

CITY OF ALAMEDA PLANNING BOARD
DRAFT RESOLUTION

APPROVING DEVELOPMENT PLAN AND RECOMMENDING APPROVAL OF A DRAFT DEVELOPMENT AGREEMENT (PLN 23-0167) FOR AN APPROXIMATELY 8 ACRE MIXED USE DEVELOPMENT IN THE MAIN STREET NEIGHBORHOOD SPECIFIC PLAN AREA OF THE ALAMEDA POINT PROJECT REFERRED TO AS “REBUILDING THE EXISTING SUPPORTIVE HOUSING AT ALAMEDA POINT” (RESHAP)

WHEREAS, an application was made by MidPen Housing Corporation (MidPen), for a Development Plan and Development Agreement for an approximately 8 acre mixed use development at Alameda Point referred to as “RESHAP,” which is within the Main Street Neighborhood Specific Plan area of the Alameda Point Project; and

WHEREAS, the proposed RESHAP project consists of 309 multi-family residential units and community uses, which would occupy new buildings and streetscape improvements; and

WHEREAS, the proposed RESHAP project is a 100% supportive housing mixed use project; and

WHEREAS, RESHAP is consistent with the General Plan density and use regulations for the land in the General Plan; and

WHEREAS, RESHAP is consistent with the Main Street Neighborhood Specific Plan and the Alameda Point Main Street Neighborhood zoning district density and use regulations for the land; and

WHEREAS, the RESHAP project is a Housing Opportunity Site and a priority program in the 2022 City of Alameda Housing Element; and

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, and Pan Am Orion 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 RESHAP; and

WHEREAS, pursuant to the streamlining provision of Public Resources Section 21083.3 and Section 15183 of the CEQA Guidelines, no further environmental review is required because the RESHAP project is consistent with 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 Alameda Point Project (APP) Final Environmental Impact Report (FEIR) adopted by the City Council on February 4, 2014, in compliance with the California Environmental Quality Act (CEQA); the RESHAP project is consistent with, is specifically listed, and implements the City of Alameda Housing Element adopted on November 15, 2022; the

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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 RESHAP 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 FEIR; or (3) were previously identified as significant effects; but are determined to be substantially more severe than discussed in the EIR; and

WHEREAS, the Planning Board held a duly noticed public hearing on May 8, 2023 for this Development Plan application, and examined pertinent maps, drawings, and documents.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds that the environmental effects of the RESHAP Project, including the Main Street Neighborhood Specific Plan containing RESHAP have been adequately evaluated, and that:

1. RESHAP is consistent with the General Plan, Zoning Ordinance, and Main Street Neighborhood Specific Plan densities and use regulations; and
2. RESHAP is consistent with the General Plan Housing Element; and
3. The FEIR was certified by the City Council for the Alameda Point Project, including amendments to the General Plan and Zoning Ordinance, as well as the Main Street Neighborhood Specific Plan; and
4. There are no environmental impacts peculiar to RESHAP that were not analyzed in the FEIR, or any such impact can be substantially mitigated by imposition of uniformly applied development policies or standards previously adopted by the City; and
5. There are no significant effects of the RESHAP project that were not analyzed as significant effects in the FEIR; and
6. There are no potentially significant off-site impacts of the proposed RESHAP project and there are no cumulative impacts to which the proposed RESHAP project makes a considerable contribution which were not discussed in the FEIR; and
7. There are no previously identified significant impacts of the proposed RESHAP project which, as a result of substantial new information which was not known at the time the EIR was certified, have been determined to have a more severe adverse impact than discussed in the FEIR.
8. Pursuant to the streamlining provisions of Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183, no further environmental review of the Development Plan is required; and

BE IT FURTHER RESOLVED that the Planning Board finds that the following findings can be made in support of the Development Plan:

1. **The development is an effective use of the site.** The Development Plan provides for the construction of new residential development, with agricultural uses, community space and open space. The Development Plan provides effective redevelopment and reuse of RESHAP, which has been substantially vacant 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 infrastructure, streets, parks and public open spaces.

