

CITY OF ALAMEDA PLANNING BOARD  
**DRAFT RESOLUTION**

APPROVING DEVELOPMENT PLAN AND DENSITY BONUS WAIVER (PLN 17-0441)  
FOR A 9.7 ACRE MIXED USE DEVELOPMENT PLAN IN THE MAIN STREET  
NEIGHBORHOOD PLAN AREA REFERED TO AS "REBUILDING THE EXISTING  
SUPPORTIVE HOUSING AT ALAMEDA POINT" (RESHAP)

WHEREAS, an application was made on August 22, 2017 by Mid-Pen Housing Corporation (Mid-Pen), for a Development Plan for 9.7 acres at Alameda Point referred to as "RESHAP," which is within the Main Street Neighborhood area of the Alameda Point Project; 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 Main Street Neighborhood Plan area which contains RESHAP; and

WHEREAS, the proposed Development Plan for RESHAP consists of 267 multi-family residential units and community uses, which would occupy new buildings and streetscape improvements; and

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

WHEREAS, RESHAP is located within the Main Street Neighborhood Sub-district (MSN Sub-district); which is in the Alameda Point District [Alameda Municipal Code (AMC) 30-4.24] of the Zoning Ordinance and

WHEREAS, the MSN Sub-district requires a Master Plan for the MSN Sub-district, which was prepared and approved on March 21, 2017 (Main Street Neighborhood Plan) and relied on the FEIR;

WHEREAS, the Main Street Neighborhood Plan requires that the Planning Board approve a Development Plan application prior to redevelopment and reuse of RESHAP;

WHEREAS, the Main Street Neighborhood Plan is a Specific Plan pursuant to Government Code Section 65450 *et seq.* for a mixed-use, mixed-income development of the area bounded by Main Street, West Midway and Orion Way.;

WHEREAS, the Main Street Neighborhood Plan requires an application for Density Bonus and a waiver of the multifamily prohibition in AMC 30-53 for proposals to construct multi-family housing;

WHEREAS, the City Council having certified the FEIR for the Alameda Point Project (APP) within it analyzed implementation of APP, including the Main Street Neighborhood Plan containing RESHAP, meeting the criteria for streamlining in Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 and concludes, based on substantial evidence, that no further review under CEQA is required; and

WHEREAS, the Planning Board held a public hearing on April 24th and September 25<sup>th</sup>, 2017, for this Development Plan and Density Bonus waiver application, and examined pertinent maps, drawings, and documents;

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

1. **The development is an effective use of the site.** The Development Plan provides for the construction of new residential development, with agricultural uses, community space and open space. The Development Plan provides effective redevelopment and reuse of RESHAP, which has been substantially vacant since the departure of the United States Navy (Navy) from the site in 1996 and removes old dilapidated buildings from the area. The Development Plan achieves City policy goals and objectives to create a mixed use, mixed-income development supported by new infrastructure, streets, parks and public open spaces.
2. **The proposed use is consistent with the General Plan.** The Development Plan supports General Plan policies for the development of Alameda Point and helps balance jobs and housing through the provision of affordable housing and community uses that help create an economically balanced mixed-use project. The Development Plan also provides for private open spaces and a community space to be used as a central gathering place for residents.
3. **The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity and will not have substantial deleterious effects on existing business districts or the local economy.** The proposed mix of uses and physical improvements is designed to eliminate existing blighted conditions and buildings on the site, and replace substandard storm water, potable water, fire water, wastewater, and other essential utility and other facilities that do not meet current State or local codes, are not able to be owned and maintained by the local utility companies in their current form, and contribute to ongoing pollution in the San Francisco Bay. The proposed Development Plan is designed to be compatible with adjacent future uses by providing attractive improvements and pedestrian and bicycle amenities and with transit services contemplated in the approved Alameda Point Transportation Demand Management Plan (TDM Plan). The Development Plan is also subject to the environmental protections and mitigations imposed by the FEIR, and federal biological requirements stemming out of the U.S. Fish and Wildlife Service Biological Opinion.
4. **The location of the proposed use is compatible with other land uses in the general neighborhood area, and the project design and size is architecturally, aesthetically, and operationally harmonious with the community and surrounding development.** The Development Plan is designed to provide compatible residential

land uses with the existing Bayport residential neighborhood to the east, with Site A to the south, and compatible land uses with the future mixed-use development to the west, and open spaces; and to support future residents in the northern area of the Main Street Neighborhood. Conditions requiring future design review approvals ensure that the proposed project will be architecturally and aesthetically compatible with the surrounding developments.

