

CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-12-20 as Amended On July 28, 2014

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING DEVELOPMENT PLAN AND DENSITY BONUS APPLICATION PLN12-0265, TO CONSTRUCT 275-284 RESIDENTIAL UNITS, INTERNAL ROADWAYS AND ALLEYS, PARKS AND OPEN SPACES ON A 22.3 ACRE SITE LOCATED AT 2799 FIFTH STREET AND COMMONLY KNOWN AS THE "ALAMEDA LANDING RESIDENTIAL PROJECT."

WHEREAS, an application was made on July 31, 2012 by TriPointe Homes for a Development Plan and Density Bonus to construct 275 residential units, internal roadways and alleys, parks and open spaces on a 22.3 acre site located at 2799 Fifth Street and commonly known as the "Alameda Landing Residential Project"; and

Whereas a development plan amendment was submitted on June 30, 2014, by the Housing Authority of the City of Alameda and Resources for Community Development (RCD) to increase the number of units to 284 and provide for off-site parking.

WHEREAS, the subject property is designated Specified Mixed Use on the General Plan Diagram; and

WHEREAS, the subject property is located in a MX (Mixed Use - Planned Development) Zoning District; and

WHEREAS, on December 5, 2006 the City certified the Final Environmental Impact Report for the Alameda Landing Mixed Use Development Project (a Supplement to the 2000 Final Environmental Impact Report for the Catellus Mixed Use Development Project), and adopted the Mitigation Monitoring and Reporting Program; and approved the first addendum to the Supplemental EIR in 2007, a second addendum in 2008 and a third addendum in 2012;

WHEREAS, the proposed project is consistent with the Bayport-Alameda Landing Project Master Plan (the "Master Plan") as approved by the City Council on January 2, 2007; and

WHEREAS, the Planning Board adopted the Transportation Demand Management Program and design plans for Fifth Street and Mitchell Avenue on May 14, 2007; and

WHEREAS, the Planning Board adopted the Alameda Landing Site-Wide Landscape Development Plan and a First Amendment thereto on May 29, 2007, and the City Council adopted a Second Amendment thereto on November 6, 2007, and

WHEREAS, the Planning Board adopted the Waterfront Promenade Development Plan on May 29, 2007, and the City Council adopted an amendment thereto on November 6, 2007, and

WHEREAS, the Planning Board approved the landscape and site improvements for Fifth Street, Mitchell Avenue and Stargell Avenue Extensions on July 23, 2007; and

WHEREAS, the Planning Board approved an amended development plan for a retail center and street improvement plan for Alameda Landing on January 9, 2012; and

WHEREAS, the Planning Board held a study session on the proposed Residential Development Plan on September 10, 2012, and

WHEREAS, the Planning Board held a public hearing and examined all pertinent materials on December 10, 2012, and [on July 28, 2014 to consider the development plan amendment, and](#)

WHEREAS, pursuant to AMC Section 30- 4.20(g)), the Board has made the following findings relative to proposed Development Plan and Density Bonus Application (PLN12-0265):

- A. **The development is an effective use of the site.** The Development Plan provides for a residential subdivision, internal roadways and alleys, parks and open spaces, pedestrian, transit and bicycle facilities designed to provide a neighborhood that is pedestrian, bicycle and transit-friendly. The Development Plan utilizes street extensions, landscaping, building placement and orientation to create an effective and successful residential neighborhood that can be marketed and developed expeditiously, that can create a compatible interface with the adjacent properties and uses, and provide strategies for the conservation of natural resources, renewable energy and sustainable design.
- B. **The proposed use relates favorably to the General Plan.** The proposed development supports General Plan policies for the redevelopment and reuse of the former Naval Air Station and Fleet Industrial Supply Center (FISC) facilities, General Plan policies to increase housing opportunities in Alameda, and General Plan policies to extend public streets, bicycle lanes, transit lanes and pedestrian access through the area. This project also facilitates future development of and access to the adjacent waterfront land areas, which supports General Plan policies to increase public waterfront parks and public waterfront access citywide and on this property.
- C. **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 Development Plan is consistent with the Master Plan and qualifies as a mixed use development pursuant to the MX Mixed Use Planned Development Zoning District which specifies mixed uses, including residential, office and open space uses, for this site. The development plan is designed to be compatible with the adjacent retail, residential and institutional uses by providing attractive public improvements, and ample pedestrian, transit, and bicycle facilities.
- D. **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 proposed development qualifies as a mixed-use development pursuant to the MX, Mixed-Use Planned Development Zoning District,