2. **The proposed use is consistent with and relates favorably to the General Plan.** The Development Plan supports General Plan policies for the development of Alameda Point and helps balance jobs and housing through the provision of affordable housing and community uses that help create an economically balanced mixed-use project. The Development Plan also provides for open spaces and a community space to be used as a central gathering place for residents. The Development Plan is consistent with the use and density standards established for the 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 proposed mix of uses and physical improvements is designed to eliminate existing blighted conditions and buildings on the site, and replace 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 environmental protections and mitigations imposed by the FEIR, 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.** The Development Plan is designed to provide compatible residential land uses within an area of Alameda Point that is identified for housing in the 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 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. **Supportive Housing.** The project is a 100% affordable housing project that is eligible for an exception from the City of Alameda EV Charging provisions if the exception is required to address cost constraints.

BE IT FURTHER RESOLVED, that the Planning Board of the City of Alameda recommends that the Alameda City Council approve the draft Development Agreement, and

BE IT FURTHER RESOLVED, that the Planning Board of the City of Alameda hereby approves the Development Plan prepared by David Baker Architects dated May 8, 2023 PLN23-0167 (Exhibit 2), 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 Main Street Specific Plan and the plans prepared by David Baker Architects dated May 8, 2023 on file in the office of the City of Alameda Planning Department, which include main building entries that face inward toward the center of the campus.
2. 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 DDA, 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.
3. Building Permit Plans: The plans submitted for the Building Permit shall be in substantial compliance with the plans prepared by David Baker Architects dated May 8, 2023 on file in the office of the City of Alameda Community Development Department and the Design Review plans, described above, once approved by the Planning Board.
4. 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 RESHAP MMRP (See Streamlined Checklist and MMRP) adopted by the Planning Board for the redevelopment of RESHAP. 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).

5. Affordable Housing: Prior to the issuance of the first building permit for vertical improvements for new construction, an Affordable Housing Agreement with the City of Alameda shall be executed. The Affordable Housing Agreement will require, in part, phased construction of 301 deed-restricted residential units affordable to low- and very low -income households and up to eight units for on-site property management.
6. Conformance with Local Codes. Building Permit submittals shall be consistent with all local City of Alameda municipal codes including, but not limited to:
 - a. Universal Design Ordinance, AMC 30-18.
 - b. LEED or Green Point Rating Requirements, AMC 13-19
 - c. Bird Safe Ordinance, AMC 30-5.16.b.
 - d. Dark Skies Ordinance, AMC 30-5.16.c, and
 - e. Parking and TDM Requirements, AMC 30-7. The applicant shall be eligible for waivers or reductions in the EV charging provisions of Section 30-7, if the applicant is able to demonstrate that such exception is required to address cost constraints, unique site constraints, or any unique or special characteristics of the use.
7. Water Efficiency Landscape Ordinance: 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.
8. Dust Control: Prior to issuance of building or grading permits, the Applicant shall ensure that a dust control program is implemented consistent with City and BAAQMD requirements. Construction activities shall be subject to the requirements of the Alameda Municipal Code, which restricts construction 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.
9. Automobile and Bicycle Parking: Site improvement plans shall be consistent with the maximum permitted automobile parking ratios and minimum permitted bicycle parking ratios described in AMC 30-7. The plans shall specify the number of parking spaces to be equipped with electric charging stations.
10. 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.
11. 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

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unless this Development Plan is vested for a longer period than five years by a Development Agreement or other vesting document.

12. Modifications: Minor modifications to the project site design, building placement, or building footprints may be 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.
13. 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

