# CITY OF ALAMEDA PLANNING BOARD DRAFT RESOLUTION

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING DEVELOPMENT PLAN AMENDMENT AND DESIGN REVIEW AND RECOMMENDING THAT THE CITY COUNCIL AMEND THE ALAMEDA LANDING WATERFRONT MASTER PLAN TO ALLOW THE CONSTRUCTION OF AN APPROXIMATELY 1,500-SQUARE-FOOT COMMUNITY CENTER AND TWO APPROXIMATELY 2,500-SQUARE-FOOT MODERATE INCOME AFFORDABLE HOUSING UNITS WITHIN THE ALAMEDA LANDING WATERFRONT MIXED USE PROJECT LOCATED AT 2800 FIFTH STREET.

WHEREAS, an application was made on August 22, 2022 by Pulte Home Company, LLC (Pulte) for Master Plan Amendment, Development Plan Amendment, and Design Review Application No. PLN22-0401 to allow the construction of a 1,500-square-foot community center and two moderate income affordable housing units on an approximately 7,230-square-foot site located at 2800 Fifth Street; and

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

WHEREAS, the subject property is located in a M-X (Mixed-Use Planned Development) Zoning District which requires a master plan for the development; and

WHEREAS, the subject property is located within the MF (Multi-Family Residential Combining Zone) Overlay District; and

WHEREAS, on December 5, 2006, the City Council certified by Resolution No. 14047 the Final Supplemental Environmental Impact Report for the Alameda Landing Mixed Use Development Project ("2006 Supplemental EIR", a Supplement to the 2000 Catellus Mixed Use Development Project EIR) in accordance with the California Environmental Quality Act (CEQA) (State Clearinghouse #2006012091). The City has prepared several addenda to the 2006 SEIR in 2007, 2008, 2012 and 2017; and

WHEREAS, on January 2, 2006, the City Council adopted Ordinance 2957 approving the Alameda Landing/Bayport Mixed Use Development Master Plan; and

WHEREAS, on September 5, 2017, the City Council adopted Ordinance No. 3188 amending the Alameda Landing Master Plan and approved an Addendum to the Supplemental EIR; and

WHEREAS, on October 14, 2019, the Planning Board approved the Development Plan, Density Bonus Application, and Tentative Map to construct 357 residential units, 5,000-square-feet of commercial space, internal roadways and alleys, parks and open space; and

WHEREAS, on December 9, 2019, the Planning Board approved Design Review for the Alameda Landing Waterfront Mixed Use project to construct the 357 residential units within the approximately 17.2-acre site located at 2800 Fifth Street; and

WHEREAS, on December 13, 2021, the Planning Board approved an amendment to the conditions of approval for the Alameda Landing Waterfront Mixed Use Development Plan to modify the timing requirement for Design Review of the commercial building; and

WHEREAS, on October 10, 2022, the Planning Board held a duly noticed public hearing to consider a Master Plan Amendment, Development Plan Amendment, and Design Review to allow the construction of an approximately 1,500-square-foot community building and two moderate income affordable housing units on an approximately 7,230-square-foot site located at 2800 Fifth Street; and examined all pertinent application materials and public testimony.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds the environmental effects of the proposed project were considered and disclosed in the Alameda Landing Master Plan Environmental Impact Report (State Clearinghouse #2006012091). No further environmental review is required under the California Environmental Quality Act for the proposed project. The proposed mixed-use development will not result in any new environmental impacts or cause any previously disclosed significant impacts to become more severe, and all mitigations specified in the EIR are included as conditions of approval for the project as required by the Alameda Landing Master Plan; and

BE IT FURTHER RESOLVED, that the Planning Board has made the following findings relative to proposed Master Plan Amendment:

- 1. The proposed use relates favorably to the General Plan. As documented in the October 10, 2022 Planning Board staff report and associated materials, the proposed amendments are minor and do not change the Planning Board's 2017 finding that the Master Plan is in substantial conformance with, and implements, the City of Alameda General Plan, Housing Element, and Zoning Ordinance policies and standards for the site. The proposed amendment would provide the City with a new approximately 1,500 square foot community building and two moderate income affordable housing units. These amenities address City needs for community space and affordable housing.
- 2. The development is a more effective use of the site than is possible under the regulations for which the PD district is combined. The proposed Master Plan as amended implements the City of Alameda General Plan, the MX Mixed Use and MF Multifamily Zoning District requirements for the site, and is a more effective use of the site.
- 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 amendment to the Alameda Landing Master Plan consists of minor changes that will implement the General Plan and provides for a mixed-use development pursuant to the MX Mixed Use Planned Development Zoning District. The proposal provides for 1,500-square-foot of community space and two moderate income homes which is consistent with the General Plan and MX District.
- **4.** The location of the proposed use is compatible with other land uses in the general Exhibit 2 ltem 7-C. October 10, 2022

neighborhood area, and the project design and size is architecturally, aesthetically, and operationally harmonious with the community and surrounding development. The proposed amendments to the Alameda Landing Master Plan are minor changes that qualify as a mixed-use development pursuant to the MX, Mixed-Use Planned Development Zoning District, and satisfies the purposes of the MX district and MF Multifamily Overlay District regulations. The proposal provides for 1,500-square-feet of community space and two moderate income homes which is compatible with the mixed-use development approved for the Alameda Landing Waterfront development, and the surrounding existing development. The Master Plan amendment is designed to conform to the General Plan Waterfront Mixed Use and Medium Density Residential policy objectives and requirements adopted to ensure that the project would be compatible with adjacent residential neighborhoods, the recently completed residential developments on adjacent sites and other existing and future waterfront uses.

5. The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities. The proposed amendments to the Alameda Landing Master Plan are minor changes designed to be compatible with pedestrian, bicycle, and transit facilities approved for the Alameda Landing Waterfront Development and ensure that the development of the property is compatible with existing and potential contiguous uses; and

BE IT FURTHER RESOLVED, that pursuant to AMC Section 30-4.20(g), the Board has made the following findings relative to proposed Development Plan:

- 1. The Development Plan qualifies for approval under the Alameda Landing Master Plan and satisfies the purpose of the Mixed Use zoning regulations under AMC Section 30-4.20(g). The proposed Development Plan amendment is consistent with the Alameda Landing Master Plan Amendment for construction of 359 residential units, 1,500-square-feet of community space, and open space at this location. The Development Plan qualifies for approval under AMC Section AMC Section 30-4.20(g) as it satisfies the purpose of the regulations to facilitate mixed use development by providing a mix of residential and commercial uses.
- 2. The Development Plan is designed in a manner compatible with existing and potential contiguous uses. The Development Plan also provides a sufficient vehicular and non-vehicular circulation system within the project with the least amount of duplication, and the Plan provides the best interface with other systems. The Development Plan amendment is designed in a manner compatible with existing and potential contiguous uses. The project integrates into the approved pedestrian network, bicycle access, and street network that complement and support the planned surrounding uses within the Alameda Landing Waterfront Mixed Use project. The proposed improvements to the western multiple use path, Mitchell Greenway, view corridors, and pedestrian paseos support and encourage use of and access to the waterfront. The development contributes to the completion of the development to serve the final phases of the Alameda Landing Master Plan.
- 3. The Development Plan provides and maintains adequate landscaping using, where appropriate, native plants and taking maximum advantage of the screening

**capabilities of landscaping.** The proposed plan amendment integrates into the approved open space comprised of native plants and landscaping that are consistent with Bay Friendly standards and comply with state water efficient landscape requirements. The ground level landscaping provides a good transition between the public sidewalks, interior site circulation, and open space within the development.

