

CITY OF ALAMEDA PLANNING BOARD  
**DRAFT RESOLUTION**

APPROVING DEVELOPMENT PLAN (PLN 23-0367), USE PERMIT FOR EXCEEDING MAXIMUM OFF-STREET PARKING REQUIREMENTS, AND UNIVERSAL DESIGN WAIVER, ADOPTING CEQA FINDINGS, AND RECOMMENDING THE CITY COUNCIL APPROVE A DEVELOPMENT AGREEMENT FOR AN APPROXIMATELY 26 ACRE RESIDENTIAL MIXED USE DEVELOPMENT IN THE MAIN STREET NEIGHBORHOOD SPECIFIC PLAN AREA OF THE ALAMEDA POINT PROJECT REFERRED TO AS "WEST MIDWAY PROJECT AT ALAMEDA POINT", AND FINDING THE PROPOSED DISPOSITION OF THE WEST MIDWAY PROPERTY IS IN CONFORMITY WITH THE CITY'S GENERAL PLAN

WHEREAS, an application was made by Catellus Development Corporation and Brookfield Properties ("Applicants") for a Development Plan, Development Agreement, Use Permit, and "Universal Design Waiver" for the "West Midway Property," which is an approximately 26-acre City-owned land within the Main Street Neighborhood Specific Plan area of the Alameda Point Project. The Use Permit is for exceeding the maximum off-street parking requirements of the Main Street Neighborhood Specific Plan; and

WHEREAS, the proposed project (the "West Midway Project" or "Project") consists of approximately 478 residential units, 10,000 square feet of non-residential uses (including but not limited to, retail, commercial, civic and other commercial) space, internal streets, alleys, parks, and bicycle trails; 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 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, the West Midway Project includes at least 40 moderate income deed restricted units and is providing infrastructure and site preparation services valued at over \$20 million for the 309 unit supportive housing development for very low income, low income and transitional housing units on the property adjacent to the West Midway Property ("RESHAP project"); and

WHEREAS, the West Midway Development Plan is consistent with the General Plan, Main Street Neighborhood Specific Plan, the Alameda Point Main Street Neighborhood zoning district applicable to the West Midway Property, the Alameda Point Master Infrastructure Plan, and the applicable provisions of the Alameda Municipal Code including the density and use regulations for the land thereunder; 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

Exhibit 1  
Item 7-A, 5/22/2023  
Planning Board Meeting

WHEREAS, the Main Street Neighborhood Specific Plan is a Specific Plan adopted 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 Pan Am Way; and

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

WHEREAS, the Main Street Neighborhood Specific Plan has a maximum height of four stories (40 feet) unless the Planning Board grants an exception to exceed the applicable maximum height requirements pursuant to Main Street Neighborhood Specific Plan Section 5.4.1.B.

WHEREAS, the West Midway Project includes 1.57 off-street parking spaces per unit where the Main Street Neighborhood Specific Plan authorizes a maximum 1.5 off-street parking spaces per unit unless the Planning Board approves a Use Permit to exceed the applicable maximum off-street parking requirements pursuant to Main Street Neighborhood Specific Plan Section 5.3.4; and

WHEREAS, the Main Street Neighborhood Specific Plan requires all new construction within Alameda Point to comply with Universal Design and Visitability requirements of the Alameda Municipal Code unless the Planning Board approves a waiver of those requirements ("Universal Design Waiver") pursuant to Alameda Municipal Code Section 30-18.5; and

WHEREAS, the Main Street Neighborhood Specific Plan has inclusionary obligations ("Inclusionary Obligations") that require at least six percent of units be made affordable to very low-income households, at least 10 percent be made affordable to low income households, and at least nine percent be made affordable to moderate income households; and

WHEREAS, Renewed Hope Settlement Agreement ("Settlement Agreement") requires that 25 percent of newly constructed residential units at Alameda Point must be made affordable as follows: (1) 10 percent shall be made affordable to low income households (i.e., households with incomes at or below 80% of median income); and (2) the remaining 15 percent shall be made affordable under the criteria set forth in Health and Safety Code Section 33413(b)(2), as that section may be amended "Settlement Agreement Obligations"); and

WHEREAS, pursuant to Government Code Section 65864, the City has adopted rules and regulations establishing procedures and requirements for consideration of development agreements, which procedures and requirements are contained in Alameda Municipal Code Chapter XXX, Article VII, Code Sections 30-91 through 30-95 (the "City Development Agreement Regulations"), and which require the Planning Board to make a recommendation to the City Council regarding any development agreement that is under consideration; and

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, the Planning Board held a duly noticed public hearing on May 22, 2023 for the West Midway Development Plan, Use Permit, Universal Design Waiver, and Development Agreement application, and examined pertinent maps, drawings, and documents, including a draft of the proposed Development Agreement, attached hereto.