Improvement Plans

14. Improvement Agreement: To guarantee completion of the required on-site and off-site improvements consistent with the MIP and DDA, an Improvement Agreement with the City must be entered into and security in a form and amount acceptable to the City provided prior to issuance of a building permit for vertical construction.
15. Engineer Approved: Prior to the approval of a building permit for vertical construction, improvement plans shall be prepared, signed, and stamped as approved by a registered civil engineer licensed in the State of California and be consistent with the Alameda Point Master Infrastructure Plan (MIP). The engineer shall also assume responsibility for inspection of the on-site construction work, and shall certify to the City, prior to acceptance of the work or issuance of any occupancy permit, that the installation of the on-site work (excluding the building and foundation) was constructed in accordance with the approved plans.
16. Easements: The improvement plans and Parcel or Final Maps shall show all existing and proposed easement locations, uses and recording information. The Owner's Statement shall list all easements to be dedicated and the Certificate of City Clerk shall list all public easements to be abandoned (with recording information) as part of the Parcel or Final Map.
17. Potable Water: The improvement plans shall include potable water infrastructure consistent with the MIP to serve the project, whose design shall be shown on the Improvement Plans to the satisfaction of EBMUD, the Public Works Director, and the Fire Chief.

18. Storm Water Quality and Treatment Controls: The improvement plans shall incorporate appropriate pollution prevention source control measures, permanent low impact development (LID) measures, storm water treatment controls and/or design techniques to manage the quantity and quality of storm water runoff from the project site to prevent and minimize impacts to water quality and be consistent with the MIP and any existing or future conditions of a 401 certification for Alameda Point (401 Certification Conditions) and the Provision C3 requirements of the City's municipal stormwater permit. Efforts shall be taken to minimize impervious surface areas, especially directly connected impervious surface areas. Roof drains shall discharge and drain to an unpaved area wherever practicable. Design techniques may include green roofs, rainwater harvesting, vegetated swales, vegetated buffer zones, bio retention units, retention/detention basins and ponds, tree well systems, and the incorporation of pervious surface areas and LID measures. The Improvement Plans shall provide details sufficient to ensure that the storm water 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, the MIP and the 401 Certification Conditions. Applicants may also refer to the Bay Area Storm water Management Agencies Association (BASMAA) *Start at the Source Manual* for technical guidance. All storm water design and treatment measures for private development pads shall be consistent with the C3 requirements and 401 Certification Conditions and be located on the development pad or an adjacent private development pad and shall not be located on property planned for public parks or public rights of way.
19. Landscape Plans: The improvement plans shall include landscape and irrigation plans for improvements consistent with the Development Plan, Main Street Neighborhood Plan, DDA and MIP. The plans shall be prepared, signed, and stamped by a licensed landscape architect and civil engineer for flood and sea-level rise protection improvements and shall be in accordance with the AMC and other regional jurisdictional requirements. The landscape architect shall also assume responsibility for inspection of the work and shall certify to the City, prior to acceptance of the work, that the installation of landscaping and irrigation in the public right-of-way was constructed in accordance with the approved plans.
20. Waste Water: A sanitary sewage flow analysis, identifying the total peak sanitary sewage flow quantities generated by the proposed development shall be prepared by a registered civil engineer licensed in the State of California and submitted as part of the construction improvement plans. The City will provide the analysis to an independent consultant who will assess the impact of the proposed development on the City's sanitary sewer system and determine if any improvements to the City's system are required to ensure sufficient sewage capacity for this project and any anticipated growth within the associated sewer sub-area. The applicant/developer will pay for the cost of the modeling study. The applicant/developer will incorporate any recommended improvements from the sewer study into the project's improvements plans and be consistent with the MIP.
21. Waste Water Capacity: A sanitary sewage treatment capacity analysis for wet weather flows associated with the development, compared to existing or previous conditions, shall be prepared by a registered civil engineer licensed in the State of California and submitted as part of the construction improvement plans. The plan shall identify and mitigate any

increase in wet weather flow capacities. The improvements plans will include any recommended improvements and be consistent with the MIP.