5. **The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.** The Development Plan provides for a network of internal streets to support pedestrian, bicycle and auto use. The Plan area is bounded by major arterials, transit, and separated bike paths and cycle tracks. The developer will participate in the Alameda Transportation Management Association and contribute financial support to expand transit services to users of the property and other transportation demand management services and programs consistent with and in compliance with the Alameda Point TDM Plan.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Planning Board finds that the following findings can be made in support of the Density Bonus Waiver:

1. **The proposal qualifies for density bonuses, concessions and incentives and waivers pursuant to State of California Government Code 65915 and Alameda Municipal Code Section 30-17.** The proposed development plan includes 267 residential units, which will be 100 percent affordable to very low income, with the exception of up to four manager's units, which qualifies the proposal under California Government Code and AMC section 30-17 for a 35% density bonus for a total of 267 units and waivers from development standards that physically preclude the development of the property with the number of units proposed for the property.
2. **Pursuant to the Density Bonus Ordinance (AMC 30-17.12), the proposal is consistent with, and qualifies for, a requested waiver from AMC Sections 30-50 thru 30-53 Multiple Dwelling Units Prohibited.** AMC Section 30-53 prohibits multifamily housing in Alameda, including RESHAP. Section 30-53 therefore prohibits the applicant from developing a mixed use transit oriented development plan consistent with the Main Street Neighborhood Plan, and physically precludes the construction of 267 multifamily units on the site consistent with the requirements of the Main Street Neighborhood Plan. The requested waiver 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. Finally, the requested development standard waiver would not be contrary to state or federal law.

BE IT FURTHER RESOLVED that the Planning Board finds that the Alameda Point Project, including the Main Street Neighborhood Plan containing RESHAP, was adequately considered by FEIR, and that:

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

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

BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby approves Development Plan PLN 17-0441, subject to the following conditions:

1. Design Review Approval: Prior to issuance of any building permit or site improvement permit in preparation of vertical development, an application for Design Review shall be submitted for review and approval by the Planning Board. The plans submitted for the Design Review approval shall be in substantial compliance with the plans prepared by David Baker Architects dated September 25, 2017 on file in the office of the City of Alameda Community Development Department. The Design Review application shall include all buildings, landscape improvements, open spaces, and/or parking lots proposed for construction in the Development Plan area. All building plans and site improvement plans submitted for permits shall be reviewed for compliance with the Design Review findings of AMC Section 30-36 and 37 by the City of Alameda Planning Board.
2. Residential Design Review Applications: The Design Review submittals for residential buildings shall include, but not be limited to:

- a. Density Bonus Waivers Submittal. A submittal of floor plans, elevations, and other documents required pursuant to the Density Bonus Ordinance.
- b. Universal Design Submittal: A detailed description of all universal design elements to be included to accommodate future residents and visitors with mobility issues and/or disabilities consistent with the description provided in the Development Plan.
- c. Final Building Footprint: The design review plans for each building shall establish the final building footprint for each building, which shall be reviewed for consistency with the Main Street Neighborhood Plan.
- d. LEED or Green Point Rating: A description of all design elements to be included to ensure compliance with AMC Section 13-19 and the Main Street Neighborhood Plan requiring either: a minimum LEED™ Certified rating and be so certified by the US Green Building Council or a minimum Green Point Rated score of fifty (50) and be so verified by Build It Green. The project shall also have a LEED™-Accredited Professional or a Certified Green Building Professional as a principal member of the design team from the beginning of the project. The project shall meet as many LEED credits, or Green Point Rated measures as practicable and is required to complete and submit the LEED or Green Point checklist as a way of documenting the green building practices that have been incorporated into the project.
- e. Sea Level Rise: A description of the improvements to shall ensure that any new habitable buildings be constructed at a minimum elevation of 24 inches above the 100-year tidal flood plan elevation.
- f. Solar Ready: A description of all improvements to ensure that all structures shall be designed to be “solar ready” and meet the latest Title 24 Building Standards and all applicable codes as they relate to Solar PV. At a minimum, Solar PV wiring conduit, required penetrations and a solar zone on the roof shall be provided.
- g. Automobile Parking: Drawings and text adequate to determine consistency with the maximum permitted parking ratios described in AMC 30-4.24 G.xi. Table B Allowed Land Uses and Off-Street Parking Requirements. The applicant/developer shall submit the improvement plans for the on-site parking facilities to the Public Works Department and Fire Department for review prior to submission of the Design Review application. The Design Review plans shall specify the number of parking spaces to be equipped with electric charging stations
- h. Bicycle Parking: Final bicycle parking plan consistent with AMC-7.15 Bicycle Parking.
- i. Landscape Plans: Final landscape plans shall be in accordance with the City’s Bay Friendly Landscaping requirements, the Master Street Tree Plan, the AMC, conditions of approval by the Planning Board, and other regional jurisdictions requirements, as applicable.
- j. Utility Boxes and Facilities: The Design Review plans shall include final locations for all above ground utility boxes and facilities needed to serve the Development Plan area.

3. Building Permit Plans: The plans submitted for the Building Permit shall be in substantial compliance with the plans prepared by David Baker Architects dated September 25, 2017 on file in the office of the City of Alameda Community Development Department and the Design Review plans, described above, once approved by the Planning Board.

4. Vesting: This Development Plan approval shall expire and become void unless actual construction under valid permits has commenced within two years after this approval or unless this Development Plan is vested for a longer period than five years by a Development Agreement or other vesting document.
5. CEQA: Prior to issuance of a building permit or site improvement permit, the applicant shall submit a Mitigation Measure Compliance Checklist confirming compliance with all required environmental mitigation measures contained in the MMRP adopted by the Alameda City Council on February 4, 2014, for the redevelopment and reuse of Alameda Point, including RESHAP.
6. Infrastructure Improvement Plans: Prior to issuance of a building permit, there must be approved infrastructure improvement plans for the improvement of the on-site and adjacent off-site streets, open space, waste water, storm water, potable water, recycled water, power, natural gas, and communications facilities required for each phase of development. The improvement plans shall be reviewed for consistency with the DDA, and subject to the requirements of the MIP and AMC. 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 Subdivision Improvement Agreement with respect to such improvements and shall include curbs, gutters, sidewalks, street trees, storm water treatment controls, landscaping and irrigation, streetlights, etc.
7. Affordable Housing: Prior to the issuance of the first building permit for vertical improvements for new construction, an Affordable Housing Agreement with the City of Alameda shall be executed. The Affordable Housing Agreement will require, in part, phased construction of 267 deed-restricted residential units affordable to very low -income households, excluding up to four units for on-site property management.
8. Biological Regulations and On-Site Lighting: Prior to issuance of a design review, building or site improvement permit, a Biological Opinion Compliance Checklist must be submitted confirming compliance 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).
9. Modifications: Minor project design details requested by the applicant may be established, modified, and approved by the Community Development Director. Engineering standards

and specifications requested by the applicant may be established, modified and approved by the Public Works Director, or his designee. Major modifications that are not consistent with this development plan or these conditions shall be subject to review and approval of the Planning Board.

10. Other Agency Approvals: Prior to issuance of building permit(s) for work within jurisdictional lands, 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 shall be provided. The final improvement plans shall incorporate all other agency requirements. Prior to construction, provide evidence of all relevant submittals required by the State's Construction General Stormwater Permit

### **Improvement Plans**

11. Improvement Agreement: To guarantee completion of the required on-site and off-site improvements consistent with the MIP and DDA, an Improvement Agreement with the City must be entered into and security in a form and amount acceptable to the City provided prior to issuance of a building permit for vertical construction.
12. Engineer Approved: Prior to the approval of a building permit for vertical construction, 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 Alameda Point Master Infrastructure Plan (MIP). 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.
13. Easements: The improvement plans and Parcel or 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 Parcel or Final Map.
14. Potable Water: The improvement plans shall include potable water infrastructure consistent with the MIP 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.
15. 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 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 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.