- 4. The amount of land proposed for any particular use can be marketed for that use within a reasonable time after development is complete. This plan provides for the development of two additional moderate-income affordable housing units that are necessary to address a severe housing shortage in the community that are expected to be occupied as soon as available. In addition, the project provides 1,500-square-feet of community space that will provide community services for the new waterfront park.
- 5. The Development Plan provides sufficient area, and encourages adequate public accessibility and usage of the water/land interface. The project provides 1,500 square feet of community space, and integrates into the approved pedestrian corridor provides public access between Mitchell Avenue, Fifth Street, and the waterfront and Bay Trail through the development. The development plan provides a variety of outdoor spaces such as paseos, bike paths, pedestrian pathways, pocket parks, and other common open space facilitate harmonious transitions between the surrounding uses and the waterfront park.
- 6. The Development Plan provides a comprehensive, coordinated, controlled system of informational and directional graphic signage throughout the development. The Development Plan amendment consists of multiple clear points of entry along Fifth Street, the western greenway, and the pedestrian paseos, which will provide signage for public access to the waterfront park and the pocket parks in the development.
- 7. The Development Plan demonstrates progressive techniques for the conservation of, and decreased consumption of, nonrenewable energy. The proposed development amendment will be 100% electric powered without any gas infrastructure serving the homes or the commercial development as recommended by the City of Alameda Climate Action and Resiliency Plan. All residential units will include solar panels on the roof; and

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

1. The proposed design is consistent with the General Plan, Zoning Ordinance, Alameda Landing Master Plan, approved Alameda Landing Waterfront Development Plan, and the City of Alameda Design Review Manual. The architectural designs and landscaping provide for visually interesting and varied facades that are accented with changes in materials and colors to provide a decorative building at the park entrance that also provides a service to the community. Enhancing elements and materials are used to accent the buildings, and provide for compatibility with the surrounding development. The community building entrance fronts on to Fifth Street, and serves as an appropriate interface for the entrance of the waterfront park

and the public plaza. As conditioned, the project is consistent with the City of Alameda's Design Review Guidelines because the landscape and building designs are compatible with the approved designs for the Alameda Landing Waterfront Mixed Use Project and will contribute to the distinctive new neighborhood in the City of Alameda.

- 2. The proposed design is appropriate for the site, is compatible with adjacent or neighboring buildings or surroundings, and promotes harmonious transitions in scale and character in areas between different designated land uses. The project design is appropriate for the site because it is consistent with the Master Plan and compatible with the surrounding area in terms of scale and character. The project site is designed to conform to the approved design for the Alameda Landing Master Plan standards and requirements adopted to ensure that the project would be compatible with the approved design for the Alameda Landing Waterfront Mixed Use project, Waterfront Park, and other residential uses. The proposed design utilizes approved residential building designs from the existing development, and a new community building design that integrates architectural and landscape design that is compatible with the surroundings neighborhood. Building elevations are well designed with ample articulation, fenestration, entryways, quality materials and colors to provide visual interest. Materials with different textures, surfaces, and colors are used to distinguish the repeating elements on the building elevations and create more interesting facades. The community building entrance fronts on to Fifth Street, and serves as an appropriate interface for the entrance of the waterfront park and the public plaza.
- 3. The proposed design of the structure(s) and exterior materials and landscaping are visually compatible with the surrounding development, and design elements have been incorporated to ensure the compatibility of the structure with the character and uses of adjacent development. The proposed materials are compatible with the approved nautical architecture and the waterfront materials of the Alameda Landing Waterfront Mixed Use project. The architectural design and exterior materials and colors are visually interesting and the facades are accented with changes in materials and colors to differentiate portions of each building. In addition, vertical elements are used to accent the buildings and reinforce the relationship among the buildings, the landscape and surrounding developments.

BE IT FURTHER RESOLVED, that the Planning Board hereby recommends the City Council approve Planning file no. PLN22-0401 to amend the Alameda Landing Master Plan as described in "Attachment A," by ordinance, to replace the requirement for 5,000 square feet of commercial space located in the Residential Sub Area at the Alameda Landing waterfront with 1,500-square-feet of community space and two (2) dwelling units deed restricted at the Moderate-Income level.

