

CITY OF ALAMEDA PLANNING BOARD
DRAFT RESOLUTION

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING VESTING TENTATIVE MAP (TRACT NO. 8736) TO SUBDIVIDE 12.4 ACRE SITE (APN 074-1368-014 & 074-1368-018) INTO 37 LOTS FOR CONDOMINIUM PURPOSES TO FACILITATE THE CONSTRUCTION OF THE 284 UNIT WEST MIDWAY PHASE A RESIDENTIAL DEVELOPMENT LOCATED AT THE SOUTHWEST CORNER OF WEST MIDWAY AVENUE AND MAIN STREET.

WHEREAS, an application was made on May 8, 2025, by Brookfield Residential for a Vesting Tentative Map (Tract No. 8736) approval to subdivide an approximately 12.4 acre site into 37 lots for condominium purposes to facilitate the construction of the 284 unit West Midway Phase A residential development located at the southwest corner of West Midway Avenue and Main Street; and

WHEREAS, the subject property is designated as Mixed-Use in the Alameda 2040 General Plan; and

WHEREAS, the subject property is located within the AP-MS, Alameda Point – Main Street Neighborhood Zoning District; and

WHEREAS, the West Midway Property is a Housing Opportunity Site and a priority program in the Housing Element and is critical to the City of Alameda's commitment to construct at least 5,353 housing units between 2023 and 2031; and

WHEREAS, on February 4, 2014, per City Resolution No. 14891, the City Council certified a Final Environmental Impact Report (State Clearinghouse No. 201312043) ("APP FEIR") under the California Environmental Quality Act ("CEQA"), California Public Resources Code Section 21000 et seq., and adopted written findings, a Statement of Overriding Considerations ("APP SOC"), and a Mitigation Monitoring and Reporting Program ("MMRP") for the Alameda Point Project; and

WHEREAS, on March 21, 2017, per City Ordinance 3177, the City Council adopted the Main Street Neighborhood 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 Tower Avenue, and Man Am Way. The Main Street Neighborhood Specific Plan requires the Planning Board approve a Development Plan prior to redevelopment and reuse of the West Midway Property; and

WHEREAS, on December 1, 2021, per City Resolution No. 15841, the City Council certified a FEIR (State Clearinghouse No. 2021030563) ("General Plan Update EIR") under CEQA, and adopted written findings, a Statement of Overriding Considerations ("GPU SOC"), and an MMRP for the General Plan Amendment to Update the Alameda General Plan ("General Plan Update"); and

WHEREAS, on May 22, 2023, per Planning Board Resolution No. PB-23-09, the Planning Board approved Planning Application No. PLN23-0367 for Development Plan, Use Permit for exceeding the maximum off-street parking requirements, and Universal Design Waiver for the West Midway project, and a CEQA Checklist for the project was prepared and reviewed concurrently by the Planning Board. Pursuant to streamlining provisions of Public Resources Code Sections 21166 and 21083.3 and CEQA Guidelines Section 15162 and 15183, the Planning Board found the environmental effects of the West Midway Project were adequately evaluated in the Alameda Point FEIR and the General Plan Update EIR, and no further environmental review is required. The Planning Board also adopted a Mitigation Monitoring and Reporting Program for the West Midway project, and readopted and incorporated the Alameda Point Project EIR and General Plan EIR Statements of Overriding Considerations; and

WHEREAS, on September 5, 2023, per, the City Council adopted Disposition and Development Agreement (Ordinance 3347) and Development Agreement Ordinance 3348 for the development of approximately 26 acres of land for the West Midway project; and

WHEREAS, on January 16, 2024, the City Council approved Vesting Large Lot Tentative Map Tract 8696, that subdivided a 160 acre parcel into 23 lots and three remainder parcels.

WHEREAS, pursuant to the streamlining provision of Public Resources Sections 21166 and 21083.3 and Sections 15162 and 15183 of the CEQA Guidelines, no further environmental review is required because the West Midway project is consistent with the development density in an adopted Specific Plan for the area; the environmental impacts of the development of the area consistent with the Specific Plan were considered in the APP FEIR adopted by the City Council on February 4, 2014, in compliance with the California Environmental Quality Act (CEQA); the West Midway project is consistent with the development density of, is specifically listed in, and implements the City of Alameda's Housing Element adopted on November 15, 2022; the environmental impacts of the Housing Element and the development of the sites included in the Housing sites inventory were considered in the General Plan Update EIR adopted by the City Council on November 30, 2021; and as documented in the project CEQA Checklist, the West Midway project would not result in new or substantially more severe significant impacts than identified in the APP FEIR due to changes in the project, changed circumstances, or new information and there are no new or considerably different feasible mitigation measures or alternatives from those identified in the APP FEIR that would substantially reduce one or more significant effects that the project proponent declines to adopt; and the West Midway project would not result in significant impacts that: (1) are peculiar to the project or project site; (2) were not already identified as significant effects, cumulative effects, or

off-site effects in the General Plan Update FEIR; or (3) were previously identified as significant effects; but are determined to be substantially more severe than discussed in the General Plan Update FEIR; and