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. 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
6. 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
7. 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
8. 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
9. 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
10. 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

BE IT FURTHER RESOLVED, that the Planning Board adopts the Mitigation Monitoring and Reporting Program for the West Midway Project, attached hereto as Exhibit 4 and the Planning Board readopts and incorporates as though fully set forth herein the Alameda Point Project EIR and General Plan EIR Statements of Overriding Considerations; and

BE IT FURTHER RESOLVED that the Planning Board makes the following findings in support of the Development Plan and finds that the following findings can be made in support of the draft Development Agreement (AMC Sections 30-4.13.f., 30-92.5):

1. **The development is an effective use of the site.** The Development Plan provides for the construction of new residential mixed-use development, including community space and open space. The Development Plan provides effective redevelopment and reuse of the land, which has been substantially vacant or underutilized since the departure of the United States Navy (Navy) from the site in 1996 and removes old dilapidated buildings from the area. The Development Plan achieves City policy goals and objectives to create a mixed use, mixed-income development supported by new and upgraded infrastructure, streets, publicly accessible parks and open spaces.
2. **The proposed use relates favorably to the General Plan and the Development Agreement is consistent with the objectives, policies, general land uses and programs specified in the General Plan.** The Development Plan and Development Agreement implement the General Plan, including the policies for the development of Alameda Point, and helps balance jobs and housing through the provision of housing and community uses that help create an economically balanced mixed-use project. The Project is critical to the implementation of the General Plan Housing Element Regional Housing Needs objectives and programs, consistent with the West Midway Property's identification as a Housing Opportunity Site. The Project is consistent with the use and density standards established for the West Midway Property by the General Plan and Main Street Neighborhood Specific Plan.
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 Development Plan's proposed mix of uses and physical improvements is designed to eliminate existing blighted conditions and buildings on the site, and replace and upgrade substandard storm water, potable water, fire water, wastewater, and other essential utility and other facilities that do not meet current State or local codes, are not able to be owned and maintained by the local utility companies in their current form, and contribute to ongoing pollution in the San Francisco Bay. The proposed Development Plan is designed to be compatible with adjacent future uses by providing attractive improvements and pedestrian and bicycle amenities and with transit services contemplated in the approved Alameda Point Transportation Demand Management Plan (TDM Plan). The Development Plan is also subject to the applicable environmental protections and mitigations imposed by the mitigation monitoring and reporting program for the West Midway Project and federal biological requirements stemming out of the U.S. Fish and Wildlife Service Biological Opinion.
4. **The location of the proposed use is compatible with other land uses in the general neighborhood area, and the project design and size is architecturally, aesthetically, and operationally harmonious with the community and surrounding development and the Development Agreement is compatible with the uses authorized in, and the other regulations prescribed for, the use of land.** The Development Plan and Development Agreement are designed to provide a variety of compatible residential land uses with complementary non-residential uses (potentially including retail, commercial, and civic space) within an area of Alameda Point that is identified for such types of development in the Main

Street Neighborhood Specific Plan. Conditions requiring future design review approvals ensure that the proposed project will be architecturally and aesthetically compatible with the surrounding developments.

5. **The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.** The Development Plan provides for a network of internal streets to support pedestrian, bicycle, transit, and auto use. The Plan area is bounded by major arterials, transit, and separated bike paths and cycle tracks. The project will also be served by the Alameda Transportation Management Association services and programs consistent with and in compliance with the Alameda Point TDM Plan.
6. **The introduction of four story buildings up to 50 feet in height is necessary and appropriate to improve the architectural design of the buildings and the architectural character of the entire project.** A four story building with four 10 foot floors results in an unattractive box-like building with fewer opportunities for incorporating architectural details that can create visual interest and break up the box-like appearance like four story buildings up to 50 feet in height do, and the overall design of the neighborhood is improved and becomes more interesting with the addition of the four story buildings up to 50 feet in height and the resulting visual interest in a mix of building heights that helps break up the visual monotony that arises from uniformly-sized buildings.