BE IT FURTHER RESOLVED, that the Planning Board approves Development Plan Amendment and Design Review No. PLN22-0401 to allow the construction of an approximately 1,500-square-foot community building and two approximately 2,500-square-foot moderate income affordable housing units within the Alameda Landing Waterfront Mixed Use Project located at 2800 Fifth Street, subject to the following conditions:

## **Planning and Design Conditions**

- Master Plan Amendment: This approval shall not become effective until and unless the Alameda City Council approves the recommended Master Plan Amendment necessary to allow the proposed 1,500-square-feet of community space within the project. In the event that the Master Plan Amendment is not approved, the Applicant shall redesign the project for Planning Board review consistent with the minimum commercial space requirement.
- 2. <u>Planning Board Resolutions No. PB-19-21 and PB-19-27</u>: The project shall comply with all conditions of approval in Planning Board Resolutions No. PB-19-21 and PB-19-27. In the event in a conflict between the conditions contained in this resolution and Resolutions No. PB-19-21 and PB-19-27, the conditions of approval in this resolution shall govern.
- 3. <u>Substantial Compliance with Approvals:</u> The plans submitted for the Building Permit shall be in substantial compliance with the plans prepared by Pulte Group dated September 23, 2022, and on file in the City of Alameda Planning Building & Transportation Department, except as modified by the conditions specified in this resolution.
- 4. <u>Changes to Approved Plans</u>: This approval is limited to the scope of the project defined in the project description and does not represent a recognition and/or approval of any work completed without required City permits. Any substantial changes to the approved scope of the project shall be submitted to the Planning Building and Transportation Department for review and approval.
- 5. <u>Vesting:</u> This Design Review approval shall expire two (2) years after the date of approval or by **October 10, 2024** unless substantial construction or use of the property has commenced under valid permits. Upon written request and payment of appropriate fees submitted no later than the expiration date of the Design Review approval, the Applicant may apply for a time extension not to exceed two (2) years. An extension request will be subject to approval by the Planning Director and must be filed prior to the date of expiration.
- 6. <u>Building Permit Conditions:</u> These conditions and the conditions of PB-19-21 and PB-19-27 shall be printed on the first page of all building plans and improvement plans.
- 7. <u>Modifications:</u> Minor project design details requested by the applicant may be established, modified, and approved by the Planning Director. Engineering standards and specifications requested by the applicant may be established, modified and approved by the Public Works Director or designee. Major modifications that are not consistent with this design review approval or these conditions shall be subject to re-approval of the Design Review.
- 8. <u>Community Building Construction Phasing:</u> This condition of approval shall supersede Condition No. 4 in Planning Board Resolution No. PB-19-21 and PB-21-13. The building permit for the 1,500-square-foot community building with minimum ceiling heights of 12 feet adjacent to the Waterfront Park shall be obtained by the Applicant prior to the building

- permit for the 330<sup>th</sup> residential unit. Construction of the community building, including interior improvements listed under Condition #13, shall be completed and final certificate(s) of occupancy obtained prior to the issuance of certificate of occupancy for the 350<sup>th</sup> unit.
- 9. <u>Lot Line Adjustment Map</u>: Prior to Certificate of Occupancy of community building, the applicant shall apply for and receive approval of a Lot Line Adjustment from the City to convey the 1,500-square-foot community building to the City as part of the Alameda Landing Waterfront Park.
- 10. <u>Affordable Housing Agreement Amendment</u>: The applicant shall amend the Affordable Housing Agreement to include two additional moderate-income single family residential units prior to the issuance of the 330<sup>th</sup> building permit. As amended, the Affordable Housing Agreement will require, in part, construction of <u>41</u> on-site residential units affordable to very low-, low- and moderate-income households. The project will provide at least <u>23</u> moderate-income units, <u>7</u> low-income and <u>11</u> very low-income units."
- 11. Easement for City Access to Maintain Community Building: Prior to Certificate of Occupancy for the residential dwelling units, the applicant shall provide a recorded access easement that is five-feet wide in the proposed 7'-6" side yard of the residential lot adjacent to the community building to give the City access to perform maintenance on the building.
- 12. <u>Fencing</u>: The applicant shall provide a wood fence separating the adjacent residential yard from the new community building property.
- 13. <u>Community Building Improvements</u>: Prior to submittal for building permits, the building permit plans shall include the following improvements to the community building to the satisfaction of the Recreation and Park Director:
  - a. Kitchenette with oven, stove and hood, sink, microwave, garbage disposal and locking cabinets
  - b. Janitorial sink and any related equipment
  - c. Internet and landline phone connections
  - d. Storage shelving (style and amount to be determined by the Recreation and Park Director)
  - e. Restroom standard amenities (sink, hand dryer, TP & toilet seat cover dispenser, etc.)
  - f. Drinking fountain with refillable bottle dispenser
- 14. <u>Bicycle Parking</u>: The project shall provide short term and long term bicycle parking spaces as required by AMC Section 30-7.15. Locations for bicycle parking consistent with the AMC bicycle requirements shall be shown on the Building Permit plans. The bicycle facility should be located in a secure and safe location and accessible from high pedestrian/bicycle traffic areas, such as at the street frontage, to the satisfaction of the Planning, Building & Transportation Department.

