

CITY OF ALAMEDA RESOLUTION NO. \_\_\_\_\_

APPROVING TENTATIVE MAP TRACT 8534 AND DENSITY BONUS APPLICATION PLN19-0448 TO SUBDIVIDE A 1.29-ACRE PROPERTY INTO TWELVE LOTS LOCATED AT 2607 TO 2619 SANTA CLARA AVENUE AND 1514 TO 1518 BROADWAY

WHEREAS, an application was made on October 5, 2020 by Branagh Land, Inc. for a Tentative Map Tract 8534 and Density Bonus Application No. PLN19-0448 to subdivide an existing 1.29-acre property into 12 lots located at 2607 - 2619 Santa Clara Avenue & 1514 - 1518 Broadway (property), to support construction of nine infill townhome dwellings within an existing residential development; and

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

WHEREAS, the property is located in the R-5-PD (General Residential - Planned Development) and R-4-PD (Neighborhood Residential – Planned Development) Zoning Districts; and

WHEREAS, the existing zoning for the property allows a base density of 28 residential units, and Branagh Land Inc. is proposing that 7% of the 28 units (two units) will be available to very low-income households, which qualifies the project for a 25% density bonus, for a total of 35 residential units on the 1.29 acre site. The applicant qualifies for one concession or incentive and unlimited waivers of development standards that will have the effect of physically precluding the construction of the development at the permitted density or with the required concessions or incentives under State Density Bonus Law and the City's density bonus ordinance; and

WHEREAS, subdivision of the property will facilitate the development of the property consistent with the approved Development Plan for 31 residential units; and

WHEREAS, on November 23, 2020, the Planning Board conducted a duly noticed public hearing and adopted Planning Board Resolution No. PB-20-25 approving Development Plan and Density Bonus Application No. PLN19-0448 to construct nine townhome dwellings within an existing 1.29 acre residential development (project) located at 2607-2619 Santa Clara Avenue and 1514-1518 Broadway, and adopted Planning Board Resolution No. PB-20-26 recommending the City Council approve Tentative Map Tract 8534; and

WHEREAS, on January 19, 2021, the City Council reviewed Tentative Map Tract No. 8534 and Density Bonus Application PLN19-0448, and all pertinent maps, documents, and exhibits and determined that the Tentative Map is consistent with the General Plan and Alameda Municipal Code (AMC) requirements for the property.

NOW, THEREFORE, BE IT RESOLVED, that the City Council finds that this action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 – Infill Development Projects. The project meets all requirements

for the infill exemption, and none of the exceptions in CEQA Guidelines Section 15300.2 apply.

1. **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.** The tentative map facilitates construction of nine townhomes, with density bonus waivers, consistent with the Medium Density Residential General Plan designation, the R-4, Neighborhood Residential District, the R-5, General Residential District, and the PD, Planned Development Combining District.
2. **The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.** The 1.29-acre project site is located within the R-4-PD and R-5-PD Districts, and is designated as Medium Density Residential by the General Plan. The subject site is within City limits and the surrounding neighborhoods are heavily urbanized areas.
3. **The project site has no value as habitat for endangered, rare or threatened species.** The area of the proposed development is currently located at the center of an existing residential development within a heavily urbanized area. The site contains two tennis courts and a basketball court within an existing residential development and is subject to high levels of disturbance from foot and vehicle traffic from the residents and the surrounding city streets. The site has no habitat value for any endangered, rare, or threatened wildlife species.
4. **Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.** The proposed subdivision is located within a transit and pedestrian oriented urban area. The project is served by existing sewer and water infrastructure and will not result in any significant effects to water quality. Construction noise and dust will be minimized by local regulations and proposed conditions of approval for the project. The proposed project will not result in any significant noise, air quality, traffic, or water quality impacts.
5. **The site can be adequately served by all required utilities and public services.** The project site is located within an urban district that already has the basic water, sewer, and other utility infrastructure necessary to support the proposed project. The site has access to all other public services provided by the City; and