16. Landscape Plans: The improvement plans shall include landscape and irrigation plans for improvements consistent with the Development Plan, Main Street Neighborhood Plan, DDA and MIP. 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.
17. 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.
18. 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.

19. 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.
20. Fire Water: The improvement plans for the project site shall include a Fire Water System consistent with the MIP. The system shall be designed to the satisfaction of EBMUD and the Alameda Fire Department. The Applicant shall be responsible for the placement of on-site hydrants. The location and number of hydrants shall be established in improvements plans. Placement shall be shown on the improvement plans and shall be to the satisfaction EBMUD, the City Fire Chief and the City Engineer.
21. Fire Sprinklers: The improvement plans and building permit plans shall include fire sprinkler systems within each residential unit including the garage and attic spaces.
22. Fire Safety: Prior to approval of the Improvement Plans, plans for review and approval by the Public Works Director and the Fire Chief shall be submitted, 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.
23. 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.
24. Geotechnical Report: A geotechnical report, including recommendations shall be prepared by a registered geotechnical engineer licensed in the State of California. The improvement plans shall incorporate all geotechnical recommendations in the report and be consistent with the MIP and DDA. The geotechnical engineer shall sign and stamp the improvement plans as conforming to its recommendations. The geotechnical engineer shall also assume responsibility for inspection of the work and shall certify to the City, prior to acceptance of the work that the work performed is adequate and complies with their recommendations.

## Public Improvements

25. Maintenance: Maintenance of improvements not within the public ROW shall be the responsibility of the new development.

## Water Quality

26. Best Management Practices: T All contractors and sub-contractors shall 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. Payment shall be required for any required cleanup, testing, and/or City administrative costs resulting from consequence of construction materials entering the storm water drainage system.
27. Hydro Seeding: Hydro seeding of 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.
28. Storm Water Quality Management Plan: A stormwater quality management plan, consistent and concurrent with the finalized improvement plans, shall be submitted to demonstrate and verify appropriate site design for LID and stormwater treatment consistent with the Provision C3 requirements, the MIP 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;
32. Storm Water Pollution Prevention Program: Prior to the initiation of any site grading at the project site or the issuance of the first combination grading/building permit, or approval of Civil Improvement Plans, whichever comes first, provide the Public Works Department Clean Water Program, with copies 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:

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[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/construction.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml)

The SWPPP shall be reviewed and accepted by the Public Works Clean Water Program for conformance with the City's erosion and sediment control standards.

33. Certification Report: Prior to issuance of the occupancy permits for each phase/block of the RESHAP project site, 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, verifications 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; treatment measures conform to dimensions, grades and slopes on approved plans and specifications; all structural features of the treatment measures comply with plan specifications; the irrigation system is installed and functions as designed; healthy vegetation/ground cover is installed as shown on plans. The Report shall be submitted in a form acceptable to Public Works Engineering.
34. Storm Water Trash Capture: Prior to the issuance of the first grading/building/combination permit for each project phase, the Improvement Plans shall indicate the storm water trash capture measure(s) being installed on the project site to ensure that the stormwater drainage from the project site is subject to full trash capture consistent with the City's municipal stormwater permit definition of a full trash capture device. Improvement plan sheets shall provide sufficient plan views and details of the full trash capture device installation(s) necessary for engineering review and approval. A full trash capture system or device is any single device or series of devices that trap all particles retained by a 5mm mesh screen and has a design treatment capacity of not less than the peak flow Q resulting from a one-year, one-hour storm in the sub-drainage area. Plan sheets shall include detail and cross-sectional drawings of any stormwater full trash capture device.
35. Storm Drains: All new storm drain inlets shall be clearly marked with the words 'No Dumping! Drains to Bay' by means approved by the Public Works Department. Permanently affixed thermoplastic, metallic or plastic laminate style markers are acceptable forms. The Improvement Plans shall clearly indicate this.
36. Operations and Maintenance Plan: Submittal of a stormwater treatment measures Operations and Maintenance (O&M) plan is required for review and approval by the Public Works Department prior to the approval of and consistent with the improvement plans for each phase. The O&M plan shall include, but not be limited to: treatment and design measure(s) descriptions and summary inventory; a legible, recordable, reduced-scale (8.5"x11") copy(-ies) of the Site Plan indicating the treatment and design measure(s) location(s) and site drainage patterns; treatment measure(s) maintenance requirements and maintenance schedule; the approved plant list and planning plan; detailed description of the integrated pest management principals and techniques and/or Bay Friendly Landscaping Program techniques to be utilized during landscape maintenance to ensure