22. Storm Drainage: A storm drainage hydrology analysis identifying the total peak drainage flow quantities to be generated by the proposed development shall be prepared by a registered civil engineer licensed in the State of California and submitted as part of the construction improvement plans. The improvements plans will include any recommended improvements and be consistent with the MIP.
23. Fire Water: The improvement plans for the project site shall include a Fire Water System consistent with the MIP. The system shall be designed to the satisfaction of EBMUD and the Alameda Fire Department. The Applicant shall be responsible for the placement of on-site hydrants. The location and number of hydrants shall be established in improvements plans. Placement shall be shown on the improvement plans and shall be to the satisfaction EBMUD, the City Fire Chief and the City Engineer.
24. Fire Sprinklers: The improvement plans and building permit plans shall include fire sprinkler systems within each residential unit including the garage and attic spaces.
25. Fire Safety: Prior to approval of the Improvement Plans, plans for review and approval by the Public Works Director and the Fire Chief shall be submitted, that:
 - a. Provide fire hydrants spaced throughout the project as required in California Fire Code Appendix C. Ensure sufficient fire flow for the development compliant with California Fire Code Appendix B and AMC 15-1.2 where a maximum reduction of the fire flow can be reduced by 50% for fire sprinklered buildings.
 - b. Fire hydrant flows shall be a minimum of 1,500 G.P.M. from any one hydrant;
 - c. Provide adequate turn around space or acceptable emergency vehicle through access for any street greater than 150 feet in length;
 - d. Ensure that all roads that are required to be fire access roads have an adequate turning radii for fire apparatus (inside turning radius of 28" and outside turning radius of 44'8"); and
 - e. For all roads designated as fire access roads shall have a minimum fire lane width of 26' unobstructed for buildings taller than 30'. Should parking within the fire lane be required, the fire lane width shall be increased as required to meet fire access requirements.
26. Utilities: The improvement plans shall include facilities and improvements to ensure that utility services are maintained for existing users throughout the construction process and the access to such service for maintenance purposes is preserved throughout the construction process for new utilities. The improvement plans shall preserve access to the Cartwright Substation throughout the construction process.
27. Geotechnical Report: A geotechnical report, including recommendations shall be prepared by a registered geotechnical engineer licensed in the State of California. The improvement plans shall incorporate all geotechnical recommendations in the report and be consistent with the MIP and DDA. The geotechnical engineer shall sign and stamp the improvement plans as conforming to its recommendations. The geotechnical engineer shall also assume

responsibility for inspection of the work and shall certify to the City, prior to acceptance of the work that the work performed is adequate and complies with their recommendations.

Public Improvements

28. Maintenance: Maintenance of improvements not within the public ROW shall be the responsibility of the new development.

Water Quality

29. Best Management Practices: T All contractors and sub-contractors shall install, implement and effectively maintain appropriate sediment control, erosion control and other water quality protection measures to prevent any pollutants from entering the municipal storm water drainage system or the Seaplane Lagoon, either directly or indirectly, during all construction activities. All implemented measures shall be consistent with the City's urban runoff Best Management Practices (BMPs) standards. Payment shall be required for any required cleanup, testing, and/or City administrative costs resulting from consequence of construction materials entering the storm water drainage system.
30. Hydro Seeding: Hydro seeding of all disturbed pervious surface areas shall be completed in compliance with the requirements included in the State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ.
31. Storm Water Quality Management Plan: A stormwater quality management plan, consistent and concurrent with the finalized improvement plans, shall be submitted to demonstrate and verify appropriate site design for LID and stormwater treatment consistent with the Provision C3 requirements, the MIP and the 401 Certification Conditions. This Plan shall include: a completed City of Alameda's Stormwater Requirements Checklist; the determination and identification of drainage management areas (DMAs) for all proposed impervious surface areas on the proposed project site; the establishment of Provision C3-compliant stormwater quality measures for each DMA; a site plan map and inventory identifying each DMA and corresponding C3-compliant measure, including area values (in square feet) for all areas; a stamped, signed City of Alameda certification form from a qualified independent civil engineer with stormwater treatment facility design experience, licensed in the State of California, and acceptable to the Public Works Department that indicates the Plan and all LID and treatment measure designs meet the established sizing design criteria for stormwater treatment measures consistent with Provision C3 of the municipal stormwater permit;
32. Storm Water Pollution Prevention Program: Prior to the initiation of any site grading at the project site or the issuance of the first combination grading/building permit, or approval of Civil Improvement Plans, whichever comes first, provide the Public Works Department Clean Water Program, with copies of both the WDID# issued to the project site by the State Water Resources Control Board (SWRCB) and the required Storm Water Pollution Prevention Plan (SWPPP). These documents shall provide verification to the City that the

project site is in compliance with SWRCB Order No. 2009-0009-DWQ prior to the initiation of construction activity. Information on this State Order is available at: http://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml
The SWPPP shall be reviewed and accepted by the Public Works Clean Water Program for conformance with the City's erosion and sediment control standards.