## **Public Works Conditions of Approval**

## General

15. The applicant shall submit a Lot Line Adjustment application for the recreation building site. The Lot Line Adjustment application shall be reviewed and approved by Public Works prior to issuance of a Building permit for the recreation building. The new lot configuration shall be recorded prior to issuance of a Certificate of Occupancy for the recreation building. The Lot Line Adjustment application and additional information can be found at the links below:

https://www.alamedaca.gov/files/content/public/departments/planning-building-and-transportation/permit-center/formshandoutsver2/pw-lot-line-adj.-application.pdf

https://www.alamedaca.gov/files/content/public/departments/planning-building-and-transportation/permit-center/formshandoutsver2/lot-line-adj.-instructions.pdf

- 16. Prior to issuance of a Building Permit of the two single family homes or the recreation building the applicant shall provide for review and approval updated improvement plans for the active Public Works Development Permit (PWD19-0021).
- 17. Plans shall be prepared, signed, and stamped as approved by a registered civil engineer licensed in the State of California. The Improvement Plans and all documentation listed below, except as noted, shall be approved by the Public Works Department prior to issuance of any Building Permit for the development.
- 18. The developer shall provide asbuilt drawings of all site and right of way improvements prior to issuance of final Certificate of Occupancy. Provide drawings in both durable hard copies and pdfs.

## Streets, Sidewalks, Parking and Traffic Control

19. All sidewalks shall comply with ADA and Title 24 requirements for cross slope, including driveway approaches and curb ramps. Where existing driveways are removed, the developer shall replace the curb, gutter, and full width of sidewalk to current standards.

#### Drainage

- 20. Improvement plans shall clearly show the extent of public vs private storm drainage facilities, including basins, pipes, structures, and pump stations. All public drainage facilities shall be in public streets or in public drainage easements.
- 21. The developer shall be responsible to maintain access to and function of existing stormdrain lines that run onto and/or through the developer's property.
- 22. Stormwater shall be dispersed, diffused, detained, or otherwise infiltrated on-site to the extent feasible. Downspouts shall not be directly connected to public or private storm drain facilities. Use of splash blocks directed towards landscape areas is encouraged. Stormwater, including roof drainage, shall not be directed across sidewalks or driveways.

## Stormwater Quality Protection and Treatment

23. Projects proposed for construction between October 1st and April 15th, shall have an erosion and sedimentation control program approved, and implemented to the maximum extent possible, prior to the start of on-site earthwork. Installation of all components of these plans shall be completed by October 1.

- 24. The applicant shall assess and verify for the potential of PCBs in Building Demolition materials by:
  - Reviewing the packet "PCBs in Priority Building Materials: Model Screening Assessment Applicant Package (Rev. Nov. 2019)" (Packet);
  - Completing the two-page "PCBs Screening Assessment Form" (pp 18-19 in the Packet) AND submitting a signed copy to Public Works for review; AND
  - IF Part 3 of the "PCBs Screening Assessment Form" is applicable and necessary, submit all necessary assessment records also referenced in attached guidance document prior to issuance of building/demolition permit AND provide verification to the City prior to close out of the permit of the proper management and disposal of the relevant materials.