and satisfies the purposes of the MX district regulations. The project site plan is designed to conform to the Alameda Landing Master Plan standards and requirements adopted to ensure that the project would be compatible with adjacent College of Alameda, Bayport residential neighborhood, future development of the former Alameda Naval Air Station and Coast Guard Housing site, and existing and future waterfront uses. The Development Plan will provide for adequate landscaping including native plants as required by the Site Wide Landscape Development Plan.

- E. **The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.** The Development Plan is designed in a manner compatible with existing and potential contiguous uses. The street network, location of driveways, orientation of residential frontage to Fifth Street, and the location of bicycle facilities, pedestrian facilities, and transit facilities are all designed to complement and support the planned surrounding uses. The residential plans provide for a well-designed pedestrian network, bicycle access, and vehicular access. The proposed improvements on Fifth Street will support and encourage use of and access to the waterfront. By constructing the Mosley Avenue and Singleton Avenue extensions, this project is also providing important infrastructure improvements that are necessary to serve the final phases of the Community Reuse Plan on the lands commonly referred to as “Alameda Point” west of Main Street.

WHEREAS, the [2012](#) application included a base project of 227 units with fourteen (14) housing units affordable to very-low income households, nine (9) housing units affordable to low income households and sixteen (16) units affordable to moderate income households, and

WHEREAS, the [2012](#) project is eligible for a density bonus of 22.5% under California Government Code 65915 and City of Alameda Municipal Code Section 30-17; and

WHEREAS, TriPointe Homes requested the 22.5% density bonus for a total project size of 275 residential units; and

WHEREAS, TriPointe Homes has requested waivers from Alameda Municipal Code Section 30-52 (to allow multifamily housing) and Section 30-4.2 (to allow lots less than 2,000 square feet in size); and

[WHEREAS, the Alameda Housing Authority and RCD, as applicant, has requested a development plan amendment to modify the number of affordable units in the project to include 25 very low income units, ~~six~~ low income units, and 16 moderate income units; and increase the total number of units in the project to 284 units.](#)

[Whereas, the revised application qualifies the project for a 35% density bonus and a total project size of 306 units; and](#)

[WHEREAS, the revised project size of 284 units is within the 300 unit limit established for the project by the Alameda Landing Bayport Master Plan; and](#)

WHEREAS, the Planning Board held a public hearing on this Development Plan and Density Bonus Application on December 10, 2012, and has examined pertinent maps, drawings, and documents; and [held a second public hearing on July 28, 2014, to review the 2014 Development Plan amendments; and](#)

WHEREAS, the Board made the following [revised](#) findings [on July 28, 2014](#):

- A. The proposal qualifies for a density bonus pursuant to Section 30-17. The applicant is proposing to provide [25](#) ~~6%~~ ~~of the~~ units to very low-income households, which qualifies the project for a [3522.5%](#) density bonus for a total project size of [306](#) ~~275~~ units, [which exceeds the applicant's application to increase the total number of units to 284.](#)
- B. The proposal qualifies for a certain waivers from City of Alameda Development Standards pursuant to Section 30-17. The applicant has requested certain waivers from development standards included in AMC Section 30-52 (to allow multifamily housing) and AMC Section 30-4.2 (to allow parcels less than 2,000 square foot in size) that physically preclude the construction of the development at the densities permitted.
- C. The requested development standard waivers would not have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon health, safety, or physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
- D. The requested development standard waivers would not be contrary to state or federal law.
- E. The proposed Development Plan is in substantial conformance with the General Plan and Zoning for this site. The development is consistent with the MX (Mixed Use) General Plan and Zoning designations for the property.
- F. The site is physically suitable for the proposed residential development and public open space because: a) the property is located adjacent to the Alameda Landing Retail Center, b) the open spaces will improve public access to an area that is within walking distance of the waterfront in this area of the City, and c) at an average density of [12.75](#) units per acre, the project is less than the maximum 21 units [per acre](#) permitted by the General Plan and [the 29 units per acre permitted by the](#) City of Alameda Density Bonus Ordinance.
- G. The proposed development will result in health and safety improvements to a property that is currently severely blighted and a detriment to the surrounding community.
- H. 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 design of the subdivision and its improvements will create public easements and rights-of-way required by the public at large for access through, around, and adjacent to the property. The project will include public right-of-way that will enhance public access through the property to and along the waterfront. Easements for public open space, parking, traffic

