

CITY OF ALAMEDA PLANNING BOARD  
**RESOLUTION NO. XX-XX**

APPROVING DESIGN REVIEW APPLICATION NO. PLN24-0081 FOR AN EIGHT-STORY RESIDENTIAL BUILDING WITH 356 MULTI-FAMILY UNITS LOCATED AT 2433 MARINER SQUARE LOOP.

WHEREAS, Martin Mariner Square LLC / Mash Petroleum Inc. has applied for entitlements to allow the development of a 2.36 acre site with an address of 2433 Mariner Square Loop (also including 2363 and 2381 Mariner Square Drive and 2415 Mariner Square Loop) comprising four parcels, each occupied by a two-story commercial office building, and an adjacent parcel under easement from Caltrans in the City of Alameda, County of Alameda; and

WHEREAS, the project would demolish the existing buildings and develop an eight-story residential project with a three-story garage within the podium levels wrapped by residential units facing the building exterior and an additional five stories of residential units above, to a height of 85 feet plus a parapet and site fill for a maximum height above existing grade of just over 90 feet. There would be 356 dwelling units comprised of 55 studios, 200 one-bedroom and 101 two-bedroom units in about 300,000 net square feet of floor area, plus circulation space, amenity areas, and parking garage areas in 170,000 square feet. The parking garage, accessed from Mariner Square Loop, would include 283 vehicle spaces and 356 bicycle parking spaces on site plus retain 124 vehicle spaces in an adjacent lot leased from Caltrans located over the Webster tube; and

WHEREAS, in June of 2022, the Alameda City Council certified the General Plan 2040 Environmental Impact Report (EIR) and adopted the General Plan as the comprehensive, long-range, internally consistent plan for the future development and conservation of the community, and in November of 2022 the Alameda City Council approved the 2023-2031 Housing Element as the blueprint for how and where the community will meet the housing needs of current and future members of the community, including seniors, families, single-person households, single parent households, people with disabilities, lower-income households, and people experiencing or facing the prospect of homelessness, and in December of 2022 the Alameda City Council adopted a comprehensive update to the City's zoning ordinance text and zoning map including amendments to the project site to designate it for multifamily housing development; and

WHEREAS, the project site is designated as Mixed Use in the General Plan, which allows multifamily housing at an FAR of 0.25–5.0. The project provides 356 apartments at FAR of approximately 4.7 and advances, among others, General Plan policies on housing supply (LU-15; H-1, H-2), transit-oriented infill (LU-16), complete streets (ME-10), design (LU-26; LU-27), and interior noise (HS-56); and

WHEREAS, the project site is designated M-2-PD / MF (General Industrial and Multifamily Residential) in which multifamily is permitted by right at greater than 30 units per acre on the Zoning Map. The project provides approximately 152 du/ac, and at approximately 85 feet complies with the applicable 100-foot height limit of the M-2 district,

and the 5-foot front yard, and the 80% lot coverage limitation, and the maximum parking ratio of 1.5 spaces per unit, and the minimum bicycle parking ratio of one long-term space per unit and one short-term space per five units; and

WHEREAS, on July 28, 2025, the Planning Board held a duly noticed public hearing on the subject Design Review application and examined all pertinent application materials, staff analysis, and public testimony; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds the project is exempt from evaluation under the California Environmental Quality Act (CEQA). A Class 32 exemption applies to infill development projects that meet the following conditions: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; (c) The project site has no value, as habitat for endangered, rare or threatened species; (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (e) The site can be adequately served by all required utilities and public services. The applicant has provided technical analyses and development plans that demonstrate compliance with these criteria. The Board also finds that the exceptions found in CEQA Guidelines section 15300.2 do not apply.

Separately, because it only requires Design Review approval, the Planning Board finds that the project is not subject to further CEQA review pursuant to *McCorkle Eastside Neighborhood Group v. City of St. Helena* (2018) 31 Cal.App.5th 80. Under *McCorkle*, local design review does not require environmental review when it is the only discretionary aspect of a project, and the agency lacks authority to disprove the project or otherwise mitigate non design related environmental impacts. *McCorkle* applies when an agency's discretion over a project is limited to aesthetic and design issues such as orientation, bulk, materials, and colors. Here, the project is located in the City's Multi-Family Residential Combining District, and within the district, the proposed multifamily housing project is permitted by right and is not subject to discretionary review, except for Design Review, pursuant to AMC Sec. 30-4.23(c)(1). Accordingly, no CEQA review is required because the City's review of the project is limited to design issues.

AND BE IT FURTHER RESOLVED, that the Planning Board finds that the Design Review application conforms to the City of Alameda Amended and Restated Objective Design Review Standards of 2023 as follows:

Objective design review standards, amended and restated in July 2023, address several aspects of multifamily developments, including site design (parking and landscaping), building mass and articulation (façade articulation and transparency), building orientation and entries, and architectural details (siding, windows, balconies and equipment).