BE IT FURTHER RESOLVED, that the City Council makes the following findings relative to the Density Bonus Application:

1. The proposal qualifies for a density bonus pursuant to State Density Bonus Law and Alameda Municipal Code Section 30-17. The applicant is proposing that 7% of the 28 base units (i.e., two units) will be available to very low-income households, which qualifies the project for a 25% density bonus or 7 “bonus” units, for a total project size of 35 residential units on the 1.29 acre site. The approved development plan includes development of 31 residential units.
2. Pursuant to State Density Bonus Law, Government Code Section 65915(d)(2)(A), the

project qualifies for one incentive or concession because more than 5% of the “base density” units will be affordable to very low-income households. The applicant is requesting a concession to waive the requirement that 30% of the new units satisfy the Universal Design requirements set forth in AMC section 30-18.4(b). Although the applicant is able to meet the 100% visitability requirement, they are not able to meet the 30% universal design requirement that requires that 30% (three) of the nine units also provide an accessible route to an accessible bathroom, an accessible common use room, an accessible bedroom, an accessible kitchen, accessible common or private open space; accessible laundry facility, and adaptable internal stairs. To do so in a townhome building would require installation of an elevator. The applicant’s Density Bonus Application states that the concession or incentive results in actual or identifiable cost reductions to provide for affordable housing costs. In light of the foregoing, the Applicant’s requested incentive or concession is granted.

3. Pursuant to State Density Bonus Law and AMC section 30-17, the applicant is requesting waivers from the City’s prohibition against multifamily housing and related density limitations (Charter Article 26 and AMC §§ 30-50, 30-53), off-street parking requirements (AMC § 30-7), front, rear, and side yard setback requirements (AMC §§ 30-4.4, 30-4.5), open space requirements (AMC §§ 30-4.4, 30-4.5, 30-5.12), and minimum lot size and width requirements (AMC § 30-4.4, 30-4.5), all of which are development standards in the AMC that would otherwise physically preclude the project at the permitted density. To enable development of the permitted density, the City Council grants the following density bonus waivers because each of the development standards below would physically preclude the project from developing at the permitted density:

- a. Multifamily Housing and Related Density Limitation Waiver. Article 26 of the Alameda City Charter and AMC section 30-50 and 30-53 prohibit construction of multifamily housing in Alameda and limits the density of housing to one housing unit per 2,000 square feet of land. It is physically not possible to fit the nine new units on the property as conforming single-family or duplex units in conformance with AMC section 30-53 and City Charter section 26-1. The proposed waiver allows for construction of a four-unit multifamily building and a five-unit multifamily building. The request for a waiver from the multifamily prohibition would not result in any specific, adverse health or safety impacts, or impacts to the physical environment. Additionally, consistent with Government Code section 65915(e), the City may not apply any development standard that will have the effect of physically precluding the construction of a development at the permitted densities or with the required concessions or incentives. The permitted density, pre-bonus, is 28 units. State density bonus law permits 7 additional units, regardless of contrary local density limitations. The applicant instead proposes to construct 3 more units, which is authorized by state law and could not be denied despite this number exceeding the one housing unit per 2,000 square feet of land limitation set forth in Charter section 26-3.
- b. Parking Waiver. AMC section 30-7 requires two (2) off-street parking spaces or 62 spaces for 31 housing units. It is not physically possible to fit the nine new units and 62 parking spaces on the property in conformance with AMC section 30-7. The applicant is proposing to provide 35 parking spaces for the 31 units by maintaining 1

off-street parking space for each existing unit and providing 1.2 off-street parking spaces for each of the 9 new townhome units, slightly more than the current 1:1 parking ratio for the existing 22 residential units on the property. The waiver would not result in any specific, adverse health or safety impacts to the community, or impacts to the physical environment.