circulation, surface drainage runoff, and utilities will be required as conditions of the Final Map.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board finds that the proposed project implements the Master Plan evaluated in the Environmental Impact Report for the Alameda Landing Mixed Use Development Project (a Supplement to the 2000 Final Environmental Impact Report for the Catellus Mixed-Use Development Project) in accordance with the California Environmental Quality Act (CEQA) (State Clearinghouse #2006012091), the City approved three Addenda to the 2006 SEIR in 2007, 2008 and 2012 that found that this project will not result in any new or substantially more severe environmental impacts than identified in the SEIR.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Board hereby re-approves the amended Development Plan and Density Bonus Application PLN12-0265, subject to the following conditions:

General Conditions:

1. The plans submitted for the Building Permit shall be in substantial compliance with Exhibit 1: Alameda Landing Residential Development Plan Review Package prepared by KTG Y Group, Inc. and dated December 10, 2012, consisting of 16 sheets and Exhibit 2: prepared by dated July 2014, which are on file in the office of the City of Alameda Planning Division, subject to the conditions specified in this resolution approving the project.
2. These conditions shall be printed on the first page of all building plans and improvement plans.
3. Where there are substantially similar requirements or inconsistencies contained in the conditions of this approval on the one hand, and the Development Agreement (Alameda Landing Residential Project, January 16, 2007 as amended), Disposition and Development Agreement (Alameda Landing Mixed Use Project, December 5, 2006 as amended), and/or the Mitigation and Monitoring Reporting Program on the other hand, the provisions of the Development Agreement, Disposition and Development Agreement (Alameda Landing Mixed Use Project), and/or the Mitigation and Monitoring Reporting Program, as applicable shall govern.
4. Each phase of development shall provide the necessary street, utility, and other infrastructure to support that phase, meet the needs for public access, multimodal traffic circulation and the City's design standards as determined through the approval of the Master Demolition, Grading, Improvement and Phasing Plan (MDGIP) and improvement plans for each phase subject to the provisions of the Alameda Landing Residential Project Development Agreement.

Community Development Department Conditions:

5. Design Review: Prior to the issuance of a building permit for any building, the applicant shall submit a Design Review application for all vertical improvements, including a Landscaping and Lighting Plan, for review and approval by the Planning Board. ~~The Design Review Plan for the 23-unit multifamily building on Stargell shall be in substantial compliance with the site plan shown on Page L-4 or the Option B shown on Page L-4.~~ The Design Review application for the residential neighborhood shall include:

- a. Final design plans for the parks with bicycle parking plans,
 - b. Options to allow live work along 5th Street.
 - c. Special paving treatments for the alleys in Block D and the loop road in Block D facing the park.
6. Modifications: Additions and/or alterations to the project shall be subject to design review if said modifications are in compliance with standards of this Development Plan. Additions and/or alterations shall be subject to a Development Plan Amendment where they do not comply with one or more of the requirements. Minor project design details requested by the applicant may be established, modified, and approved by the Community Development Director. Engineering standards and specifications requested by the applicant may be established, modified and approved by the Public Works Director, or his designee.
7. Mitigation Monitoring Program: Prior to issuance of a building permit or improvement plan or final map, the applicant shall submit for Community Development Director and Public Works Director approval a Mitigation Measure Compliance Checklist documenting compliance with the Mitigation Monitoring Program adopted as part of the 2006 SEIR.
8. Affordable Housing Agreement: Prior to the Final Map approval, the project applicant shall execute an Affordable Housing Agreement with the City, ~~or Successor Agency to the Community Improvement Commission,~~ in conformance with the requirements of Section 7.4 of the Disposition and Development Agreement (Alameda Landing Mixed Use Project) dated and executed as of December 5, 2006. The Affordable Housing Agreement will require, in part, construction of 39 residential units affordable to very low-, low- and moderate-income households. The project will provide at least 16 moderate-income units, nine low-income units and 14 very-low income units.
9. Universal Design: The builder shall incorporate design features that enhance the full life cycle use of housing in order to accommodate a wide range of individual preferences and/or physical abilities. These features allow for aging in place, multi-generational living and accessibility and shall include:
 - a. 24 ground-floor flats shall be incorporated in the final plans. These plans shall be adaptable and on an accessible route. In addition, 14 of the 135 multi-story dwelling units shall meet the housing accessibility requirements for the first floor of the unit. This includes being on an accessible route, proper turning space and grab bar backing in the first floor powder/bath and 2'-10" minimum door sizes.
 - b. A minimum of 15% of the 91 detached homes shall incorporate a bedroom suite on the first floor. These homes shall incorporate features of universal design including grab bar backing in first floor baths and powders, door widths of 2'-10" minimum, and installing electrical switch and outlet heights within the prescribed heights for universal design.
10. Commercial Use: The project applicant/developer shall preserve approximately 2,000 square feet of ground floor space (1,000 square feet on each corner) at the intersection of Singleton Avenue and Fifth Street for non-residential use. Appropriate uses shall include office use, commercial businesses, and service uses. Residential use of this area shall not be permitted.

11. Utility Boxes: Above ground, pad-mounted utility transformers (Approximate dimensions: 50"W X 48"L X 50"H) and switchgear (Approximate dimensions: 63"W X 95"L X 63"H) required along the Fifth Street frontage for the public streetlight and electric utility trunk systems will be screened to the extent feasible and not located in a manner that would block public access and/or pedestrian convenience. Any additional utility distribution transformers for residential loads will be required to be placed in the residential development area and should not be placed on the Fifth Street frontage. The siting, size, location and design of above ground facilities such as utility cabinets and mail collection boxes shall be shown on improvement plans and be approved by the Public Works Director and Community Development Director and in accordance with Resolution No. 13472.

Public Works Department Conditions:

SITE AND LANDSCAPE IMPROVEMENTS

12. Prior to issuance of any site development or demolition permit, the applicant shall develop a construction management plan to the satisfaction of the Community Development Director and the City Engineer. The construction management plan shall include a handout for neighboring property owners and shall accomplish, at a minimum, the following:
 - a. Provide the name and contact number of the construction manager;
 - b. Describe the hours of operation;
 - c. Identify the projected construction schedule.
13. The landscape and irrigation plans for improvements in the public right of way 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 Master Street Tree Plan, the AMC, conditions of approval by the Planning Board, and other regional jurisdictions requirements, as applicable.
 - a) Projects required to meet the Bay-Friendly Landscape (BFL) requirements shall:
 - i. have plans prepared by a qualified BFL design professional;
 - ii. earn, at a minimum, a total of 60 points on the StopWaste.Org "Bay-Friendly Scorecard for Commercial & Civic Landscapes" (Scorecard), as determined by a qualified BFL Rater;
 - iii. complete the nine required practices identified on the Scorecard related to mulch, compost, diversion of construction and demolition waste, selection of planting materials, and the design and installation of irrigation systems, as determined by a qualified BFL Rater;
 - iv. acquire the services of an approved BFL Rater to assist the landscape project design and construction team with gaining BFL qualification, consistent with the BFL qualification requirements of the Bay Friendly Coalition
 - v. pay the required BFL application and final submittal fees via the BFL Rater to the Bay Friendly Coalition
 - vi. submit to the City written certification from the Bay Friendly Coalition that the design and construction of the landscaping and irrigation

meets the most recent version of the "Bay-Friendly Landscape Guidelines" developed by StopWaste.Org and The Bay Friendly Coalition. This certification is required prior to acceptance of the work or issuance of any occupancy permit, including a temporary occupancy permit, whichever comes first,