33. **Certification Report:** Prior to issuance of the occupancy permits for each phase/block of the RESHAP project site, the applicant/developer shall submit a 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, verifications 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; 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 Public Works Engineering.
34. **Storm Water Trash Capture:** Prior to the issuance of the first grading/building/combination permit for each project phase, the Improvement Plans shall indicate the storm water trash capture measure(s) being installed on the project site to ensure that the stormwater drainage from the project site is subject to full trash capture consistent with the City's municipal stormwater permit definition of a full trash capture device. Improvement plan sheets shall provide sufficient plan views and details of the full trash capture device installation(s) necessary for engineering review and approval. A full trash capture system or device is any single device or series of devices that trap all particles retained by a 5mm mesh screen and has a design treatment capacity of not less than the peak flow Q resulting from a one-year, one-hour storm in the sub-drainage area. Plan sheets shall include detail and cross-sectional drawings of any stormwater full trash capture device.
35. **Storm Drains:** All new storm drain inlets shall be clearly marked with the words 'No Dumping! Drains to Bay' by means approved by the Public Works Department. Permanently affixed thermoplastic, metallic or plastic laminate style markers are acceptable forms. The Improvement Plans shall clearly indicate this.
36. **Operations and Maintenance Plan:** Submittal of a stormwater treatment measures Operations and Maintenance (O&M) plan is required for review and approval by the Public Works Department prior to the approval of and consistent with the improvement plans for each phase. The O&M plan shall include, but not be limited to: treatment and design measure(s) descriptions and summary inventory; a legible, recordable, reduced-scale (8.5"x11") copy(-ies) of the Site Plan indicating the treatment and design measure(s) location(s) and site drainage patterns; treatment measure(s) maintenance requirements and maintenance schedule; the approved plant list and planning plan; detailed description

of the integrated pest management principals and techniques and/or Bay Friendly Landscaping Program techniques to be utilized during landscape maintenance to ensure pesticide/herbicide use-minimization in landscaped areas; name and contact information of current maintenance personnel; and template of the annual O&M report submittal to the City. The O&M plan(s) for all stormwater treatment and design measures to be maintained privately shall be incorporated with the CC&Rs of the relevant private entity.

37. Stormwater Agreement: A Stormwater Treatment Measures Maintenance Agreement (Stormwater Agreement) shall be executed with the City for any stormwater treatment or design measure not to be privately maintained, prior to the issuance of the certificate of occupancy. The Stormwater Agreement shall include, but not be limited to: the O&M plan for all approved stormwater treatment measures; identification of the party responsible for implementing the O&M plan; assurances of access to inspect and verify the treatment system O&M for the life of the project; and assurances of the submittal of the annual O&M report to the City. The executed Stormwater Agreement shall be recorded, at applicant/developer's expense, with the County Recorder's Office of the County of Alameda.
38. Landscape Plans: Landscaping plans shall be designed to minimize runoff, promote surface infiltration, incorporate Bay Friendly Landscaping approaches, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution and be consistent with the MIP and 401 Certification Conditions
39. Backflow Prevention: Backflow prevention devices shall be installed on all new and existing domestic, commercial, irrigation, and fire water services and as required by the East Bay Municipal Utility District (EBMUD).