BE IT FURTHER RESOLVED that the Planning Board finds that the West Midway project's provision of infrastructure and site preparation services in support of the adjacent RESHAP project and the inclusion of the West Midway project's very low and low income, and a portion of its moderate income, Inclusionary Obligations and Settlement Agreement Obligations on the adjacent RESHAP property, and the inclusion of the balance of the West Midway Project's moderate income obligations on the West Midway Project site, implements the goals and objectives of the Housing Element of the City of Alameda General Plan, satisfies the West Midway Project's Inclusionary Obligations and Settlement Agreement Obligations, reduces the effects on housing affordability caused by new residential development, and meets the need for housing affordable to persons of very low-, low-, and moderate income.

BE IT FURTHER RESOLVED, that the Planning Board makes the following findings in support of the request for Use Permit approval to exceed the 1.5 per unit parking space maximum to a maximum of 1.57 spaces per unit (AMC Sections 30-7.3.e., 30-21.3.b.):

1. **The location of the proposed use is compatible with other land uses in the general neighborhood area, and the project design and size is architecturally, aesthetically, and operationally harmonious with the community and surrounding development.** (See finding #4 above.)

**The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.** (See finding #5 above)

2. **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.** (See finding #3 above.)
3. **The proposed use relates favorably to the General Plan.** (See finding #2 above)
4. **Transportation demand management measures will reduce the need for the additional off-street parking.** The West Midway project will comply with the Transportation Demand

Exhibit 1

Item 7-A, 5/22/2023

Planning Board Meeting

Page 5 of 17

Management Plan for Alameda Point (TDM Plan). The project will be added to Community Facilities District 17-1 and will therefore be contributing annual funds to support the Alameda Transportation Management Association, which provides transit passes to all households at Alameda Point, electric bicycle rebates, and other transportation demand management services.

5. **The additional parking demand cannot reasonably be accommodated through formal arrangements such as shared parking or reciprocal parking agreements that make use of other available off-site parking.** Shared parking arrangements with adjacent commercial or residential uses is not a viable option for the West Midway project residents. The adjacent residential developments have limited public parking opportunities and nearby public facilities such as the public parking for the shoreline park and Ferry Terminal are not suitable for shared parking for the West Midway residential project.
6. **There are unique characteristics of the users or the land use activity that result in a high level of automobile parking demand.** Market rate townhome buyers include a large percentage of families and extended families as compared to the residents of nearby multifamily rental buildings, which are typically smaller households and single person households. The 1.50 parking ratio reserved for "Dwelling unit" does not distinguish between townhomes, duets, and other mid-rise housing products and high-rise multi-family apartments. Townhomes typically have a higher parking demand per unit than multi-family apartments. Townhomes typically are larger than multi-family apartments, which generally corresponds with more occupants per unit, and results in a higher parking demand per unit than multi-family apartments. The larger family households result in a higher level of automobile demand. The townhome product is typically three and four bedroom homes, whereas the nearby rental buildings are mostly one bedroom, studios, and a small number of two bedroom units.
7. **The project provides positive environmental, social, or other community benefits that outweigh the adverse effects of additional parking, such as improving public safety, or improving and/or preserving access for pedestrians, cyclists or users of public transit.** The West Midway project will be providing funding on an annual basis to support transit and alternative modes of transportation to reduce automobile generated greenhouse gas emissions. The plan also includes extensive bicycle facilities, protected two way bikeways, and separated one way bikeways throughout the project to support active transportation.