- b) In addition, the final landscape plans shall ensure that all landscaping and bioswales are compatible with the stormwater treatment measures designed to minimize irrigation and runoff; promote surface infiltration, where appropriate; and minimize the use of fertilizers and pesticides that can contribute to storm water pollution. Also, integrated pest management (IPM) principles and techniques shall be incorporated into the landscaping design and specifications. Where feasible, landscaping shall be designed and operated to treat storm water runoff by incorporating elements that collect, detain, and infiltrate runoff. Plant placement within the site landscape design shall not interfere with the design function of any of the stormwater treatment measures. For example, trees planted in or near a biotreatment swale shall not adversely interfere with the design flow capacity of the swale. The plans shall be reviewed and approved by the Public Works Director prior to approval of the improvements plans or the building permit, whichever comes first. If no building permit is required, the plans shall be approved by the Public Works Director prior to establishment of the use. The landscaped architect shall also assume responsibility for inspection of the work 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 landscaping and irrigation in the public right of way was constructed in accordance with the approved plans.
14. The landscape and irrigation plans for on-site 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, conditions of approval by the Planning Board, and other regional jurisdictions requirements, as applicable.
- a) Projects required to meet the Bay-Friendly Landscape (BFL) requirements shall:
 - i. have plans prepared by a qualified BFL design professional;
 - ii. earn, at a minimum, a total of 60 points on the StopWaste.Org "Bay-Friendly Scorecard for Commercial & Civic Landscapes" (Scorecard), as determined by a qualified BFL Rater;
 - iii. complete the nine required practices identified on the Scorecard related to mulch, compost, diversion of construction and demolition waste, selection of planting materials, and the design and installation of irrigation systems, as determined by a qualified BFL Rater;
 - iv. acquire the services of an approved BFL Rater to assist the landscape project design and construction team with gaining BFL qualification, consistent with the BFL qualification requirements of the Bay Friendly Coalition
 - v. pay the required BFL application and final submittal fees via the

BFL Rater to the Bay Friendly Coalition

- vi. submit to the City written certification from the Bay Friendly Coalition that the design and construction of the landscaping and irrigation meets the most recent version of the "Bay-Friendly Landscape Guidelines" developed by StopWaste.Org and The Bay Friendly Coalition. This certification is required prior to acceptance of the work or issuance of any occupancy permit, including a temporary occupancy permit, whichever comes first,
 - b. In addition, the final landscape plans shall ensure that all landscaping and bioswales are compatible with the stormwater treatment measures, designed to minimize irrigation and runoff; promote surface infiltration, where appropriate; and minimize the use of fertilizers and pesticides that can contribute to storm water pollution. Also, Integrated Pest Management (IPM) principles and techniques shall be incorporated into the landscaping design and specifications. Where feasible, landscaping shall be designed and operated to treat storm water runoff by incorporating elements that collect, detain, and infiltrate runoff. Plant placement within the site landscape design shall not interfere with the design function of any of the stormwater treatment measures. For example, trees planted in or near a biotreatment swale shall not adversely interfere with the design flow capacity of the swale. The plans shall be reviewed and approved by the Community Development Department prior to approval of the improvements plans or the building permit, whichever comes first. If no building permit is required, the plans shall be approved by the Community Development Department prior to establishment of the use. The landscaped architect shall also assume responsibility for inspection of the work 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 landscaping and irrigation was constructed in accordance with the approved plans.
15. Any proposed improvements within the floodplain area shall be prepared, signed, and stamped as approved by a registered civil engineer licensed in the State of California and meet the requirements of the AMC. The applicant/developer shall include the recommended improvements into the project's improvements plans prior to approval of the improvement plan and final map.
 16. Maintenance of public improvements shall be the responsibility of the new development through an Assessment District and/or Homeowners Association.
 17. During non-working hours, open trenches shall be provided with appropriate signage, flashers, and barricades approved by the Public Works Director to warn oncoming motorists, bicyclists, and pedestrians of potential safety concerns.
 18. New street trees shall maintain clearances from utilities as follows: a) Fire hydrant – six feet; b) top of driveway wing – five feet; c) stop signs – 15'; d) street/pathway lights and utility poles – 15' and 25' respectively; e) storm drain, sanitary mains, gas, water, telephone, electrical lines – five feet; f) front of electrical pad-mounted equipment – ten feet. Refer to Alameda Municipal Power's (AMP's) "Material And Installation Criteria For Underground Electrical Systems" for minimum clearance

distances of street trees/shrubs from electrical transformers and other utility electrical equipment.