Transportation Facilities

40. Traffic Circulation Plan: Traffic striping and signage plan shall be submitted for all on- and off-site improvements, including all crosswalks, bus stops, turn lanes, merge lanes, acceleration lanes, lane drops, etc., as part of the construction improvement plan submittal... The traffic circulation plan shall include plan(s) showing truck turning templates including rear/front wheel and body tracking movement and shall include delivery trucks, fire engines, moving vans and waste management trucks. The Public Works Department will review and approve the internal and external circulation of the parking lot, including lane widths and access points. The plans shall be prepared by a registered civil engineer or traffic engineer licensed in the State of California. The engineer shall sign and stamp the plans as approved. The plans shall be reviewed and approved by the Public Works Director prior to approval of the improvement plans or Parcel or Final Map, whichever comes first. The plan shall include all necessary striping to ensure safe ingress and egress from the project site to the adjacent public streets.
41. Traffic Control Plan: At least three weeks prior to the commencement of work within the public right-of-way that affects access for pedestrian, bicyclist, and vehicular traffic, a Traffic

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Control Plan (TCP) shall be provided to the Public Works Department for review and approval. The TCP shall be prepared by a registered civil engineer or traffic engineer licensed in the State of California, and be in accordance with the California MUTCD standards. The engineer shall sign and stamp the plans as approved. In general, any public right-of-way shall remain unobstructed during project construction or an ADA compliant alternative route established as approved by the Public Works Director. At locations where adequate alternate access cannot be provided, appropriate signs and barricades shall be installed at locations determined by the Public Works Director and Police Chief. Should transit routes be affected, prior approval from AC Transit of any proposed traffic detours or temporary closure of bus stops is required. Construction work may not commence until the TCP is approved by the Public Works Director.

42. Lighting: Pedestrian and vehicular lighting at all intersections and project driveways shall meet Alameda Municipal Power standards for crosswalks, sidewalks, and intersections and be consistent with the Declaration and Alameda Point Lighting Mitigation Measures and the light standards adopted for Alameda Point.

Solid Waste

43. Waste Management Plan: A Waste Management Plan (WMP) shall be submitted to the Public Works Environmental Services Division for approval. The plan shall describe how the trash and debris will be handled. The WMP shall be submitted by the developer to Environmental Services via Green Halo (greenhalosystems.com) prior to start of the demolition, remodeling, or construction work. This must be done using Green Halo's web interface. The Public Works Environmental Services Division will review the WMP, and will provide comments that shall be incorporated into the plans for the project. The project is subject to the WMP requirement of section 21-24 of the AMC, and must recycle at least 50% of total debris hauled from the project.
44. External Enclosures: Design of all external enclosures for solid waste, recycling, and organics consistent with this condition shall be approved by the Public Works Director prior to approval of the improvements plans, parcel/final map(s), or the building permit, whichever comes first. These facilities are to 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 discharged to the storm drain system. External enclosures are to be roofed and/or enclosed. Any enclosures containing food waste shall have floor drains connected to the sanitary sewer system. If the enclosures are attached to buildings they shall have fire sprinklers. Internal collection and storage area(s) and the individual bins and containers provided, shall be adequate in capacity, number, and distribution to serve the anticipated demand for trash, recycling, and organics as determined by the Public Works Director.
45. Collection: Internal collection and storage area(s) and the individual bins and containers provided, shall be adequate in capacity, number, and distribution to serve the anticipated demand for trash, recycling, and organics as determined by the Public Works Department. All roads that are required to be used by trash collection trucks shall have an adequate

turning radii. The trash collection areas shall be accessible to residents and employees. Each storage area shall be no more than 250 feet from any dwelling unit, or in the garage. Trash enclosures and/or recycling area shall be covered; no other area shall drain onto these areas. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. The applicant shall contact the City and East Bay Municipal Utility District (EBMUD) for specific connection and discharge requirements prior to building permit issuance. Discharges to the sanitary sewer are subject to the review, approval, and conditions of the City and EBMUD.