BE IT FURTHER RESOLVED, that the Planning Board make the following findings in support of the Universal Design Waiver (AMC Section 30-18.5):

1. **The requested waiver is necessary to support the provision of affordable housing units.** The West Midway Project supports the construction of at least 147 very low, low and moderate income units through the provision moderate income units on site and the provision of infrastructure and site preparation services valued at over \$20 million for the RESHAP project, which includes 309 supportive housing units reserved for very low income, extremely low income, low income, and transitional households. In order for the West Midway Project to be financially viable including accounting for the additional costs associated with the provision of infrastructure and site preparation services for the RESHAP project, the West Midway Project needs to include a housing mix that incorporates townhomes, duets, and mid-rise condo buildings (e.g., three-story and four-story). However, these types of housing products are characterized by smaller ground floor space than detached single-family dwellings and do not support the financial feasibility of installing elevators such as in high-rise multi-family apartment

buildings, making it challenging for these products to meet the Universal Design and Visitability requirements. Accordingly, the requested waiver is necessary for the West Midway Project to be financially feasible and to support the provision of affordable housing units.

2. **The requested waiver is necessary to avoid an undue and substantial financial hardship caused by topographical conditions on the site; the size or configuration of the site; and/or other site constraints; and/or legal constraints and equivalent facilitation is not available.** The topographical conditions of the West Midway Property, specifically changes in grade needed to comply with storm water retention requirements and sea level rise requirements makes it prohibitively expensive to comply with the applicable accessibility requirements. In order to comply with the requirements, additional land must be provided for each unit or elevators must be included in each unit. These additional costs could potentially jeopardize the feasibility of the West Midway Project. Accordingly, the requested waiver is necessary to avoid an undue and substantial financial hardship caused by topographical conditions of the West Midway Property.

BE IT FURTHER RESOLVED, that the Planning Board of the City of Alameda, in accordance with Government Code Section 65402, has reviewed the proposed disposition of the West Midway Property, including the location, purpose, and extent of such disposition, for conformity with the City's General Plan, and has determined that such disposition is consistent with and advances the goals, objectives, and principles, of the General Plan, including, but not limited to, because the West Midway Property is a Housing Opportunity Site and a priority program in the Housing Element of the General Plan and is critical to the City of Alameda's commitment to construct at least 5,353 housing units between 2023 and 2031, and based thereon finds that the proposed disposition of the West Midway Property is in conformity with the General Plan.

BE IT FURTHER RESOLVED, that the Planning Board of the City of Alameda hereby recommends that the City Council approve the draft Development Agreement, and approves the Development Plan prepared by KTG Group, INC. dated May 4, 2023 (Exhibit 2), Use Permit, and Universal Design Waiver for the West Midway project, subject to the following conditions:

1. Design Review Approval: Prior to issuance of any building permit or site improvement permit in preparation of vertical development, an application for Design Review shall be submitted for review and approval by the City of Alameda. The plans submitted for the Design Review approval shall be in substantial compliance with the plans prepared by KTG Group, INC. dated May 4, 2023 on file in the office of the City of Alameda Planning Department. Design Review shall be conducted by the Planning Board to ensure consistency of the Design Review plans with the approved Development Plan, the Main Street Neighborhood Specific Plan's Development and Design Guidelines (Section 5.4.2), and the Planning Board's adopted Objective Design Review Standards. Design Review plans shall include:
  - i. Architectural design for five or more architecturally distinct sub-neighborhoods within the West Midway project site.
  - ii. Architectural design for the commercial building at the corner of Pan Am and West Tower Avenue.
  - iii. Street, sidewalk, and bikeway design details, street tree placement and size, and intersection treatments to support the urban forest and pedestrian, bicycle, and vehicle safety.
  - iv. A roundabout design for the West Midway/Stargell/Main intersection.