19. Approved 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). These devices must be tested by an AWWA certified tester from a list of testers provided by EBMUD.
20. Costs for inspection by the Public Works construction inspectors during non-working hours shall be at time and one half. Work on Saturday's requiring inspection shall not be done unless approved in advance by the Public Works Director. No work allowed on Sundays. Any work done without inspection may be rejected at the contractor's expense.
21. The Applicant /Developer shall provide all new sewer mains and laterals within its development limits (public and private) to reduce Inflow/Infiltration in compliance with EBMUD's and City's Stipulated Orders from the Environmental Protection Agency
22. The applicant/developer shall submit a soils investigation and geotechnical report, acceptable to the Public Works Director, in accordance with the AMC and prepared by a registered geotechnical engineer licensed in the State of California, with recommendations based on the findings. The report shall address the structural and environmental analysis of existing soils and groundwater. The improvement plans shall incorporate all design and construction criteria specified in the report. The geotechnical engineer shall sign and stamp the improvement plans as approved and as conforming to their recommendations prior to approval of the improvement plans or final map, whichever comes first. 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. Additional soils information may be required during the plan check of individual building plans. The applicant/developer will include the engineer's recommended improvements into the project's improvement plans prior to approval of the improvement plan or final map, (excluding the large lot conveyance map), whichever comes first.
23. All required public frontage and street improvements on Fifth Street, Mitchell Avenue, Singleton Avenue, Mosley Avenue, Stargell Avenue, including a multi-use trail and landscaping along Stargell Avenue in front of the residential land use, shall be designed and built and, if necessary dedicated to the City, in accordance with the DDA, the DA, applicable City ordinances and the updated Master Demolition, Grading, Improvement and Phasing Plan (MDGIP). Street improvements along Fifth Street, Mitchell Avenue, Singleton Avenue and Mosley Avenue shall include curbs, gutters, sidewalks, street trees, landscaping and irrigation, streetlights, etc.
24. The Alameda Landing DDA governs the financing of the cost of maintenance of public infrastructure improvements for the project. In order to assess whether there will be sufficient funding for the maintenance of public infrastructure improvements for the project, the applicant will submit a study showing the revenue source, any revenue caps, and the projected maintenance expenses for the proposed improvements pursuant to the Master Demolition, Grading, Improvement and Phasing Plan (MDGIP) prior to approval of improvement plans. If necessary to ensure that there will be sufficient maintenance funding, the applicant may propose

changes to the public improvements that reduce maintenance costs. In the event that such changes would be inconsistent with any prior project approval granted by the Planning Board, the changes shall be subject to Planning Board review and approval. The Planning Board may identify alternative changes to the public improvements to ensure that maintenance funding is sufficient, provided that the Planning Board shall not disapprove of changes necessary to ensure sufficient maintenance funding is available unless the City commits additional public funding sources sufficient to provide adequate maintenance funding. If the Planning Board recommends that the City provide funding, a hearing shall be scheduled before the City Council to consider the Planning Board's funding recommendation.

25. All new utilities directly serving the project shall be placed underground prior to issuance of any occupancy permit, including a temporary occupancy permit. In addition, all existing utilities within the project shall be placed underground in accordance with the AMC, prior to acceptance of the project.
26. The applicant/developer shall resurface existing Stargell whenever a street is cut, either by a longitudinal or transverse cut, for utility or other improvement installations so the street is restored to pre-project conditions. The resurfacing shall extend a sufficient distance beyond any cut to ensure a smooth transition, as determined by the Public Works Director, and shall consist of a one and a half (1½) inch asphalt concrete overlay. Applicant/developer shall also provide digouts and reconstruction of any potholed and/or alligatored areas adjacent to the project.
27. Any retaining walls, which are adjacent to a property line, shall be masonry, metal, or concrete. Wood retaining walls shall not be installed adjacent to property lines.
28. Installation of street paving shall include reconstruction of the existing pavement section to provide adequate conforms. The limits of the reconstruction and Traffic Index shall be established by the Public Works Director prior to approval of the improvement plans or final map, whichever comes first.
29. Exposed soil surfaces shall be periodically sprinkled to retard dust. During construction, the applicant/developer shall ensure that construction crews undertake a program of dust control including, but not limited to, watering soil surfaces as needed to prevent dust blowing, covering trucks carrying materials to and from the site, and frequent clean-up of soil carried by construction vehicle tires from the site onto streets. No City water shall be used for this purpose.
30. All project related grading, trenching, backfilling, and compaction shall be conducted in accordance with City of Alameda Standards and Specifications.
31. Hydro seeding of all disturbed areas shall be completed by October 1, of year of construction. Applicant/developer shall provide sufficient maintenance and irrigation to ensure growth is established by November 1.
32. 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.
33. Construction equipment must have state of the art muffler systems as required by