## Sewer and Water

25. Improvement plans shall clearly state extents of public and private sewerage, including pipes, structures, and pump stations. Lower (public) and upper (private) sewer laterals shall be separated by a two-way cleanout or manhole. All public sanitary sewer facilities shall be in public streets or in public utility easements.

## Power, Telecom, Street Lighting and Gas:

- 26. The Applicant shall design and construct power, telecom, gas, and other utilities in accordance with applicable utility standards.
- 27. Work with AMP to locate a transformer and pad, if needed, on private property with appropriate maintenance access.

# Solid Waste

- 28. The project shall be designed to accommodate three waste streams: recycling, organics, and trash; as required by the City of Alameda Municipal Code Solid Waste and Recycling (Chapter 21). Signage clearly identifying how to sort materials into three waste streams shall be posted at each storage area. The storage/disposal area(s) and the individual bins and containers provided within shall be adequate in capacity, number and distribution to serve the anticipated demand, consistent with written City guidance and as determined by the Public Works Director.
- 29. Driveways or aisles shall provide unobstructed access for collection vehicles and personnel and provide at least the minimum clearance required by the collection methods and vehicles used by the City's designated collector or hauler. In all cases where a parcel is served by an alley, all exterior storage areas shall be directly accessible to the alley. For safety reasons, a turnaround must be provided for any street that would otherwise require the collection truck to back up a distance greater than 150 feet.
- 30. A sign clearly identifying each exterior solid waste and recyclable and organic material storage area and the accepted material(s) is required. Each sign shall not exceed two square feet in area and shall be posted on the exterior of the storage area adjacent to all access points.
- 31. Prior to approval of the Permit, the applicant shall submit for review and approval by the Public Works Department a Waste Management Plan (WMP) demonstrating how the project will achieve California's Green Building Standards Code (CALGreen) diversion requirements for construction waste and achieve a minimum recycling rate of 65%. The

WMP shall be consistent with the City's written guidance and can be completed by creating an account and submitting a plan via <a href="http://alameda.wastetracking.com">http://alameda.wastetracking.com</a>.

# **Alameda Municipal Power Conditions**

- 32. Electrical design for the new units/buildings shall comply with California Electrical Code (CEC) 2022 and Alameda Municipal Power Rules and Regulations, in particular electrical services shall have only one main disconnect. All structures shall have their own unique addresses and service accounts set up with AMP Customer Service.
- 33. Permit plans as well as service equipment shop drawings shall be submitted for AMP approval.
- 34. <u>Indemnification</u>. To the maximum extent permitted by law, the applicant (or its successor in interest) shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, its City Council, City Planning Board, officials, employees, agents and volunteers (collectively, "Indemnitees") from and against any and all claims, actions, or proceedings against Indemnitees to attack, set aside, void or annul an approval by Indemnitees relating to this project. This indemnification shall include, but is not limited to, all damages, losses, and expenses (including, without limitation, legal costs and attorney's fees) that may be awarded to the prevailing party arising out of or in connection with an approval by the Indemnitees relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding and the applicant (or its successor in interest) shall reimburse the City for its reasonable legal costs and attorneys' fees.

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

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

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

\* \* \* \* \*

#### Attachment A:

### **ALAMEDA LANDING MASTER PLAN**

**CHAPTER 4. Alameda Landing Mixed-Use Center** 

**Section: Sub-Area Development Programs** 

Proposed amendment to page 50-f of the Residential Sub-Areas

"Mixed Use: The Master Plan Sub-Area requirements for retail, restaurants, health club space, entertainment space, personal and consumer-oriented business services space, visitor-serving uses, water-oriented uses, the Waterfront Plaza Node, vertical mixing of uses, or a mix of uses shall not apply, provided that the residential development plan includes a minimum of 5,000\_1,500\_square-feet of ground floor commercial community space with 12 foot floor to ceiling dimensions for commercial, retail, and/or commercial recreational uses consistent with the CC Zoning District regulations facing the Waterfront Plaza and water shuttle landing or along 5th Street. Buildings with ground floor commercial space may exceed five stories. All other buildings shall be five stories or fewer in height. The ground floor commercial space may be in freestanding buildings without a vertical mixing of uses."