- c. Front Yard Setback Waiver. AMC sections 30-4.4 and 30-4.5 require 20 foot front yard setbacks for all development. As shown on the Tentative Map, none of the proposed lots for the existing 11 buildings provide a 20 foot front yard setback. (The front yard setbacks for the existing buildings range from 5 feet to 15 feet.) The three new buildings would not front onto a public street. The front yard setback requirements would physically preclude the project from developing at the allowed density. The waiver would not result in any specific, adverse health and safety impacts, or impacts to the physical environment.
- d. Rear Yard Setback Waiver: AMC sections 30-4.4 and 30-4.5 require 20 foot rear yard setbacks for all development. The Tentative Map provides rear yard setbacks of 20 feet for three of the existing residential buildings. The rear property lines for the existing buildings reflect the location of existing fence lines. The new townhomes would have 11 foot rear yard setbacks. The rear yard setback requirements would physically preclude the project from developing at the allowed density. The waiver from the rear yard setback standard would not result in any specific, adverse health or safety impact, or impacts to the physical environment.
- e. Side Yard Setback Waiver: AMC sections 30-4.4 and 30-4.5 require 5 foot side yard setbacks. The Tentative Map provides side yard setbacks that range between 1 foot and 5 feet from the side property lines. As shown on the plans, the new property lines and “no build” easements have been placed to ensure compliance with California Building Code fire and life safety requirements for a minimum distance between buildings. The waivers are necessary to create the necessary lots for each of the existing buildings and to accommodate the additional nine units. The plan has been reviewed by the Building and Fire Department to ensure that it conforms to all life safety requirements. The side yard setback requirements would physically preclude the project from developing at the allowed density. The waiver from the side yard setback standard would not result in any specific, adverse health or safety impact, or impacts to the physical environment.
- f. Open Space Waiver: AMC sections 30-4.4, 30-4.5, and 30-5.12 require 4,000 square feet of open space for the 20 units in the R-5 district (200 square feet per unit) and 2,400 square feet for the six units in the R-4 district (400 square feet per unit). The five single family homes on Lots 4, 5, 6, 7, and 8 contain private back yards on individual lots and are not included in the open space calculations. Although the applicant is able to provide 6,778 square feet of useable open space including 4,630 square feet of common open space, a waiver for the open space requirements is required because the project does not have enough space on site to provide the required private open space that meets the dimension and setback requirements of the AMC. The private open space is required to provide a 5 foot side yard setback, a 10 foot rear yard setback, and have a minimum width of 10 feet. Because of these

dimension requirements the applicant is unable to physically fit private open space in the development and therefore is requesting a waiver from the open space requirements. The requested waiver will not result in any specific, adverse health or safety impact, or impacts to the physical environment.

- g. Minimum Lot Size and Width Waiver. AMC sections 30-4.4 and 30-4.5 require a minimum lot size of 5,000 square feet and minimum lot width of 50 feet. The Tentative Map lots range in size from 1,341 square feet to 15,194 square feet and in width from 34 feet to 100 feet. Lots 1-2, 4-8, 10 and 11 are less than 5,000 square feet in size. Lots 3-9 and 11 are less than 50 feet in width. Maintaining this 5,000 square feet minimum lot size requirement would physically prevent the project from being built at the permitted density and with the granted concessions/incentives. ,Additionally, the proposed lots are largely reflective of existing conditions, including existing fence lines. The proposed lot sizes are not uncommon in Alameda and will not result in any specific, adverse health or safety impact, or impacts to the physical environment. Further, the proposed lot sizes make it feasible to fit the 31 units on the site.

BE IT FURTHER RESOLVED, that the City Council makes the following findings relative to Tentative Map 8534:

1. **The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan and Zoning.** The proposed tentative map will subdivide an existing residential development into 12 lots, and allow for the development of nine townhomes, vehicle parking, and supporting open space. The proposed subdivision is consistent with the General Plan and Zoning Ordinance and ensures each lot is provided adequate access to the streets, pedestrian walkways, and bicycle networks in the surrounding area.
2. **The site is physically suitable for the type of development.** The tentative map will subdivide an existing residential development into 12 lots, and allow for the development of nine townhomes, consistent with the approved Development Plan. The 1.29-acre property is suitable for the density of the development and allows for adequate parking, open space, and access for the residential units on site.
3. **The site is physically suitable for the density of the development.** The proposed subdivision supports the 22 existing residential units and 9 proposed residential units in the development, which is less than the maximum residential density of 35 units allowed by the R-5-PD and R-4-PD zoning of the property with State Density Bonus.
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.** The site contains an existing residential development, two tennis courts and a basketball court and is subject to high levels of disturbance from foot and vehicle traffic from the residents and the surrounding city streets. The site has no habitat value for any fish or wildlife species.