WHEREAS, on December 8, 2025, the Planning Board held a duly noticed public hearing on the subject Vesting Tentative Map (Tract No. 8736) approval to subdivide an approximately 12.4 acre site (APN 074-1368-014 & 074-1368-018) into 37 lots for condominium purposes to facilitate the construction of a 284 unit West Midway Phase A residential development located at the southwest corner of West Midway Avenue and Main Street, and examined all pertinent application materials, staff analysis, and public testimony; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds that the environmental effects of the West Midway Project within the Main Street Neighborhood Specific Plan area have been adequately evaluated, and that:

1. The West Midway Project is consistent with the General Plan Land Use Element, Housing Element, Zoning Ordinance, and Main Street Neighborhood Specific Plan densities and use regulations; and
2. The APP FEIR was certified by the City Council on February 4, 2014; and
3. On March 21, 2017, the City Council approved the Main Street Neighborhood Specific Plan and found it to be consistent with the prior APP EIR; and
4. The General Plan Update FEIR was certified in 2021 by the City Council for the 2021 General Plan update and the 2022 Housing Element Update; and
5. On May 22, 2023, a CEQA Checklist was prepared analyzing the West Midway Project under the APP FEIR and General Plan Update FEIR and was reviewed concurrently with the review and approval of the Development Plan, Use Permit, and Universal Design Waiver; and
6. There are no environmental impacts peculiar to the West Midway Project that were not analyzed in the prior APP FEIR or General Plan Update FEIR, or any such impact can be substantially mitigated by imposition of uniformly applied development policies or standards previously adopted by the City; and
7. There are no significant effects of the West Midway Project that were not analyzed as significant effects in the prior APP FEIR or General Plan Update FEIR; and
8. There are no potentially significant off-site impacts of the proposed West Midway Project and there are no cumulative impacts to which the proposed West Midway Project makes a considerable contribution which were not discussed in the FEIRs; and
9. There are no previously identified significant impacts of the proposed West Midway Project which, as a result of changes in the project, changed

circumstances, or new information which was not known at the time the prior FEIRs were certified, have been determined to have a substantially more severe adverse impact than discussed in the APP FEIR or General Plan Update FEIR; and

10. There are no new or considerably different feasible mitigation measures or alternatives from those identified in the APP FEIR that would substantially reduce one or more significant effects that the project proponent declines to adopt; and
11. Pursuant to the streamlining provisions of Public Resources Code Sections 21166 and 21083.3 and CEQA Guidelines Sections 15162 and 15183, no further environmental review of the West Midway Project is required; and

NOW THEREFORE BE IT RESOLVED, that the Planning Board makes the following findings relative to the proposed Vesting Tentative Map (Tract 8736) application:

1. **The proposed subdivision, together with the provisions for its design and improvement, is in conformance with the General Plan, Specific Plan, and Zoning for this site (Gov. Code § 66474).** The proposed Vesting Tentative map is consistent with the Mixed Use General Plan designation and the AP-MS, Alameda Point – Main Street Neighborhood zoning designations for the property. The subdivision will create 37 lots for mixed use residential development, a multi-use path, and a community park. The proposed subdivision is designed to ensure the lots face streets, that the parcels are adequately accessed by a grid of complete streets, pedestrian sidewalks, and bicycle paths and lanes. The proposed parcels in the mixed use residential development are also designed to accommodate a variety of housing types and incomes.
2. **The site is physically suitable for the type of development (Gov. Code § 66474).** The Vesting Tentative map facilitates the development of Phase A of the West Midway mixed use development consistent with the approved agreements and approved development plan for the project, which will provide 284 for sale, affordable housing options, and workforce housing units with commercial space and public green space. The Vesting Tentative map also facilitates the creation of the condominium map that will provide for sale housing opportunities for a variety of housing types and incomes consistent with the General Plan policies and the Main Street Specific Plan.
3. **The site is physically suitable for the density of the development.** The proposed subdivision will not exceed the planned density for the land consistent with the approved entitlements and General Plan policies.