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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 privately shall be incorporated with the CC&Rs of the relevant private entity.

37. Stormwater Agreement: A Stormwater Treatment Measures Maintenance Agreement (Stormwater Agreement) shall be executed with the City for any stormwater treatment or design measure not to be privately maintained, prior to the issuance of the certificate of occupancy. The Stormwater Agreement shall include, but not be limited to: the O&M plan for all approved stormwater treatment measures; identification of the party responsible for implementing the O&M plan; assurances of access to inspect and verify the treatment system O&M for the life of the project; and assurances of the submittal of the annual O&M report to the City. The executed Stormwater Agreement shall be recorded, at applicant/developer's expense, with the County Recorder's Office of the County of Alameda.
38. Landscape Plans: Landscaping plans shall be designed to minimize runoff, promote surface infiltration, incorporate Bay Friendly Landscaping approaches, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution and be consistent with the MIP and 401 Certification Conditions
39. Backflow Prevention: Backflow prevention devices shall be installed on all new and existing domestic, commercial, irrigation, and fire water services and as required by the East Bay Municipal Utility District (EBMUD).

### **Transportation Facilities**

40. Traffic Circulation Plan: Traffic striping and signage plan shall be submitted 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 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 and access points. 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 Parcel 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.
41. Off Street Parking: Improvement Plans shall be submitted to the Community Development Department and Public Works for review and approval for any off-street parking facilities. 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.

42. 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, a Traffic Control Plan (TCP) shall be provided to the Public Works Department for review and approval. The TCP shall be prepared by a registered civil engineer or traffic engineer licensed in the State of California, and be in accordance with the California MUTCD standards. The engineer shall sign and stamp the plans as approved. In general, any public right-of-way shall remain unobstructed during project construction or an ADA compliant alternative route established as approved by the Public Works Director. At locations where adequate alternate access cannot be provided, appropriate signs and barricades shall be installed at locations determined by the Public Works Director and Police Chief. Should transit routes be affected, prior approval from AC Transit of any proposed traffic detours or temporary closure of bus stops is required. Construction work may not commence until the TCP is approved by the Public Works Director.
43. Lighting: Pedestrian and vehicular lighting at all intersections and project driveways shall meet Alameda Municipal Power standards for crosswalks, sidewalks, and intersections and be consistent with the Declaration and Alameda Point Lighting Mitigation Measures and the light standards adopted for Alameda Point.

### **Solid Waste**

44. Waste Management Plan: A Waste Management Plan (WMP) shall be submitted 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](http://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.
45. 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, parcel/final map(s), or the building permit, whichever comes first. 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.

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

### **Construction Conditions**

48. Hazardous Materials. Documentation shall be provided by 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. 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. All construction crews shall be properly trained and made aware of any site contamination issues consistent with the Alameda Point Site Management Plan (SMP) and MMRP.
49. Truck Plan: Prior to issuance of a grading permit, a Truck Route Plan for hauling shall be approved by the City Engineer. The Plan must be incorporated into any construction documents for every contract.
50. Notice to Neighbors: At least two weeks prior to initiating any construction activities at the site, a notice shall be provided 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.

51. 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.
52. Dust Control: A dust program of dust control shall be implemented consistent with City, MMRP, and BAAQMD, prior to issuance of building or grading permits.
53. 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.
54. 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**

55. Fire Access: Adequate turn around space or through access for any street greater than 150 feet in length shall be provided 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.