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.** All existing easements for the provision of utilities and services are preserved on the tentative map and easements for future access, utilities and services are provided.
6. **The design of the subdivision and its improvements will not cause serious public health problems.** The proposed tentative map will subdivide an existing residential development into 12 lots, and facilitate the development of nine townhomes, parking lot, and supporting open space. The project will not cause serious public health problems to the surrounding area.
7. The subdivision will not result in the discharge of waste into the sewer system that would violate regional water quality control regulations.
8. In approving the tentative map, the City Council 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; and

BE IT FURTHER RESOLVED, that the City Council hereby recommends that the City Council approve Tentative Map Tract 8534, subject to the following conditions:

**General Conditions:**

1. All maps filed pursuant to this approval shall be in substantial compliance with the Tentative Map – Tract 8534 prepared by Carlson, Barbee & Gibson, Inc., dated October 5, 2020, and on file in the office of the Planning, Building & Transportation Department.
2. The Final Map(s) shall be in substantial compliance with the Tentative Map. Prior to the approval of the Final Map that includes improvements, all applicable conditions of approval of the approved Tentative Map, as revised or amended, shall be satisfied.
3. The subdivider shall record the Final Map within twenty-four (24) months of approval, or conditional approval of the Tentative Map by the City Council. The City may, upon the subdivider's application filed before the 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. Prior to the City Council approval of the Final Map, the Applicant shall submit a Mylar copy and a CAD file of the Final Map.
5. Prior to approval of Final Map, the following shall be required: a refundable cashier's check in the amount of \$400 to guarantee a Mylar copy of the recorded Parcel or Final Map(s); payment for all reasonable office and engineering costs, including overhead, in conjunction with reviewing the Final Map(s) and associated improvement plans and easements; three copies of the approved on-site/off-site civil improvement plans and landscape plans, along with a velum or other reproducible set (plans only); and a CD or DVD digital copy acceptable to the City Engineer.

6. The applicant/developer shall provide access for emergency vehicles, trash collection vehicles, and tenant and resident circulation within each phase of development.
7. Affordable Housing Agreement: Prior to issuance of building permits, the project applicant shall execute an Affordable Housing Agreement with the City in conformance with the requirements of AMC Section 27-1. The Affordable Housing Agreement will require two (2) on-site residential units affordable to Very Low-Income households.
8. CC&Rs. In conjunction with the on-site improvement plans, the applicant/developer shall prepare Conditions, Covenants and Restrictions (CC&R's) for the new residential units within Lot 12, which CC&Rs shall establish a Homeowners' Association(s) (HOA) for the new residential units within Lot 12. All Lot 12 unit owners must be a member of the HOA. The applicant/developer must submit CC&Rs, and HOA requirements for the residential development to the City for approval prior to selling any units within Lot 12 and prior to having the documents recorded. The applicant/developer shall bear all costs for recording.
9. Transportation Demand Management: Prior to Final Map approval or building permit, whichever comes first, the applicant shall ensure that the CC&Rs include participation in a Transportation Management Association to provide transit services via annual assessments of \$400 (2021 dollars) for each of the townhome units. The annual assessments shall be adjusted annually in accordance with the San Francisco Bay Area Consumer Price Index for All Urban Consumers (CPI-U).
10. Common Open Space, Access, Utility and Parking Easements. The Final Map and/or separate easement agreements recorded prior to the Final Map shall provide for access, parking and utility easements for the residential lots within the development. Such easements shall include the right for all residential lots in the development to access the Common Open Space in Lot 12.
11. Landscape Maintenance Agreement. Prior to issuance of building permits, the applicant shall include a landscape maintenance agreement, service contract or other guarantee for the long-term maintenance and upkeep of the open space within Lot 12. The requirement for such long-term landscape maintenance guarantee shall be included in the CC&Rs for the development, and be subject to approval by the Planning, Building, and Transportation Director.
12. Prior to Final Map approval or issuance of the first building permit, whichever comes first, the property owner shall initiate the process to terminate the Development Agreement with the City for the property (DA 97-02).