The applicant has provided a checklist and notes on the plans to illustrate compliance with the ODRS. The following is a summary of the compliance checklist and plans.

Parking is limited to the interior of the building, an existing lot on the Caltrans property, and a small drop-off area in front of the building. The garage entry is located on a secondary frontage with a recessed door that allows for a vehicle waiting to enter to not block the sidewalk.

Landscaping would be provided around the perimeter of the building including the preservation of a prominent grove of redwood trees (arborist report attached), stormwater planters around the foundation perimeter of the building, street trees, and podium level open spaces.

The site elevation would be raised by three feet to accommodate the local floodplain conditions as mapped by FEMA and projected sea-level rise, so a series of ramps and stairs would be provided to access the building.

Exterior materials include stucco, brick veneer, wood-look siding, and metal with vinyl and aluminum window frames and balconies with glass guardrails. The façade would include a number of offsets in the form of recessed balconies, changes in plane where materials also change, and cornices near the parapet. Transparency would be provided at the lobby and around the building, with openings along the street level on all sides. Direct access to the entry would be provided from the streets with roofed projections to protect pedestrians from inclement weather.

BE IT FURTHER RESOLVED, that the Planning Board finds that the application conforms to the Design Review findings in AMC section 30-37.5, as follows:

- a. The proposed design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual.

As described above, the project conforms to the General Plan land use designation and related policies, and to the zoning ordinance use and development standards. The project is also consistent with the following provisions of the Design Review Manual (December 2013):

Stacked Flat building type:

- Over-scaled or bulky volumes that detract from the pedestrian scale should be avoided.
- The ground floor should be designed to anchor the building to the ground with unique design, materials or color changes, storefronts and articulation.
- Rood treatments should include a cornice, parapet, cap or distinctive roofline.
- Additional belt courses should be used to delineate upper stories.

Architecture:

- Buildings should have a predominant identifiable architectural style.
- All aspects of building design should be in accordance with the selected architectural style.
- Modern architecture may be symmetrical or asymmetrically organized.
- Volumes may be simple and unadorned and may vary in height.
- Horizontal articulation should be achieved by using repetitive volumes alternating with voids or recesses.
- Façade articulation elements may include large overhangs, awnings, sunshades, trellises and balconies.

Landscape and Open Space:

- In residential areas, setback areas must be landscaped.
- Front setback areas should be composed of landscaping, gardens, courts and other landscape design that are welcoming and supportive of pedestrian activity.

- b. 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 site is relatively isolated from adjacent uses by the intervening roadways, parking lots, and setbacks. The site is zoned for a height of 100 feet and is neighbored by large silos that stand about 65 feet tall and a storage building that stands 70 feet tall, as well as numerous three-story residential buildings. The surrounding areas are developed in an eclectic mix of styles with no predominant theme or character.

- c. 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.

As noted above, the eclectic design and large paved and undeveloped areas do not establish a particular character. However, the proposed design would generally be compatible with the stucco, brick and siding materials used elsewhere in the area with muted and contrasting colors.

BE IT FURTHER RESOLVED, that the Planning Board approves the Design Review application subject to the following conditions:

**Planning Conditions**

1. Compliance with Law. The final plans submitted for Building Permit approval shall conform to all applicable codes, laws and regulations of the City and other governmental agencies, whether or not such applicable requirements

are specifically mentioned in these Conditions of Approval as of the date of submittal.

2. Building Permit. These conditions shall be printed on the building plans and improvement plans.
3. Changes to Approved Plans. This approval is limited to the scope of the project defined in the project description and does not represent a recognition and/or approval of any work completed without required City permits. Any substantial changes to the approved scope of the project shall be submitted to the Planning Building and Transportation Department for review and approval.
4. Planning Inspection. A site inspection by Planning staff to determine consistency with this approval is required prior to the final building inspection and/or to the issuance of a Certificate of Occupancy. The applicant shall notify Planning staff at least four business days prior to the requested Planning Inspection dates.
5. Bicycle Parking: Required bicycle parking shall be consistent with AMC Section 30-7.6 (Off-Street Bicycle Parking Requirements) and the City of Alameda Bicycle Facility Design Standards. The location of the bicycle parking required shall be shown on the Building Permit plans, along with any information necessary to demonstrate compliance with objective requirements. The bicycle facility shall be located in a secure and safe location.
6. Building Signage: Any temporary or permanent signage shall be subject to separate Sign Permit approval pursuant AMC Section 30-6.
7. Water Efficiency Landscape Ordinance: Projects subject to the requirements of AMC Section 30-58 (Bay-Friendly and Water Efficient Landscape Ordinance) shall submit all documentation required by that section, as applicable, prior to issuance of building permits and at the time of final inspection and post-construction audits.
8. Bird Safe Ordinance: Building Permit plans shall demonstrate compliance with the Alameda Bird-Safe Building Ordinance (AMC Section 30-5.16.b), as applicable at time of Planning Approval.
9. Dark Skies Ordinance: Plans submitted for building permits shall demonstrate compliance with the Alameda Dark Skies Ordinance (AMC Section 30-5.16.c), as applicable.
10. Tree Planting: If applicable, a minimum of one (1) tree for every four (4) uncovered on-site parking spaces shall be provided to reduce heat island effect and create a tree canopy throughout the parking lot as required by

AMC Section 30-7.8.b.