46. Fitted Lids: All solid waste containers, including dumpsters and individual cans or carts, must have fitted lids which shall remain closed at all times when the container is not being used

Construction Conditions

47. Hazardous Materials. Documentation shall be provided by a qualified professional to the City of Alameda stating that adequate soils and ground water investigations and, where warranted, remediation, have been conducted to ensure that future site use complies with the regulatory requirements for hazard related risks as established by applicable Federal, State and local requirements. All proposed areas for demolition and abatement shall be assessed by qualified licensed contractors for the potential presence of lead-based paint or coatings, asbestos containing materials, and PCB-containing equipment prior to issuance of a demolition permit. All construction crews shall be properly trained and made aware of any site contamination issues consistent with the Alameda Point Site Management Plan (SMP) and MMRP.
48. Truck Plan: Prior to issuance of a grading permit, a Truck Route Plan for hauling shall be approved by the City Engineer. The Plan must be incorporated into any construction documents for every contract.
49. Notice to Neighbors: At least two weeks prior to initiating any construction activities at the site, a notice shall be provided to businesses and residents within 500 feet of the project site including (1) project description, (2) description of construction activities, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name and phone number of the Noise Management Individual for the project, (5) commitment to notify neighbors at least four days in advance of authorized extended work hours and the reason for extended hours, and (6) that construction work is about to commence. A copy of such notice and methodology for distributing the notice shall be provided to the City for review and approval at least five (5) business days in advance.
50. Construction Hours: Construction activity shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Friday, and between 8:00 a.m. and 5:00 pm on Saturday. No construction-related activity shall occur on Sunday or on any Federal Holiday. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment re-design, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) wherever

feasible and necessary. No construction activity that may cause excessive off-site vibration from heavy machinery such as pile drivers, drilling rigs (except as necessary for elevator, shoring, and soil testing), etc. shall be allowed. Impact tools (e.g., jack hammers, pavement breakers and noise drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to 10dB. External jackets on the tools themselves shall be used where feasible. Quieter procedures shall be used such as drilling rather than impact equipment whenever feasible.

51. Dust Control: A dust program of dust control shall be implemented consistent with City, MMRP, and BAAQMD, prior to issuance of building or grading permits.
52. Cultural Resources: In the event that previously unidentified cultural resources are discovered during site preparation or construction, work shall cease in the immediate area until such time as a qualified archaeologist and City of Alameda personnel can assess the significance of the find. If human remains are encountered, work shall halt within 50 feet of the find and the County Coroner shall be notified immediately.
53. Utilities: If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department, Alameda Municipal Power, and the Community Development Department, and carry out any necessary corrective action to their satisfaction.

Fire Safety

54. Fire Access: Adequate turn around space or through access for any street greater than 150 feet in length shall be provided to the satisfaction of the Fire Chief and the City Engineer. Emergency Vehicle Access roads shall have an adequate turning radius for fire apparatus (inside turning radius of 28 feet, outside turning radius 44 feet 8 inches, minimum height 13 feet 6 inches, minimum width 20 feet) and 26 feet wide in the immediate vicinity or portion thereof buildings 30 feet or taller. All streets and courts within the development that are required to be fire access roads, shall be marked as fire access roads to the satisfaction of the Fire Chief. All roads that are required to be fire access roads shall be designed to handle fire apparatus weight of up to 35,000 pounds per axle. Parking shall be prohibited within the streets and alleys that are dedicated as fire lanes. CC&R's shall include an enforcement mechanism.

Alameda Municipal Power (AMP)

55. Compliance with AMP's Rules and Regulations as stated in Article X and AMP's "Material and Installation Criteria for Underground Electrical Systems" (both available at www.alamedamp.com) and completed "Service Planning Sheets" shall be provided for AMP's review prior to submitting plans for building permits.