### **Public Works Conditions of Approval**

13. The Development 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. The Development shall comply with all current, applicable, plans, standards, policies and guidelines

including Alameda's Municipal Code (AMC), Standard Plans and Specifications, and Standard Subdivision Specifications and Design. 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>.

14. 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.
15. Fees for plan checking, permit issuance, inspections, and approval shall be calculated in accordance with the latest Master Fee Schedule as approved by the City Council.
16. A title report dated within the last six months shall be submitted to identify current ownership, existing easements, and land use restrictions.
17. An Encroachment Permit is required for all work within the Public Right-of-Way. An issued Encroachment Permit is required prior to issuance of any Building Permits for the proposed development.

### **Subdivision Requirements**

18. 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 final map.
19. An engineer's cost estimate for frontage and site improvements shall be submitted.
20. 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 parcel/final map.

### **Improvement plans**

21. The Applicant shall submit for review and approval construction Improvement Plans for all on- and off-site improvements, including design calculations, for all improvements listed below, as applicable. The plans shall be prepared, signed, and stamped as approved by a registered civil engineer licensed in the State of California. The Improvement Plans shall be approved by the Public Works Department prior to approval of the Final / Parcel Map or issuance of a Building Permit for the development.
22. The developer shall construct and dedicate to the public full street improvements equal to 33 feet from the centerline of Santa Clara Avenue and 30 feet from the centerline of Broadway including concrete curb, gutter, sidewalk, curb ramps, paving, drainage system, streetlights and street trees, all to the satisfaction of the City Engineer. The



existing street section and all public improvements shall be removed and replaced to the centerline of the street if the existing pavement or public improvements are damaged as determined by the City.

23. The replacement driveway within the City right-of-way on Broadway shall conform to the latest City of Alameda Standard Plan.
24. 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.
25. Pursuant to Subdivision Map Act, Government Code section 66491(a), and Section 30-80.1 of the Alameda Municipal Code the City Engineer has waived the requirement of a preliminary soils report for the proposed subdivision. Waiver of this soils report requirement for the subdivision has no bearing on any subsequent requirement for a soils report related to any building permit application or further on-site development.
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.

### **Drainage**

27. 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.

### **Stormwater Quality Protection and Treatment**

28. Project 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 Civil Improvement plans shall indicate the efforts taken to minimize impervious surface areas, especially directly connected impervious surface areas.
29. The project shall be developed to create or replace less than 10,000 square feet of impervious surface. The developer shall submit with the Civil Improvement Plans a stormwater exhibit detailing the impervious and pervious surfaces throughout the project. The City Engineer shall make the final determination whether the project creates or replaces less than 10,000 square feet of impervious surface and is therefore not subject to the City's National Pollution Discharge Elimination System (NPDES) Permit Provision C3 "Regulated Project" stormwater discharge requirements