4. **The proposed design of the subdivision and improvements, as conditioned, will not cause environmental damage or substantially and avoidably injure fish or wildlife or their habitat (Gov. Code § 66474).** All future improvement on the property will be subject to the environmental protections and mitigations imposed by the FEIR and federal biological requirements stemming from the 2012 Alameda Point U.S. Fish and Wildlife Service Biological Opinion.
5. **The design of the subdivision and its improvements will not conflict with easements acquired by the public at large for access through or use of property within the subdivision (Gov. Code § 66474).** All future improvements on the site will be subject to compliance with the Alameda Point Master Infrastructure Plan and the approved Vesting Tentative map, and all necessary easements are to be provided.
6. **The design of the subdivision and its improvements will not cause serious public health problems (Gov. Code § 66474).** Subdivision of the property will facilitate investment in the property, which is necessary to upgrade the existing substandard infrastructure and preserve public health and will comply with the Alameda Point Soil Management Plan, as well as any hazardous materials mitigations imposed by the FEIR.
7. **Water will be available and sufficient to serve the proposed subdivision in accordance with Government Code Section 66473.7.** The subdivision has been designed in accordance with the City of Alameda Master Infrastructure Plan and the EBMUD water supply determinations.
8. **The subdivision will not result in the discharge of waste into the sewer system that would violate regional water quality control regulations in accordance with Government Code Section 66474.6.** The subdivision has been designed in accordance with the City of Alameda Master Infrastructure Plan and EBMUD standards.
9. **The design of the subdivision for which a Vesting Tentative map is required pursuant to Section 66426 of the Government Code of the state of California shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in accordance with Section 66473.1 of the Government Code.** The proposed subdivision is located in an area of the Bay Area that is well suited for passive cooling and heating opportunities due to its location at the end of a peninsula surrounded by water on three sides.

10. **In recommending approval of the Vesting Tentative map, the Planning Board has considered its effect upon the housing needs of the region, balanced with the public service needs of Alameda residents and available fiscal and environmental resources (Gov. Code § 66412.3).** The project fulfills the planned housing development of the approved development plan.

BE IT FURTHER RESOLVED, that the Planning Board approves the Vesting Tentative Map 8736 application subject to the following conditions:

Planning Conditions

1. All maps filed pursuant to this approval shall be in substantial compliance with the map titled "Vesting Tentative Map (TRACT 8736)" on file in the office of the Alameda Planning, Building and Transportation Department. The Final Map(s) shall be in substantial compliance with the Vesting Tentative Map. The Vesting Tentative Map may be finalized in phases.
2. Prior to the approval of the first Final Map(s), all applicable conditions of approval of the approved Vesting Tentative Map, as revised or amended, shall be satisfied.
3. The subdivider shall record the first Final Map that includes improvements within twenty-four (24) months of approval, or conditional approval of the Vesting Tentative Map by the City Council. The City may, upon the subdivider's application filed before the Vesting Tentative Map's expiration date, extend its life for an additional period or periods not to exceed six (6) years in accordance with State law.
4. 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 and dedications to be accepted, accepted subject to improvements, rejected, or abandoned (with recording information) as part of the Final Map(s).
5. Prior to the recordation of the Final Map, Covenants, Conditions and Restrictions (CC&Rs) shall be prepared to the satisfaction of the City Engineer. CC&Rs shall include a maintenance plan for common areas, Parcel A and Parcel B, and designate responsibility through either a Homeowner's Association (HOA) or Shared Maintenance Agreement.
6. The applicant is encouraged to contact the Public Works Department at 510-747-7930 to schedule a pre-application meeting prior to the first submittal of

any subdivision maps or improvement plans to discuss submittal requirements, project review timeline, and fees associated with the processing, filing, and construction of this development

7. A current title report shall be submitted to identify current ownership and any existing easements or land use restrictions
8. The Applicant shall enter into a Subdivision Improvement Agreement with the City, pay all fees, and provide a security in a form and amount acceptable to the City prior to approval of the Final Map
9. The subdivider shall pay for all reasonable office and engineering costs expended by the City Engineer's office, including overhead, in conjunction with reviewing the Final Map, improvement plans, easements, and in obtaining the map signature of the City's consulting surveyor
10. The subdivider shall provide five copies of the permit approved site/off-site civil improvement plans, landscape plans, and specifications along with a Mylar or other reproducible set (plans only), and a digital copy acceptable to the City Engineer
11. 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.
12. Public Access agreement. Prior to submittal of building permits or improvement plans the applicant shall record a public access easement/agreement on the property granting public access to the community park and Valor Avenue.
13. 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.
14. Affordable Housing Deferment: Under the Main Street Specific Plan and the West Midway Project Disposition and Development Agreement (DDA), the 478-unit West Midway Project is required to, among other requirements, provide a total of thirty-nine (39) moderate-income inclusionary units. The first phase of the development, with 284 units, is proportionally responsible for 23 of those inclusionary units, and the second phase is proportionally responsible for 16 units. However, pursuant to the DDA and its