2. CEQA Mitigation Measure Monitoring: Prior to issuance of a building permit or site improvement permit, the applicant shall submit a Mitigation Measure Compliance Checklist confirming compliance with all required environmental mitigation measures contained in the West Midway MMRP adopted by the Planning Board for the redevelopment of West Midway. Prior to issuance of a design review, building or site improvement permit, a Biological Opinion Compliance Checklist must be submitted confirming compliance with all required conditions set forth in the Declaration of Restrictions for the Former Naval Air Station Alameda (Declaration) consistent with the Biological Opinion issued by the U.S. Department of Fish and Wildlife, and Exhibit C of the Memorandum of Agreement between the City of Alameda and Department of Veteran's Affairs (Alameda Point Lighting Mitigation Measures).
3. Transportation Demand Management Funding. The project shall provide annual funding through Community Facilities District 17-1 for transportation demand management services.
4. Phasing. The West Midway Project shall be constructed in phases in accordance with the Development Plan phasing plans. Each phase shall comply with all applicable conditions of approval and allow for studies, plans, approvals, and improvements to be undertaken, approved, and implemented on a phase-by-phase basis
5. Infrastructure Improvement Plans: Prior to issuance of a building permit, there must be approved infrastructure improvement plans for the improvement of the on-site and adjacent off-site streets, open space, waste water, storm water, potable water, recycled water, power, and communications facilities required for each phase of development. The improvement plans shall be reviewed for consistency with the Disposition and Development Agreement, and subject to the requirements of the MIP and AMC. The plans shall be prepared, signed and stamped as approved by a registered civil engineer licensed in the State of California. The engineer shall also assume responsibility for inspection of the on-site construction work, including but not limited to parking lots, pathways, storm facilities and, sewer facilities, and shall certify to the City, prior to acceptance of the work or issuance of any occupancy permit, including a temporary occupancy permit, whichever comes first, that the installation of the on-site work (excluding the building and foundation) was constructed in accordance with the approved plans. All required public frontage and street improvements shall be designed, built, and dedicated to the City in accordance with City ordinances, Public Works Department standards and the Subdivision Improvement Agreement with respect to such improvements and shall include curbs, gutters, sidewalks, street trees, storm water treatment controls, landscaping and irrigation, streetlights, etc.
6. Gas Infrastructure Prohibited. All heating, cooling, cooking and other facilities shall be electric powered. No gas infrastructure shall be extended to new buildings in the West Midway Project consistent with City Council policy to prohibit new gas infrastructure to new buildings at Alameda Point to reduce greenhouse gas emissions.
7. Affordable Housing: Prior to the issuance of the first final map or first building permit for vertical improvements for new construction, whichever occurs first, an Affordable Housing Agreement with the City of Alameda for the on-site market rate units shall be executed consistent with the requirements of the West Midway Disposition and Development Agreement.
8. Landscape Plans: All landscape plans shall be in accordance with the City's Bay Friendly Landscaping requirements, the Master Street Tree Plan, the AMC, conditions of approval by the



Planning Board, and other regional jurisdictions requirements, as applicable. Prior to issuance of building permits or improvement plans, Applicant shall submit a complete WELO Landscape Document Package, as defined by Alameda Municipal Code (AMC) Section 30-58.3(d), subject to the approval of the Planning, Building, and Transportation Director.

9. On-Street Parking and Intersection Design. All infrastructure improvement plans submitted with the Tentative Map shall ensure that on street parking is designed to be at least 7.5 feet in width as required by the Main Street Specific Plan, and the final design and configuration of all intersections shall be subject to the review and approval of the Public Works Director.
10. Vesting: This Development Plan approval shall expire and become void unless actual construction under valid permits has commenced within two years after this approval or unless this Development Plan is vested for a longer period than two years by a Development Agreement or other vesting document.
11. Modifications: Minor modifications to the project site design, building placement, or building footprints requested by the applicant may approved by the Planning and Building Director provided that the Director is able to make the finding that the modification is necessary in support of the project and in substantial conformance with the illustrative design approved by the Planning Board. Engineering standards and specifications requested by the applicant may be established, modified and approved by the Public Works Director, or his designee. Major modifications that are not consistent with this development plan or these conditions shall be subject to review and approval of the Planning Board.
12. Other Agency Approvals: Prior to issuance of building permit(s) for work within jurisdictional lands, evidence that all required approvals, permits, or waivers from Regional Water Quality Control Board (RWQCB), including a possible 401 Certification for the construction of a stormwater outfall, and/or the Army Corp. of Engineers, if any, have been obtained shall be provided. The final improvement plans shall incorporate all other agency requirements. Prior to construction, provide evidence of all relevant submittals required by the State's Construction General Stormwater Permit

## **Public Works Conditions of Approval**

### General

1. Prior to issuance of a Building Permit the applicant shall apply for a Public Works Development Permit (PWD).
2. Provide draft Conditions, Covenants, and Restrictions outlining the maintenance responsibility of private infrastructure (utilities, roadways, etc.).
3. 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.
4. 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.
5. The proposed work shall comply with Alameda's Standard Plans and Specifications and Standard Subdivision Specifications and Design.