11. Affordable Housing Plan: Prior to issuance of the first Building Permit, the Applicant shall execute and record an Affordable Housing Agreement to ensure compliance and monitoring requirements consistent with the Inclusionary Housing Ordinance. The Affordable Housing Agreement shall be in compliance with the AMC and affordable housing program guidelines, and shall identify fifty-four (54) affordable housing units at the appropriate income levels, sizes, locations, and amenities.
12. Public Art: Prior to obtaining a Building Permit, the applicant shall make an election and submit a plan or pay a fee in lieu of public art pursuant to AMC section 30-98.

### **Building Division Conditions**

13. All construction documents shall be prepared in accordance with the latest applicable California Building Codes.
14. If the project receives City funds, it shall be designed all electric to comply with the Climate Action Plan.
15. The designer shall verify if the property is fully or partially located in the flood hazard zone. If the property is in the flood hazard zone, this shall be noted in the plans, and the design shall be in accordance with the requirements of the California Building Code for structures located in the flood hazard zone.
16. The plans submitted for building permits shall comply with the then applicable accessibility requirements for people with disabilities as applicable.
17. Construction noise shall be subject to the provisions of the AMC Section 4-10 (Alameda Noise Regulations Ordinance), including provisions regarding loading and unloading, vibration, and construction. Pursuant to AMC Sections 4-10.5(b)(10) and 4-10.7(e), construction noise shall be restricted to 7:00 a.m. to 7:00 p.m. Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday, unless the prohibition does not apply pursuant to AMC Section 4-10.5(b)(10)(a)–(d). Commonly accepted best practice controls will be implemented.
18. Special inspectors need to be registered with the city for the specific job.
19. Special inspection reports will be required for all applicable items that are part of this design in accordance with chapter 17 of the CBC.
20. Structural observations will be required in accordance with the engineer's design and applicable risk category.

21. Submit complete sets of electronic plans including the following - \* Plot Plan \* Foundation Plan \* Floor Plan \* Ceiling and roof framing plan \* Electrical Plans including size of main switch, number and size of service entrance conductors, circuit schedule and demand load. \* Plumbing and sewer plan, isometric, including underground diagram, water piping diagram, sewer location, fixture units, gas piping and vents, heating, and air conditioning diagram. \* Landscape and Irrigation plans. (Landscape plans shall be compliant with the Alameda MWELO requirements and approved prior to the issuance of any Building Permits.)
20. Submit electronic sets of structural calculations, energy conservation calculations and soils reports. Architects/Engineers electronic stamps and signatures are acceptable at the time of plan check submittal.
21. All contractors shall be licensed by the State of California and have an active business license to work in the City of Alameda.
22. No work shall be performed until the required permits are obtained.
23. All fees shall be paid before the permit is issued, except where state law allows the applicant to seek a deferral or otherwise provides an alternate payment schedule. For projects where state law applies, fees shall be paid in accordance with, and at the earliest time required by, such applicable state law.
24. No structure shall be occupied until a Certificate of Occupancy has been issued by the Building Official.
25. The contractor, or other person responsible for completion of the work, shall timely schedule all necessary inspections with the appropriate city staff.
26. Changes or deviations from the approved set of plans shall be resubmitted for plan check.
27. All work shall remain accessible to the Building Official and their designees until inspected and finally approved by the Building Official.
28. Best management practices shall be observed during construction to prevent pollutants from entering the storm drain system and to control dust and exhaust (consistent with General Plan Policy HS-65 ("Construction Air Pollution")).
29. Cal Green Code mandatory measures shall be observed during construction, including but not limited to those requirements for:
  - Water efficiency and conservation
  - Construction waste reduction, disposal, and recycling

- All other applicable codes for the efficient construction and operation of the new structure.
30. Applicable deferred submittals must be clearly identified on the building plans, including submittals for Photovoltaic, fire sprinklers, fire alarms, trusses, etc.
31. The project will implement General Plan Policy HS-69 ("Construction Period Air Quality Impacts"). In addition, during construction, all diesel-powered construction equipment larger than 50 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA Tier 4 Interim emission standards for PM (PM<sub>10</sub> and PM<sub>2.5</sub>).

