the project site including (1) project description, (2) description of construction activities, (3) daily construction schedule (i.e., time of day) and expected duration

(number of months), (4) the name and phone number of the Noise Management Individual for the project, (5) commitment to notify neighbors at least four days in advance of authorized extended work hours and the reason for extended hours, and (6) that construction work is about to commence. A copy of such notice and methodology for distributing the notice shall be provided to the City for review and approval at least five (5) business days in advance.

73. Construction Hours: Construction activity shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Friday, and between 8:00 a.m. and 5:00 pm on Saturday. No construction-related activity shall occur on Sunday or on any Federal Holiday. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment re-design, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) wherever feasible and necessary. No construction activity that may cause excessive off-site vibration from heavy machinery such as pile drivers, drilling rigs (except as necessary for elevator, shoring, and soil testing), etc. shall be allowed. Impact tools (e.g., jack hammers, pavement breakers and noise drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to 10dB. External jackets on the tools themselves shall be used where feasible. Quieter procedures shall be used such as drilling rather than impact equipment whenever feasible.
74. Dust Control: Prior to issuance of building or grading permits, the developer/applicant shall ensure that a program of dust control is implemented consistent with City, MMRP and BAAQMD requirements.
75. Cultural Resources: In the event that previously unidentified cultural resources are discovered during site preparation or construction, work shall cease in the immediate area until such time as a qualified archaeologist and City of Alameda personnel can assess the significance of the find. If human remains are encountered, work shall halt within 50 feet of the find and the County Coroner shall be notified immediately.
76. Utilities: If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department, Alameda Municipal Power, and the Community Development Department, and carry out any necessary corrective action to their satisfaction.

Fire Safety

77. Fire Access: The developer/applicant shall provide adequate turn around space or through access for any street greater than 150 feet in length to the satisfaction of the Fire Chief and the City Engineer. Emergency Vehicle Access roads shall have an adequate turning radius for fire apparatus (inside turning radius of 28 feet, outside turning radius 44 feet 8 inches, minimum height 13 feet 6 inches, minimum width 20 feet) and 26 feet wide in the immediate vicinity or portion thereof buildings 30 feet or

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

78. Fire Water: The improvement plans for the project site shall include a Fire Water System consistent with the MIP and TM. The system shall be designed to the satisfaction of EBMUD and the Alameda Fire Department. The Applicant shall be responsible for the placement of on-site hydrants. The location and number of hydrants shall be established in improvements plans. Placement shall be shown on the improvement plans and shall be to the satisfaction EBMUD, the City Fire Chief and the City Engineer.
79. Fire Sprinklers: The improvement plans and building permit plans shall include fire sprinkler systems within each residential unit including the garage and attic spaces.
80. Fire Safety: Prior to approval of the Improvement Plans, the applicant shall submit plans for review and approval by the Public Works Director and the Fire Chief, that:
 - a. Provide fire hydrants spaced throughout the project as required in California Fire Code Appendix C. Ensure sufficient fire flow for the development compliant with California Fire Code Appendix B and AMC 15-1.2 where a maximum reduction of the fire flow can be reduced by 50% for fire sprinklered buildings.
 - b. Fire hydrant flows shall be a minimum of 1,500 G.P.M. from any one hydrant;
 - c. Provide adequate turn around space or acceptable emergency vehicle through access for any street greater than 150 feet in length;
 - d. Ensure that all roads that are required to be fire access roads have an adequate turning radii for fire apparatus (inside turning radius of 28" and outside turning radius of 44'8"); and
 - e. For all roads designated as fire access roads shall have a minimum fire lane width of 26' unobstructed for buildings taller than 30'. Should parking within the fire lane be required, the fire lane width shall be increased as required to meet fire access requirements.

Alameda Municipal Power (AMP)