Exhibit 1

Item 7-A, 5/22/2023

Planning Board Meeting

Page 9 of 17

6. 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.
7. Plans shall identify datum. If not NADV88, show conversion.
8. Site plans shall include applicable Standard Construction Notes, latest edition, from Public Works.
9. 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.
10. 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 involve the public ROW.
11. 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. The Encroachment Permit application and requirements can be found at the link below:

<https://www.alamedaca.gov/files/content/public/departments/planning-building-and-transportation/permit-center/formshandoutsver2/en-package-ptcp-2021-07a.pdf>

#### Maps and Easements

12. 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.
13. A current title report shall be submitted to identify current ownership and any existing easements or land use restrictions.
14. The Applicant shall enter into a Subdivision Improvement Agreement with the City in substantially the form attached to the DDA, pay all applicable fees, and provide a security in a form and amount acceptable to the City in accordance with the Subdivision Improvement Agreement prior to approval of the applicable Final Map.
15. Each 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 parcel/final map.
16. 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.
17. 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.
18. The developer shall dedicate public streets to the public upon acceptance of the required public improvements by City Council.

Exhibit 1

Item 7-A, 5/22/2023

Planning Board Meeting

Page 10 of 17

19. The Final Map shall denote what utilities are to be maintained by the City.

#### Streets, Sidewalks, Parking and Traffic Control

20. All intersections with Orion Street, Skylark Street and Ardent Way shall comply with Section 8-8.5 of the Alameda Municipal Code "Intersection Visibility Zones," which prohibits parking within 20ft of a crosswalk or curb return.
21. The proposed work shall comply with all current, applicable, plans, standards, policies and guidelines including Alameda Point Master Infrastructure Plan, Alameda's Active Transportation Plan, Alameda Point Transportation Demand Management 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. Alameda Point development shall comply with the various Alameda Point key documents. All documents can be found at the City's Public Works webpage, under Key Documents, at <https://www.alamedaca.gov/Departments/Public-Works>.
22. 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.
23. 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.
24. When replacing or repairing concrete at an existing arch culvert, remove and replace the corrugated metal arch "lid" and associated hardware.

#### Grading and Floodplain

25. 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.
26. 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.
27. Prior to issuance of the 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

28. 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.

Exhibit 1

Item 7-A, 5/22/2023

Planning Board Meeting

Page 11 of 17

29. 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. The City will provide this data to an independent consultant who will assess the impact of the proposed development on the City's storm drainage system using a hydraulic model and determine the improvements, if any, to ensure sufficient capacity for this project and anticipated cumulative growth in the associated drainage basin. The Applicant shall include the recommended improvements into the project's improvements.
30. Improvement plans and subdivision map 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.
31. 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.
32. 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

33. 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.
34. 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 completed Stormwater Requirements Checklist consistent with the Civil Improvement Plans and 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.
35. 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.

36. 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. Verification that the following have all been incorporated with the CC&Rs of the relevant HOA: O&M plans for all stormwater treatment, trash control and design measures to be maintained by any homeowners' association or property owners' association, the template for annual self-reporting, and assurances for property access for City verification inspections.
  - c. 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 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.
37. The Civil Improvement Plans shall provide the Public Works Department Clean Water Program the construction-phase appropriate erosion and sedimentation control program and plan for review and approval. The plans shall describe construction activity best management practices to be implemented in conformance with the City's erosion, sediment and discharge-control "Urban Runoff Best Management Practices Standards", consistent with 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 and other generally accepted engineering practices for construction activity pollution prevention, sediment, and erosion control.
38. 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.
39. Prior to and for each building demolition permit, the applicant shall assess and verify for the potential of PCBs in Building Demolition materials by:
- a. Reviewing the packet "PCBs in Priority Building Materials: Model Screening Assessment Applicant Package (Rev. Nov. 2019)" (Packet);

- b. Completing the two-page “PCBs Screening Assessment Form” (pp 18-19 in the Packet) for each building proposed for demolition AND submitting a signed copy to Public Works (ATTN: Clean Water Program) for review; AND
  - c. 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
- 40. 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 include, but are not limited to, the Regional Water Quality Control Board, Department of Fish and Wildlife, and Army Corps of Engineers.
- 41. Projects proposed for construction between October 1st and April 30th, 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.
- 42. 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.