## **Public Works Conditions**

### General

32. 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.
33. The proposed work shall comply with Chapter 30, Article 6 of the Alameda Municipal Code (Subdivision Regulations) and Chapter 22 of the Alameda Municipal Code (Streets and Sidewalks) as determined by the City Engineer.
34. The proposed work shall comply with Alameda's Standard Plans and Specifications and Standard Subdivision Specifications and Design.
35. The fee for plan checking and inspection shall be calculated in accordance with the latest Schedule of Fees & Charges as approved by the City Council.
36. Plans shall identify datum. If not NADV88, show conversion.
37. Site plans shall include applicable Standard Construction Notes, the latest edition, from Public Works.
38. The developer shall provide as-built drawings of all site and right of way improvements prior to issuance of final Certificate of Occupancy. Provide drawings in both durable hard copies and pdfs.
39. An engineer's cost estimate for frontage and site improvements shall be submitted. A cash security deposit or construction performance bond of an amount as determined by the City Engineer prior to issuance of a Public Works Development (PWD) permit that involves the public ROW.



40. An Encroachment Permit is required for all work within the Public Right-of-Way. The Encroachment Permit shall be issued, if required, prior to issuance of any Building Permits for the proposed development. The encroachment permit application shall address circulation in and around the site, including pedestrians, cyclists, fire trucks, private vehicles, solid waste trucks, buses, and parking. The application shall address all construction phases.
41. Except where state law provides otherwise, the proposed work shall comply with all current, objective, applicable plans, standards, policies and guidelines including Alameda's Bicycle Master Plan; Pedestrian Master Plan; Long Range Transit Plan; Transportation Demand Management and Transportation System Management (TSM/TDM) Plan; Multimodal Circulation Plan; Transportation Element of the General Plan; Transportation Choices Plan; Bicycle Facility Design Standards; Pedestrian Design Guidelines; Guidelines for Multiway Stop Signs, Crosswalks, and Pedestrian Paddles; as well as the Caltrans Design Manual and Standard Plans and the California MUTCD.
42. Transportation Demand Management Plan: Prior to issuance of the first building permit, the applicant shall submit a Final Transportation Demand Management Plan ("TDM Plan") for Planning Director review and approval based on the Transportation Demand Management Plan dated July 10, 2025, prepared by Fehr & Peers. The Final TDM Plan shall incorporate the following requirements: the project owners shall pay the Alameda Transportation Management Association to provide transit services via assessments on each housing unit. Every unit shall be assessed an annual fee of \$475 (2025 dollars) or as generally applicable to association members. Annual assessments shall be adjusted annually in accordance with the San Francisco Bay Area Consumer Price Index for All Urban Consumers (CPI-U).
43. Roadway Improvements: The applicant shall implement the recommendations of the Site Access and Circulation Review dated July 10, 2025, prepared by Fehr & Peers, subject to final design and permit approval by the Public Works Department.
44. 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 adjacent curb, gutter, and sidewalk to current standards.
45. The street section for any private access roads shall be designed by a registered civil engineer and is subject to approval by the City Engineer.

46. Parking layout shall be constructed in conformance with the City's off-street parking design standards, Alameda Municipal Code Chapter 30, Article 1, Section 7. Accessible stalls, ramps, loading and unloading platforms including for vans, slope and grade of ramps, landings and stalls, signs, striping, logo, width of landings and such details as are required shall comply with applicable City and State Standards.
47. Construction access routes shall be limited to those approved by the City Engineer and shall be shown on the approved grading plan
48. The landscape and irrigation plans for on-site and public right-of-way improvements shall be prepared, and signed and stamped as approved, by a licensed landscape architect. The plans shall be in accordance with the most recent version of the "Bay-Friendly Landscape Guidelines" developed by StopWaste.Org, and the Bay Friendly Coalition, the AMC, the Alameda Master Tree Plan, the Alameda Tree Removal Policy, the Integrated Pest Management Policy, and other applicable objective standards, as applicable. Landscaping shall be designed to promote low maintenance plant material and xeriscaping.

*Geotechnical*

49. The Applicant shall submit a soils investigation and geotechnical report for the proposed development, subject to the review and approval of the City Engineer.  
The report shall address the structural and environmental analysis of existing soils and groundwater and provide recommendations for all grading, retaining walls, bulkheads, surface and sub-surface drainage, lot drainage, utility trench backfilling, construction dewatering, and pavement design. The improvement plans shall incorporate all design and construction criteria specified in the report and shall be reviewed and signed by the Soils Engineer specifying that all recommendations within the report have been followed.
50. Any retaining walls, which are adjacent to a property line, shall be masonry, metal, or concrete. Any existing retaining walls to remain are to be evaluated by the Applicant's geotechnical/structural engineer for integrity and applicability to the geotechnical engineer's recommendations.
51. Prior to issuance of the first Temporary Certificate of Occupancy, the geotechnical/soils engineer shall submit a letter report to the City at completion of construction certifying that grading, drainage and backfill installation was performed in general compliance with recommendations in the geotechnical report. All material testing reports shall be attached to the certification letter report.