## **Alameda Municipal Power (AMP)**

56. Compliance with AMP's Rules and Regulations as stated in Article X and AMP's "Material and Installation Criteria for Underground Electrical Systems" (both available at [www.alamedamp.com](http://www.alamedamp.com)) and completed "Service Planning Sheets" shall be provided for AMP's review prior to submitting plans for building permits.
57. Information on the location of transformers and total load in kilowatts or kilowatt/volts (KVA) shall be provided to AMP for approval prior to building permit issuance. If necessary, (at no charge to AMP) an easement and access to all AMP facilities on the property shall be provided prior to issuance of building permits.
58. Improvement Plans shall be concurrently submitted and coordinated 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.
59. Street lighting shall be consistent with light standards and luminaires approved for all of Alameda Point with the Site A project., which use a luminaire LED light engine no greater than 3,000K CCT (Correlated Color Temperature) and consistent with City's standard specifications and City's "Material and Installation Criteria for Underground Electrical Systems". 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 City. All new signs shall be installed on dedicated sign posts.
60. Improvement Plans 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 City 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.
61. Two streetlight poles and LED fixtures of each type installed shall be furnished, at no cost, to City as a stock for future pole/fixture replacement on the public street. Two additional streetlight assemblies (e.g. pole, fixture, arm, shroud, etc.) of each type shall be provided if City agrees to maintain private streetlights,
62. All public streets shall be lit with LED lighting. Streetlight layout shall be staggered for a more uniform light distribution. Alternate design can be provided if a better efficient light distribution is met. LED fixtures approved for Alameda Point shall be used. LED streetlight fixtures shall offer tri-level lighting with the mid-level setting meeting IES RP-8-14.
63. All necessary underground substructures, including conduits, pull boxes, electric utility equipment pads, etc. per the AMP specifications. AMP will require easements for all

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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.

64. An easement for electric utility vehicle access to AMP's Cartwright Station shall be provided. 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. Planting any trees that will grow in fullness to the point they may encroach into the perimeter easement shall be avoided
65. All electric pull boxes and vaults in-line with the conduit joint trench shall be installed. No conduit bend will be allowed between electric pull boxes, unless conduit section terminates to an electrical equipment pad. All primary and secondary electrical distribution pull boxes shall not be greater than two section deep (34-inches from finish grade to bottom of pull box). Any deviations from this standard shall be approved by the AMP Project Engineer in writing.
66. Provision of an oil containment facility is required 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. AMP shall be contacted to verify all dimensions, elevations, and orientation before commencing work.
67. Code-size service cables in code-size conduit shall be furnished and installed from each customer electric meter switchgear to the nearest secondary pull box (or Service Point) in the public right-of-way, as designated by AMP. AMP will connect the service to the distribution transformer or to the secondary distribution system.
68. The improvement plans and all subdivision maps shall show all necessary easements and access to all electrical utility facilities that are in the private properties, at no charge to AMP.
69. Prior to issuance of Certificate of Occupancy, service equipment for each building shall be furnished and installed. The service equipment shall meet Electric Utility Service Equipment Requirement Committee (EUSERC) standards. Electric meter(s) shall be located as close as practicable to the point of entry of the service-entrance conductors to the building. Outdoor meter locations are preferred. When meters are located within a building, the meter room shall be directly accessible from the exterior of the building. No remote metering.
70. Concurrent with acceptance of work by City Council, ownership shall be dedicated and AMP shall take over ownership and will be responsible for maintaining all new substructures for under grounding primary and secondary circuits, and distribution transformers once the improvements have been inspected by AMP and found to have been properly installed. The Applicant or successor property owner(s) shall be responsible for the service cables and service equipment.

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

72. Detailed drawings showing the required electric utility facilities shall be submitted with the site improvement plans.

HOLD HARMLESS. The applicant shall defend (The City of Alameda, the Alameda City Planning Board and their respective agents, officers, and employees shall be defended (with counsel reasonably acceptable to the City), indemnified, and held harmless from any claim, action, or proceeding (including legal costs and attorney's fees) the 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 provide notification 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.