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

82. The applicant shall provide information on the location of transformers and total load in kilowatts or kilowatt/volts (KVA) to AMP for approval prior to building permit issuance. If necessary, the applicant shall provide (at no charge to AMP) an easement and access to all AMP facilities on the property prior to issuance of building permits.
83. Concurrent with submittal of Improvement Plans, the Applicant shall coordinate with AMP regarding power requirements. All submittals shall refer to AMP's "Material and Installation Criteria for Underground Electrical Systems" for minimum clearances of street trees/shrubs from streetlights, electrical transformers and other utility electrical equipment.
84. New street trees shall maintain clearances from electrical utilities as follow: a) street/pathway lights and utility poles – **25-feet**; b) joint trench and all underground electrical lines – **five feet**; c) access doors of electrical pad-mounted equipment (e.g. switches, transformers and capacitors) – **ten feet**; d) all sides of electrical pad-mounted equipment – **three feet**. Verify minimum clearance distances of trees/shrubs from all sides and back of electrical pad-mounted equipment with Alameda Municipal Power (AMP). Any variance from these standards must be approved by AMP, and may include mitigation measures, such as root barriers.
85. The Applicant shall provide and install street lighting consistent with AMP's standard specifications and AMP's "Material and Installation Criteria for Underground Electrical Systems". Cobra head light fixtures shall not be used for street lights and all street lights shall be designed to preserve "dark skies" and direct light downward toward the public right of way. No signs shall be installed or mounted on street light poles owned and/or maintained by AMP. All new signs shall be installed on dedicated sign posts.
86. Applicant/Developer shall have all streetlights included in the Improvement Plans, installed, fully functional and operating prior to issuance of a Certificate of Occupancy for any building unless a phasing plan is approved by the Director of Public Works. Applicant/Developer shall pay to AMP the sum of Six Dollars (\$6.00 as adjusted no more than annually for inflation) per streetlight per month, or portion of a month, for the streetlight energy costs until the applicable improvements are accepted for maintenance by City.
87. The Applicant shall be required to furnish two streetlight poles and LED fixtures of each type installed, at no cost, to AMP as a stock for future pole/fixture replacement on public street. If AMP agrees to maintain private streetlights, the Applicant/Developer shall also be required to furnish two additional streetlight assemblies (e.g. pole, fixture, arm, shroud, etc) of each type.
88. All public streets shall be lit with LED lighting. Streetlight layout shall be staggered for a more uniform light distribution. Applicant/Developer can provide alternate design if a better efficient light distribution is met. Applicant/Developer shall use AMP LED standard fixtures. LED streetlight fixtures shall offer tri-level lighting with the mid-level setting meeting IES RP-8-14.
89. The Applicant shall provide all necessary underground substructures, including

conduits, pull boxes, electric utility equipment pads, etc. per the AMP specifications. AMP will require easements for all transformers, primary and secondary boxes, and conduits. AMP will furnish and install all required transformers, high voltage distribution cables, and secondary cables. Existing Alameda Point electric substructures will NOT be re-used.

90. The Applicant shall provide an easement for electric utility vehicle access to AMP's Cartwright Station. The easement shall encompass the entire perimeter of the substation, including buildings and exterior yards with a 25-foot minimum clearance from any structure (above or below grade), wall and fence. Applicant shall avoid planting any trees that will grow in fullness to the point they may encroach into the perimeter easement.
91. The Applicant/Developer shall install all electric pull boxes and vaults in-line with the conduit joint trench. No conduit bend will be allowed between electric pull boxes, unless conduit section terminates to an electrical equipment pad. All primary and secondary electrical distribution pull boxes shall not be greater than two section deep (34-inches from finish grade to bottom of pull box). Any deviations from this standard shall be approved by the AMP Project Engineer in writing.
92. Applicant/Developer will be required to provide an oil containment facility for all AMP owned pad-mount distribution switches and/or transformers installed within 100-feet of any body of water or in other critical locations. Applicant/Contractor shall contact AMP to verify all dimensions, elevations, and orientation before commencing work.
93. The Applicant shall furnish and install code-size service cables in code-size conduit from each customer electric meter switchgear to the nearest secondary pull box (or Service Point) in the public right-of-way, as designated by AMP. AMP will connect the service to the distribution transformer or to the secondary distribution system.
94. The improvement plans and all subdivision maps shall show all necessary easements and access to all electrical utility facilities that are in the private properties, at no charge to AMP.
95. Prior to issuance of Certificate of Occupancy, the Applicant shall furnish and install service equipment for each building. The service equipment shall meet Electric Utility Service Equipment Requirement Committee (EUSERC) standards. Electric meter(s) shall be located as close as practicable to the point of entry of the service-entrance conductors to the building. Outdoor meter locations are preferred. When meters are located within a building, the meter room shall be directly accessible from the exterior of the building. No remote metering.
96. Concurrent with acceptance of work by City Council, the applicant/developer shall dedicate and AMP shall take over ownership and will be responsible for maintaining all new substructures for under grounding primary and secondary circuits, and distribution transformers once the improvements have been inspected by AMP and found to have been properly installed. The Applicant or successor property owner(s) shall be responsible for the service cables and service equipment.

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

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

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

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

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

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