*Drainage and Stormwater Quality*

52. All on-site surface drainage shall be collected and conveyed in an adequately designed underground storm drainage system in a manner to be approved by the City Engineer. The downstream drainage system shall be analyzed and inadequacies, if any, corrected as determined by the City Engineer. The site shall be graded so that no additional runoff is directed to, and so as not to impede, runoff from adjacent properties.
52. A storm drainage hydrology analysis, identifying the total peak drainage flow quantities to be generated by the proposed development shall be prepared in accordance with the Alameda County Flood Control District Hydrology and Hydraulics Manual by a registered civil engineer licensed in the State of California and submitted as part of the construction improvement plans.
53. Improvement plans shall clearly show the extent of public and 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.
54. 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.
55. All projects shall incorporate permanent stormwater low impact development (LID) design techniques and source control measures to manage the quantity and quality of stormwater runoff from the planned development to prevent and minimize impacts to water quality, in accordance with the City of Alameda's National Pollution Discharge Elimination System (NPDES) Permit, and consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual. Project plans shall indicate the efforts taken to minimize impervious surface areas, especially directly connected impervious surface areas.
56. The Applicant shall submit a Stormwater Quality Management Plan complete with the individual drainage management areas identified, a completed Stormwater Requirements Checklist and numeric sizing calculation sheets, and a stamped, signed City of Alameda C3 certification form from a qualified independent (i.e. different engineering firm) civil engineer with stormwater treatment facility design experience, licensed in the State of California, and acceptable to City Engineer that indicates the LID and treatment measure designs of the improvement plans and Stormwater Quality Management Plan meet the established sizing design criteria for stormwater treatment measures. The Civil Improvement Plans

shall be consistent with the approved Stormwater Quality Management Plan submittal. Prior to issuance of the Permit, the Applicant shall submit for review and approval by the City Engineer a Stormwater C3-LID Measures Operations and Maintenance (O&M) Plan that provides a thorough discussion of the inspection, operations, and maintenance requirements of all of the stormwater treatment, including trash capture, and LID design measures at the site. This O&M Plan shall be consistent with the City of Alameda's C3-LID Measures O&M Plan Checklist. The development shall incorporate permanent post-construction stormwater quality controls in accordance with the City of Alameda's National Pollution Discharge Elimination System (NPDES) Permit. Stormwater design and treatment measures shall be constructed consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual.

57. Plans shall be consistent with documents already submitted and approved of by Public Works, including the Stormwater Quality Management Plan, Stormwater Requirements Checklist, City of Alameda C3 Certification, Stormwater C3-LID Measures O&M Plan, Trash Capture O&M Plan, and C3-LID Measures O&M Plan Checklist. Stormwater design and treatment measures shall be constructed consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual.
57. The development is subject to full trash capture requirements of the City's NPDES permit, regardless of impervious surface area. The developer shall provide a full trash capture system, device, or series of devices that traps all particles retained by a 5mm mesh screen and has a design treatment capacity of not less than the peak flow rate  $Q$  resulting from a one-year, one-hour storm in the sub-drainage area. Plan sheets shall include location, detail and cross-sectional drawings of the stormwater full trash capture device(s) necessary to treat the entirety of the site. The developer shall confirm that the full trash capture device(s) included in the development plan are on the State Water Resources Control Board's list of certified full trash capture systems. Trash capture shall occur on site, not in the public right of way downstream. Applicant shall submit an O&M plan detailing the necessary maintenance tasks and schedule required to maintain all on-site trash capture devices.
58. All new storm drain inlets shall be clearly marked with the words "No Dumping! Drains to Bay," or equivalent, as approved by the Public Works Director.
59. Prior to project acceptance and any certificate of occupancy, the Property Owner(s) shall provide the following:
  - a. Executed C3-LID Treatment Measures Maintenance Agreement with the City, complete with an approved Operations and Maintenance Plan,

the template for annual self-reporting, and assurances for property access for City verification inspections.