phasing plan, the first phase is only required to construct a minimum of two (2) inclusionary units, provided that the remaining 21 units will be deferred and constructed in Phase 2 of the project, in addition to the 16 units attributable to Phase 2. If, without receiving a timely extension, Phase 2 fails to complete the construction of any deferred inclusionary units by the time required for completion of that phase under the milestone requirements of the DDA, constructed market-rate units in Phase 1 or Phase 2, or both, shall be designated as inclusionary units in an amount sufficient to satisfy Phase 1's remaining proportional responsibility for inclusionary units (i.e. 23 units less already completed deferred units). The applicant, project sponsor, and/or any vertical developer shall work with the City to execute an amended Affordable Housing Agreement if required by the provisions of this condition.

15. Affordable Housing and Affordable Housing Plan: The inclusionary units shall comply with the requirements of the City's Inclusionary Housing Ordinance (AMC 30-16) and adopted Affordable Housing Guidelines, including that the units be of similar bedroom count and build quality as the market-rate units, except that the inclusionary units may be of smaller size (i.e. floor area) and utilize less expensive appliances. Prior to the issuance of the first final map or first building permit for vertical improvements for each phase of the development, whichever occurs first, an Affordable Housing Agreement with the City of Alameda for the on-site moderate income units in that phase shall be executed consistent with this approval, the DDA, the City's Inclusionary Housing Ordinance, and the adopted Affordable Housing Guidelines, and it shall be in substantially the same form as provided in the DDA (Exhibit R of the DDA), which shall be recordable and clearly designate the location of the inclusionary units within the development. The project may elect to utilize a single Affordable Housing Agreement covering all phases of development in lieu of one for each phase. Pursuant to AMC 30-16.8(e), the inclusionary units in this phase shall be completed prior to or concurrently with the issuance of the Certificates of Occupancy for any market-rate units in this phase.

Public Works Conditions

Public Works – General

16. 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 approval of the Final Map or issuance of any Building Permit for the development.
17. The proposed work shall comply with Chapter 30, Article 6 of the Alameda Municipal Code (Real Estate Subdivision Regulations) and Chapter 22 of the Alameda Municipal Code (Streets and Sidewalks) as determined by the City Engineer.

18. The proposed work shall comply with Alameda's Standard Plans and Specifications and Standard Subdivision Specifications and Design.
19. The fee for plan checking and inspection shall be calculated in accordance with the latest Master Fee Schedule as approved by the City Council.
20. Plans shall identify datum. If not NADV88, show conversion.
21. Site plans shall include applicable Standard Construction Notes, latest edition, from Public Works.
22. All streets constructed as part of this development are private.
23. 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.
24. 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.
25. An Encroachment Permit is required for all work within the Public Right-of-Way. The Encroachment Permit is 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.
26. The project shall submit an occupancy plan for review and approval prior to the approval of the Public Works Development Permit and any Building Permit. The occupancy plan shall include a fencing plan to ensure that the active construction areas are separated from the occupied areas.
27. The subdivider shall coordinate with the adjacent West Midway Backbone Infrastructure Developer for access during construction.

Maps and Easements

28. The Applicant is encouraged to contact the Public Works Department at 510-747-7930 to schedule a pre-application meeting prior to the first submittal of any

subdivision maps or improvement plans to discuss submittal requirements, project review timeline, and fees associated with the processing, filing, and construction of this development.

29. A current title report shall be submitted to identify current ownership and any existing easements or land use restrictions.
30. The Applicant shall enter into a Subdivision Improvement Agreement with the City, pay all fees, and provide a security in a form and amount acceptable to the City prior to approval of the Final Map.
31. The Final Map shall show all existing and proposed easement locations, uses and recording information. The Owner's Statement shall list all public right-of-way and easements to be dedicated and the Certificate of City Clerk shall list all public easements and right-of-way to be abandoned with recording information as part of the final map.
32. The subdivider shall pay for all reasonable office and engineering costs expended by the City Engineer's office, including overhead, in conjunction with reviewing the Final Map, improvement plans, easements, and in obtaining the map signature of the City's consulting surveyor.
33. The subdivider shall provide five copies of the permit approved site/off-site civil improvement plans, landscape plans, and specifications along with a Mylar or other reproducible set (plans only), and a digital copy acceptable to the City Engineer.
34. A 10' public access easement for a multiuse pathway shall be provided along the greenway corridor which runs in the east west direction through the development.

Additional Conditions

35. **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

36. 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.

37. 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.

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.

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