current law. Muffler systems shall be properly maintained.

34. Noisy stationary construction equipment, such as compressors, shall be placed away from developed areas off-site and/or provided with acoustical shielding.
35. Grading and construction equipment shall be shut down when not in use.

STORMWATER AND WATER

36. Prior to issuance of building permits, the applicant/developer shall secure all necessary permit approvals from EBMUD regarding the installation of all water or sewer service connections for the project. Accumulated wastewater must be drained to the sanitary sewer.
37. The construction improvement plans shall incorporate permanent storm water treatment controls and/or design techniques to manage the quantity and quality of storm water runoff from a planned development to prevent and minimize impacts to water quality. 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 vegetated swales, vegetated buffer zones, bioretention units, retention/detention basins and ponds, tree well systems, and the incorporation of pervious surface areas and Low Impact Development (LID) measures. Storm water treatment measures shall be constructed consistent with the latest version of the Alameda Countywide Clean water Programs Provision C3 Technical Guidance Manual. Applicants may also refer to the Bay Area Storm water Management Agencies Association (BASMAA) *Start at the Source Manual* for technical guidance.
38. The applicant/developer shall submit a plan showing storm water treatment measure(s) required to be constructed to meet the hydraulic sizing design criteria indicated in the C.3.d provisions of the City of Alameda's municipal NPDES storm water permit as part of the improvement plans for the project. As part of the final improvement plan submittal, the applicant/developer shall submit a stamped, signed certification from a qualified independent civil engineer with storm water treatment facility design experience, licensed in the State of California, and acceptable to the Public Works Director or designee that indicates the treatment measure design meets the established sizing design criteria for storm water treatment measures prior to approval of the improvements plans, final map, or grading permit, whichever comes first.
39. The applicant/developer shall submit a Storm Water Treatment Measures Operations and Maintenance (O&M) Plan as part of the improvement plans for the project. The O&M plan shall include, but not be limited to: treatment measure(s) descriptions and summary inventory; a legible, recordable, reduced-scale (8.5"x11") copy of the Site Plan indicating the treatment measure(s) location(s) and site drainage patterns; treatment measure(s) maintenance requirements and maintenance schedule; 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, estimates of annual treatment measure(s) maintenance costs. The O&M Plan shall be reviewed and approved by the Public

Works Director prior to approval of the improvements plans, final map(s), (excluding the large lot conveyance map) (the "Residential Final Map"), or grading permit, whichever comes first.

40. The applicant/developer shall submit Storm Water Treatment Measures Maintenance Agreement (Agreement) as part of the improvement plans for the project. The Agreement shall include, but not be limited to: the approved O&M plan for all post-construction (permanent) storm water treatment measures; identification of the party responsible for storm water treatment measures O&M; an instrument of financial assurance, in an amount and form acceptable to the City, from the party responsible for storm water treatment measures O&M; 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 approved by the City. The Agreement be executed between the project owner and the City and recorded, prior to approval of the improvements plans, final map, or grading permit, whichever comes first. The Agreement shall also be recorded at Project Owner's expense, with the County Recorder's Office of the County of Alameda as part of recordation of the final map.
41. 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 storm water 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 Public Works Director, prior to the issuance of any occupancy permit, including a temporary occupancy permit.
42. The applicant/developer shall submit a completed City of Alameda Impervious Surface Form to the Public Works Department for review prior to approval of the improvements plans, final map or grading permit, whichever comes first. The form shall include a table showing the amount of pervious and impervious area (indicated in units of square feet) prior to and after the proposed development.
43. Fire sprinkler system test water discharges shall be directed to onsite vegetated areas.
44. The applicant/developer shall submit, in digital format, a Notice of Intent (NOI) form to the California State Water Resources Control Board (SWRCB)'s SMARTS website, indicating the intent to comply with all requirements of the SWRCB Construction Activity Storm Water NPDES General Permit (Permit) and provide documentation to the Public Works Director prior to approval of a grading permit.
45. In compliance with the NOI submittal to the SWRCB, the applicant/developer of any project with a total disturbed area of one acre or greater shall submit a Storm Water Pollution Prevention Plan (SWPPP) as part of the improvement plan submittal. The