- b. Provide shapefiles/GIS coordinates for all stormwater treatment measures (public and private treatment measures on two different GIS layers), including the numbering of each asset as directed.
- c. Provide shapefiles/GIS coordinates for all full trash capture device installation locations (public and private treatment measures on two different GIS layers), including the numbering of each asset as directed, date of installation and device type.
- d. Certification report (Report) prepared by a registered civil engineer, licensed in the State of California, affirming that all project site stormwater treatment measures have been constructed per the City approved plans and specifications. As appropriate, the Report shall include, but not be limited to, assurances and a narrative report that: imported materials used for the treatment measure(s) are certified by the supplier; installation of these materials is per approved plans and specifications and meets the intent of the design engineer; required on-site testing results conform with approved plans and specifications; treatment measures conform to dimensions, grades and slopes on approved plans and specifications; all structural features of the treatment measures comply with plan specifications; the irrigation system is installed and functions as designed; healthy vegetation/ground cover is installed as shown on plans. The Report shall be submitted in a form acceptable to the City Engineer.
- e. Schedule and complete a verification inspection of the stormwater treatment measures with City staff after the submittal of the Certification Report.

60. The Developer shall obtain all necessary permits from other regulatory agencies for projects within sensitive areas or which have significant stormwater pollution potential. Other regulatory agencies may include, but are not limited to, the Regional Water Quality Control Board, Department of Fish and Wildlife, Army Corps of Engineers, and the Bay Conservation and Development Commission.

61. The developer shall comply with the State Water Quality Control Board's Construction General Permit requirements. Copies of the required "Notice of Intent" (NOI) and "Storm Water Pollution Prevention Plan" (SWPPP) along with the WDID# shall be submitted to the City Engineer prior to the issuance of the Permit for any site work. The SWPPP shall utilize the California Storm Water Best Management Practices Handbook for Construction Activities, the ABAG Manual of Standards for Erosion & Sediment Control Measures, the City's Grading and Erosion Control ordinances, the City's "Urban Runoff Best Management Practices Standards", and other generally accepted engineering practices for construction activity pollution prevention, sediment, and erosion control.

62. Developer shall implement site SWPPP and/or the approved erosion and sediment control program prior to the any demolition, grading or construction activity begins. The applicant shall notify the City and schedule an inspection to verify the project's installation of these plans prior to commencing demolition, grading or construction activities. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations and/or a project stop order.
63. The City of Alameda shall be contacted in the event of any slope failure, sediment pond overflow, or any other malfunction resulting in pollutant-laden runoff. If erosion or an unauthorized discharge occurs, the construction activity that is attributing to the erosion or discharge must cease immediately. The erosion and discharge must be controlled and cleaned up immediately. Remediation completion shall be approved by the City Engineer.
64. The applicant is responsible for ensuring that all contractors and subcontractors are aware of and implement all stormwater quality control measures. Erosion and sediment control measures shall be maintained and repaired throughout the construction phase and removed at the end of construction, including the following:
- A. Install erosion prevention and perimeter protection measures (soil stabilization) such as fiber rolls, silt fence, and/or sediment traps or basin. Sediment controls should be a secondary defense behind good erosion control and site perimeter measures.
  - B. Install and maintain stabilized construction entrances to minimize the tracking of dirt, mud, dust and debris onto the public right-of-way.
  - C. Filter materials (such as block and gravel bags, sandbags, filter fabric) shall be installed at the storm drain inlets at, surrounding, and directly adjacent to the project site.
  - D. Minimize the removal of natural vegetation or ground cover to minimize the potential for erosion and sedimentation. Re-plant the area and stabilize all cut and fill slopes as soon as possible after grading is completed.
  - E. The Contractor(s) shall avoid creating excess dust when breaking asphalt/concrete and during excavation and grading. If water is used for dust control, use as little as possible.
  - F. Site shall follow its Construction General Permit requirements and conduct inspections before and after each storm event, and every 24 hours for extended storm events, to identify areas that contribute to erosion and sediment problems or any other pollutant discharges. If additional measures are needed, revise the SWPPP and implement the measures immediately. Document all inspection findings and actions taken.
  - G. Any breach, malfunction, leakage, or spill observed that could result in the discharge of pollutants to surface waters which would not be visually detectable in stormwater shall trigger the collection of a sample

of discharge. Necessary sampling procedures shall be followed, consistent with the SWRCB General Construction Stormwater Permit requirements as applicable.

*Good Site Management*

- H. On-site piles shall be removed regularly from site, with only temporary storage allowed. All temporary soil or other stockpiles on site shall be securely covered with a tarp, sheeting and bermed. Stockpiling or staging of any materials in the public right-of-way requires a City encroachment permit.
- I. Place all construction debris in containers and empty them regularly. When appropriate, use tarps or equivalent on the ground to collect fallen debris or splatters that could contribute to stormwater pollution.
- J. Create a contained and covered area on the site for the storage of cement bags, paints, flammables, oils, fertilizers, pesticides, or any other materials used on the project site that have the potential for being discharged to the storm drain system by wind, exposure to rainfall or in the event of a material spill.
- K. Concrete trucks shall have a self-contained wash-out system or discharge to a dedicated, secure site wash-out. Washout and/or slurry waste shall not accumulate on surrounding pavement or enter the storm water conveyance system.
- L. Vacuum saw-cutting slurry immediately and remove from site. Saw-cut slurry shall not accumulate on surrounding pavement or enter the storm water conveyance system.