30. The redevelopment area of the project is subject to full trash capture requirements of the City's NPDES permit. A full trash capture system or device is any single 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.
31. Prior to the issuance of any permits for the development, the Applicant shall submit with the Civil Improvement Plans a Stormwater Quality Management Plan that indicates the LID designs of the improvement plans and Stormwater Quality Management Plan are consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual.
32. Prior to the issuance of any permits for the project, the Applicant shall submit for review and approval by City Engineer a Stormwater C3-LID Measures Operations and Maintenance (O&M) Plan for the pervious pavement LID design measures and trash capture device(s) at the site. This O&M Plan shall be consistent with the City of Alameda's C3-LID Measures O&M Plan Checklist.
33. Prior to project acceptance and any certificate of occupancy, the Property Owner(s) of the new Townhome Project parcel shall execute a C3-LID Stormwater 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.
34. The maintenance responsibilities for the HOA of the new Townhome Project shall formally include the implementation of the O&M for the pervious pavement LID site design measures and trash capture device(s) for the common open spaces of the project site/area.
35. Prior to project acceptance and any certificate of occupancy, the Applicant shall submit a certification report (Report) prepared by a registered civil engineer, licensed in the State of California, affirming that all project site stormwater 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.
36. The Civil Improvement plans submittal shall include construction-phase appropriate erosion and sedimentation control program and plan for review and approval. The plan shall describe construction activity best management practices to be implemented in

conformance with the City's erosion, sediment and discharge-control standards and 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 and other generally accepted engineering practices for construction-phase pollution control.

37. The Applicant shall pay for any required cleanup, testing, and City administrative costs resulting from consequence of construction materials entering the storm water system and/or waters of the State.

### **Traffic and Transportation**

38. Prior to the issuance of an Encroachment Permit, a pedestrian and traffic control plan that addresses pedestrian circulation around the site and parking and/or travel lane closures on the surrounding streets shall be submitted for review and approval by the City Engineer.

39. Parking layout shall be constructed in conformance with City's off-street parking design standards, Alameda Municipal Code Section 30, Article 1, Chapter 6 Off-Street Parking and Loading Regulations. 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.

40. 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.

### **Utilities**

41. Sanitary sewerage shall be in accordance with the EBMUD Regional Standards for Sanitary Sewer Installation.

42. 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 plan or parcel/final map, whichever comes first. All permits, easements, and/or approvals for modifications to the sewer system required by EBMUD shall be obtained prior to the Final Map.

43. 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 within the subdivision must be issued a Compliance Certificate by EBMUD. Please review the program requirements and cost for Compliance Certificates: <http://www.eastbaypsl.com/eastbaypsl/>.

44. Prior to issuance of building permits, the Applicant shall secure all necessary permit approvals from EBMUD regarding the installation of all water or sewer service connections for the project.

45. The Applicant shall design and construct water, power, telecom, gas, and other utilities in accordance with applicable utility standards.

### **Other Standard Conditions**

46. A separate Building Permit is required for the construction of any structures on the site. The Applicant should contact the Building Division to discuss submittal requirements. On and off-site Improvement Plan approval is required prior to the issuance of each Building Permit.

47. The project shall be designed to accommodate three waste streams: recycling, organics, and trash; as required by the Alameda County Waste Management Authority's Mandatory Recycling Ordinance (ACWMA Ord. 2012-01).

48. The design, location, access, and provisions for waste hauler collection of all external enclosures for solid waste, recycling, and organics shall be of sufficient size and design to serve the development as approved by the Public Works Department prior to approval of the improvements plans, parcel/final map(s), or the building permit, whichever comes first. If no building permit is required, the plans must be approved by the PWD prior to establishment of the use.

49. 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, 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. Any trash enclosure facilities with a water supply shall also drain to the sanitary sewer.

50. 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.

51. Construction activities are restricted to the hours of 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 a permit is first secured from the City Manager or designee based upon a showing of significant financial hardship.

52. Record drawings (as-builts) of improvements to the satisfaction of the City Engineer shall be provided in both paper and electronic format prior to final occupancy and/or subdivision acceptance and release of bonds.

53. **Indemnification.** 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.

\* \* \* \* \*

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 19<sup>th</sup> day of January, 2021, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 20<sup>th</sup> day of January, 2021.

\_\_\_\_\_  
Lara Weisiger, City Clerk  
City of Alameda

Approved as to form:

\_\_\_\_\_  
Yibin Shen, City Attorney  
City of Alameda