56. Information on the location of transformers and total load in kilowatts or kilowatt/volts (KVA) shall be provided to AMP for approval prior to building permit issuance. If necessary, (at no charge to AMP) an easement and access to all AMP facilities on the property shall be provided prior to issuance of building permits.
57. Improvement Plans shall be concurrently submitted and coordinated with AMP regarding power requirements. All submittals shall refer to AMP's "Material and Installation Criteria for Underground Electrical Systems" for minimum clearances of street trees/shrubs from streetlights, electrical transformers and other utility electrical equipment.
58. Street lighting shall be consistent with light standards and luminaires approved for all of Alameda Point with the Site A project., which use a luminaire LED light engine no greater than 3,000K CCT (Correlated Color Temperature) and consistent with City's standard specifications and City's "Material and Installation Criteria for Underground Electrical Systems". All street lights shall be designed to preserve "dark skies" and direct light downward toward the public right of way. No signs shall be installed or mounted on street light poles owned and/or maintained by City. All new signs shall be installed on dedicated sign posts.
59. Improvement Plans shall have all streetlights included in the Improvement Plans, installed, fully functional and operating prior to issuance of a Certificate of Occupancy for any building unless a phasing plan is approved by the Director of Public Works. Applicant/Developer shall pay to City the sum of Six Dollars (\$6.00 as adjusted no more than annually for inflation) per streetlight per month, or portion of a month, for the streetlight energy costs until the applicable improvements are accepted for maintenance by City.
60. Two streetlight poles and LED fixtures of each type installed shall be furnished, at no cost, to City as a stock for future pole/fixture replacement on the public street. Two additional streetlight assemblies (e.g. pole, fixture, arm, shroud, etc.) of each type shall be provided if City agrees to maintain private streetlights,
61. All public streets shall be lit with LED lighting. Streetlight layout shall be staggered for a more uniform light distribution. Alternate design can be provided if a better efficient light distribution is met. LED fixtures approved for Alameda Point shall be used. LED streetlight fixtures shall offer tri-level lighting with the mid-level setting meeting IES RP-8-14.
62. All necessary underground substructures, including conduits, pull boxes, electric utility equipment pads, etc. per the AMP specifications. AMP will require easements for all transformers, primary and secondary boxes, and conduits. AMP will furnish and install all required transformers, high voltage distribution cables, and secondary cables. Existing Alameda Point electric substructures will NOT be re-used.
63. An easement for electric utility vehicle access to AMP's Cartwright Station shall be provided. The easement shall encompass the entire perimeter of the substation, including buildings and exterior yards with a 25-foot minimum clearance from any structure (above or

below grade), wall and fence. Planting any trees that will grow in fullness to the point they may encroach into the perimeter easement shall be avoided

64. All electric pull boxes and vaults in-line with the conduit joint trench shall be installed. No conduit bend will be allowed between electric pull boxes, unless conduit section terminates to an electrical equipment pad. All primary and secondary electrical distribution pull boxes shall not be greater than two section deep (34-inches from finish grade to bottom of pull box). Any deviations from this standard shall be approved by the AMP Project Engineer in writing.
65. Provision of an oil containment facility is required for all AMP owned pad-mount distribution switches and/or transformers installed within 100-feet of any body of water or in other critical locations. AMP shall be contacted to verify all dimensions, elevations, and orientation before commencing work.
66. Code-size service cables in code-size conduit shall be furnished and installed from each customer electric meter switchgear to the nearest secondary pull box (or Service Point) in the public right-of-way, as designated by AMP. AMP will connect the service to the distribution transformer or to the secondary distribution system.
67. The improvement plans and all subdivision maps shall show all necessary easements and access to all electrical utility facilities that are in the private properties, at no charge to AMP.
68. Prior to issuance of Certificate of Occupancy, service equipment for each building shall be furnished and installed. The service equipment shall meet Electric Utility Service Equipment Requirement Committee (EUSERC) standards. Electric meter(s) shall be located as close as practicable to the point of entry of the service-entrance conductors to the building. Outdoor meter locations are preferred. When meters are located within a building, the meter room shall be directly accessible from the exterior of the building. No remote metering.
69. Concurrent with acceptance of work by City Council, ownership shall be dedicated and AMP shall take over ownership and will be responsible for maintaining all new substructures for under grounding primary and secondary circuits, and distribution transformers once the improvements have been inspected by AMP and found to have been properly installed. The Applicant or successor property owner(s) shall be responsible for the service cables and service equipment.
70. The Applicant/developer shall be responsible for all expenses involved in the duct/joint trench system engineering design, plan check, project coordination, and electrical construction inspection. The Applicant shall be responsible for the cost of AMP assigned inspector during construction.
71. Detailed drawings showing the required electric utility facilities shall be submitted with the site improvement plans.

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.