*Non-Stormwater Management*

- M. Site de-watering operations shall be designed to prevent the discharge of any sediment, debris or other pollutants to the municipal storm water conveyance system.
- N. Do not discharge wash water, residues or wastes into street gutters or drains. Clean up leaks, drips and spills immediately. Never clean machinery, tools, brushes, etc., rinse containers and/or dispose of wash water into a street, gutter, storm drain or watercourse.
- O. The project perimeter shall be swept and maintained so it is litter free. Caked- on mud or dirt shall be scraped before sweeping. At the completion of work the street shall be washed and the wash water collected and disposed offsite.

65. Sanitary sewerage shall be in accordance with the EBMUD Regional Standards for Sanitary Sewer Installation. All permits, easements, and/or approvals for modifications to the sewer system required by EBMUD shall be obtained prior to issuance of any building permits by the City.

66. 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.

67. A sanitary sewage flow analysis identifying the total peak sanitary sewage flow quantities to be generated by the proposed development, shall be prepared by a registered civil engineer licensed in the State of California and submitted as part of the construction improvement plans. The analysis shall identify required improvements, if any, to ensure sufficient sewage capacity for this project and anticipated cumulative growth in the associated sewer sub-area.
68. The City participates in the EBMUD Regional Private Sewer Lateral Program; therefore the Applicant shall comply with the provisions of this program prior to the issuance of Certificate of Occupancy. Each parcel must be issued a Compliance Certificate by EBMUD. Please review the program requirements and cost for Compliance Certificates: <http://www.eastbaypsl.com/eastbaypsl/>.
69. The Applicant shall secure all necessary permit approvals from EBMUD regarding the installation of all water service for the project.

*Solid Waste Management*

70. 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.
71. The design, sizing, location, access, and provisions for waste hauler collection of all external enclosures and containers for solid waste, recycling, and organics shall be sufficient to serve the development, consistent with written City guidance, and as approved by the Public Works Department.
72. 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.

73. Multi-family and commercial occupants shall be responsible for placing all



solid waste, recyclable materials, and organic materials containers in a location on their premises agreed upon by the customer and the franchisee. Occupants shall not place or store containers on or in any public street, sidewalk, footpath, or public place; as required by Municipal Code Chapter 21-2.4.

74. A 40-foot turning radius or equivalent hammer head must be provided for any street or alley that would otherwise require the collection truck to back up a distance greater than 150 feet.

75. Trash enclosure(s) shall comply with Best Management Practices in accordance with the Clean Water Act. These facilities shall be designed to prevent water run-on to the area and runoff from the area, and to contain litter, trash and other pollutants, so that these materials are not dispersed by the wind or otherwise discharged to the storm drain system. Design shall incorporate a solid roof, impervious floor, solid walls on three sides, and a lockable gate on the fourth side. Trash enclosures attached to buildings shall have fire sprinklers.

76. The design and construction of storage area(s) shall:

- a. Be compatible with the surrounding structures and land uses;
- b. Storage area(s) must be able to accommodate three (3), four (4) cubic yard bins consistent with the current methods of collection provided by the City's Franchised Hauler;
- 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.
- e. Maintain a minimum space of 12 inches between the dumpster(s) and the wall 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-collectable, noxious, unsafe, or in the case of recyclable materials, unmarketable.

77. 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.

78. Trash enclosures serving restaurant and other food-related uses shall include a water supply, a drain to the sanitary sewer, and a grease trap and/or water/oil separator.

79. To the extent applicable, provide a concrete pad in front of the trash

enclosure to accommodate the truck weight while serving the dumpsters.

80. 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 <http://alameda.wastetracking.com>.

### **Alameda Municipal Power Conditions**

81. Prior to approval of Improvement Plans, the Applicant shall coordinate with Alameda Municipal Power (AMP) regarding power requirements.
82. The Applicant shall comply with AMP's Rules and Regulations and "Material and Installation Criteria for Underground Electrical Systems" (available at [www.alamedamp.com](http://www.alamedamp.com)) which provides service options, standards, and minimum clearances from electrical transformers and other utility electrical equipment.
83. 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) front of electrical pad-mounted equipment (e.g. switches, transformers and capacitors) – ten feet. Verify minimum clearance distances of trees/shrubs from all sides and back of electrical pad-mounted equipment with Alameda Municipal Power (AMP).
84. All service installations shall be underground.
85. The Applicant shall be responsible for all expenses involved in the duct/joint trench system engineering design, plan check, project coordination, and electrical construction inspection.
86. The applicant will also be billed for 100% cost of distribution line extension (except transformers that are rated less than 750 kVA) if applicable. AMP will require a refundable deposit for transformers rated 750 kVA and higher based on their capacity utilization.
87. Applicant shall allocate space for pad-mounted transformers and switches in addition to the primary and secondary boxes and conduits that will be required to provide power to the development. AMP will require easements for all transformers, primary and secondary boxes, and conduits.
88. The Applicant shall submit, with the site improvement plans, detailed

drawings showing the required site electric utility facilities.