#### Sewer and Water

- 43. 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.
- 44. Improvement plans and subdivision map 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.
- 45. The applicant/developer shall provide information necessary to run the City’s hydraulic model, to assess the impact on trunk sewer capacity to determine if additional capacity is required. The applicant/developer is responsible for cost associated with the model run/assessment. After the above information is provided but prior to the model run, the applicant/developer will be provided an estimated cost for approval. The applicant/developer is required to provide the following data to the City:
  - Project name:
  - Site location (APN and street names) (attach map if available):
  - Location of proposed connection point(s) to sewer mainline (identify by pipe/manhole ID if known, or attach map):
  - Current site use
  - Details of proposed development land uses
  - Type (e.g., single-family residential, apartments, office, retail, restaurant, etc.)
  - Number of residential units by type
  - Square footage of non-residential building floor space (by type of use)
  - Other details as applicable (e.g., number of students, beds, etc.)
  - Similar information for any existing development to be removed or replaced
  - Weekly and diurnal flow pattern if not typical residential or commercial pattern
  - Estimated average and peak daily flow if atypical land use and significant discharge

46. 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 sewer lateral must be issued a Compliance Certificate by EBMUD. Please review the program requirements and cost for Compliance Certificates: <http://www.eastbaypsl.com/eastbaypsl/>.
47. The Applicant shall include the City and EBMUD recommended improvements, if any, from the sewer study into the project's improvements plans prior to approval of the improvement plans or Final Map, whichever comes first.
48. The Applicant shall secure all necessary permit approvals from EBMUD regarding the installation of all water service for the project.

Power, Telecom, and Street Lighting:

49. The Applicant shall design and construct power, telecom, and other utilities in accordance with applicable utility standards.
50. Street lighting shall be designed in accordance with the City of Alameda Street Lighting Design Guide, latest edition. A photometric study shall be provided with the improvement plans. Any adjustments to bring street lighting up to City standards will be incorporated into final permit drawings.
51. All utilities along the project frontage(s) except the KV 115 power lines on Main Street shall be undergrounded. If utility poles are to remain, accessible paths shall be provided around these poles whether existing or new. If poles to be removed support street lighting, new street light poles shall be installed.
52. **For projects proposing new Public light poles/fixtures:** Furnish two additional street light poles and LED fixtures of each type installed, at no cost, to the Public Works Department as a stock for future pole/fixture replacement on public facilities. The applicant shall be responsible for all costs associated with the transportation, handling and delivery of the poles/fixtures to a Public Works storage yard designated by the City Engineer. The applicant shall coordinate and schedule the delivery of the poles/fixture with the Public Works Department.
53. Work with AMP to locate a transformer and pad, if needed, on private property with appropriate maintenance access.
54. In accordance with Alameda's Climate Action and Resiliency Plan, natural gas is not permitted for new residential units.

Solid Waste

55. 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.
56. 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.
57. 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

Exhibit 1

Item 7-A, 5/22/2023

Planning Board Meeting

Page 15 of 17

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.

58. 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.
59. Trash enclosure(s)/staging area 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.
60. 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/staging area 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.
61. 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.
62. Provide a concrete pad in front of the trash enclosure/staging area to accommodate the truck weight while serving the dumpsters.
63. The Development shall comply with Chapter 21, Article 6 of the Alameda Municipal Code and submit a Waste Management Plan documenting the diversion of project related construction and demolition debris to the satisfaction of the Public Works Director.
64. Per Chapter 4, Article I of the Alameda Municipal Code, persons distributing merchandise of any kind, including food and beverage, shall provide adequate interior and exterior disposal containers, and frequent enough removal of their contents, to enable patrons to deposit all waste material generated by said merchandise therein.
65. 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>.

#### Landscaping

66. 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, as well as conditions of approval by the Planning Board, and other applicable standards, as applicable. Landscaping shall be designed to improve curb appeal while promoting low maintenance plant material and xeriscaping.

**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 (including, without limitation, legal costs and attorneys' 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 Department a written notice of appeal stating the basis of appeal and paying the required fees.