89. 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 underground primary and secondary circuits, and distribution transformers once the improvements have been inspected by AMP and found to have been properly installed. The Applicant or successor property owner(s) shall be responsible for the service cables and service equipment.
90. Prior to issuance of Certificate of Occupancy, the Applicant shall furnish and install service equipment for each building. The service equipment shall meet Electric Utility Service Equipment Requirement Committee (EUSERC) standards. Electric meter(s) shall be located as close as practicable to the point of entry of the service-entrance conductors to the building. Outdoor meter locations are preferred. When meters are located within a building, the meter room shall be directly accessible from the exterior of the building. Remote metering is not allowed.
91. The development will be served from 208/120V or 480/277V sources, not 120/240V.
92. The Applicant shall provide completed "Service Planning Sheets" for AMP's review.
93. The Applicant shall provide information on the location of transformers and total load in kilowatts or kilovolt-amp (kVA) to AMP for approval prior to building permit issuance. The location, number and type of electric facilities, such as transformers and primary cables, cannot be finalized until electric estimates of each unit are provided. Special loads, such as EV chargers, and solar installations should be identified.
94. The Applicant shall provide all necessary underground substructures, including conduits, pull boxes, electric utility equipment pads, etc. per AMP specifications. AMP will furnish and install all required transformers, high voltage distribution cables, and secondary cables.
95. The Applicant shall install all electric pull boxes and vaults in-line with the conduit joint trench. No conduit bend will be allowed between electric pull boxes, unless conduit section terminates to an electrical equipment pad. All primary and secondary electrical distribution pull boxes shall not be greater than two section deep (34-inches from finish grade to bottom of pull box, for traffic rated boxes consult AMP's "Materials and Installation Criteria"). Any deviations from this standard shall be approved by the AMP Engineering Manager or designee in writing.

96. All conduit installed within 5 feet from the existing or proposed tree shall be provided with a tree root barrier. (Refer to AMP Drawing 1-L-639).
97. The Applicant shall furnish and install code-size service cables in code-size conduit from each electric metering facility to the nearest secondary pull box (or Service Point) in the public right-of-way, as designated by AMP. AMP will connect the service to the distribution transformer or to the secondary distribution system.
98. The Applicant shall provide and install street lighting consistent with the City of Alameda Public Works.
99. All public streets shall be lit with LED lighting. Streetlight layout shall be staggered for a more uniform light distribution. The applicant can provide alternate design if a better efficient light distribution is met.
100. No signs shall be installed or mounted on street light poles owned and/or maintained by the City. All new signs shall be installed on dedicated sign posts.
101. The Applicant shall have all streetlights included in the Improvement Plans, installed, fully functional, operational and approved by the City of Alameda Public Works prior to issuance of a Certificate of Occupancy for any building unless a phasing plan is approved by the Director of Public Works. The applicant shall coordinate with the City to determine responsibilities for the street light ownership, maintenance and energy costs.

### **Additional Conditions**

102. Planning Approval Expiration: This planning approval shall expire three (3) years after the date of approval unless authorized construction or use of the property has commenced. A one-time extension for an additional two years may be granted by the Planning, Building and Transportation Director upon written request and payment of applicable fees prior to the expiration.
103. Building Permit Expiration. All building permits shall expire by limitation 12 months after the issuance date or 12 months from the last "Approved" inspection if construction has not commenced. Permits that have been expired for less than 6 months may be reissued at the discretion of the building official. One or more extensions may be granted by the building official. Extensions shall be requested in writing prior to the expiration of the building permit.
104. INDEMINIFICATION AND HOLD HARMLESS. To the maximum extent

permitted by law, the applicant (or its successor in interest) shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, its City Council, City Planning Board, officials, employees, agents and volunteers (collectively, "Indemnitees") from and against any and all claims, actions, or proceedings against Indemnitees to attack, set aside, void or annul an approval by Indemnitees relating to this project. This indemnification shall include, but is not limited to, all damages, losses, and expenses (including, without limitation, legal costs and attorney's fees) that may be awarded to the prevailing party arising out of or in connection with an approval by the Indemnitees relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding and the applicant (or its successor in interest) shall reimburse the City for its reasonable legal costs and attorneys' fees

105. Judicial Proceedings. 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.
106. Development Impact Fees and Exactions 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.

\*\*\*\*\*