SWPPP shall be reviewed and accepted by the Public Works Director or designee for conformance with the City's erosion and sediment control standards. Upon City's acceptance of the plan, applicant/developer shall submit, in digital format, the SWPPP and other required permit registration documents to the SWRCB's SMARTS website and provide the Public Works Director with documentation of the submittal prior to approval of a grading permit.

46. In compliance with the SWPPP, the applicant/developer of any project with a total disturbed area of one acre or greater shall be responsible for ensuring that all contractors and sub-contractors install and regularly maintain all control measure elements required in the project SWPPP s during any construction activities.
47. The applicant/developer of any construction project resulting in the potential for soils, construction materials and fluids, waste, and trash to blow or wash into a storm drain, gutter or street shall be responsible for ensuring that during any construction activity all contractors and sub-contractors install and regularly maintain erosion control measures and perform Best Management Practices (BMP), as described in the Alameda Countywide Clean Water Program brochures the San Francisco Bay Regional Water Quality Control Board's Erosion and Sediment Control Field Manual and the California Storm water Quality Association's Storm water Best Management Practice, to prevent any pollutants entering directly or indirectly the storm water system. The applicant/developer shall pay for any required cleanup, testing, and City administrative costs resulting from consequence of construction materials entering the storm water system.
48. 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.

TRAFFIC AND TRANSPORTATION

49. The applicant/developer shall comply with all applicable TDM requirements in the EIR, MMRP, DA and in the 2007 approved TDM Program for the Alameda Landing Project.
50. Upon issuance of the first certificate of occupancy for development of the Alameda Landing Residential Property, Developer shall make a one-time payment of Thirty Thousand Dollars (\$30,000) to the City for its share of providing four count stations to monitor the effectiveness of the TDM Program and traffic monitoring equipment and funding a System Engineering Report.
51. The applicant/developer shall construct a new intersection of Street C and Stargell Avenue that resolves any conflicts with the existing pump station driveway. Plans for this intersection shall be approved by the Public Works Department to ensure adequate provisions for all turning movements. The plans shall show the location, species and size of any trees that need to be removed. The improvements shall be in substantial conformance with the plans shown in Exhibit "1."
52. 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, the applicant/developer shall provide a Traffic Control Plan (TCP) 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 vehicular, transit, bicyclist, and pedestrian access through and/or adjacent to the project site 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, applicant/developer is required to receive prior approval from AC Transit of any proposed traffic detours or temporary closure of bus stops. Constructed work may not commence until the TCP is approved by the Public Works Director.

53. Pedestrian and vehicular lighting at all intersections and project driveways shall be LED type and meet Alameda Municipal Power standards for crosswalks, sidewalks, and intersections. The LED fixture shall have an effective house side shield and still meet RP-8 lighting requirements for roadway, walkways/bikeways, and intersections.
54. Applicant/developer shall replace any damaged curb, gutter, and sidewalk along street frontages to the satisfaction of the Public Works Director, in accordance with the Public Works Department's Standard Plans and Specifications prior to acceptance of the project.

SOLID WASTE AND TRASH ENCLOSURES

55. Design of all external enclosures for solid waste, recycling and organics shall be approved by the Public Works Director prior to approval of the improvements plans, final map(s), or the building permit, whichever comes first. 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.
56. The applicant/developer shall submit a Waste Management Plan (WMP) approved by the Public Works Director in accordance with AMC Section 21-24 prior to issuance of a demolition permit.
57. During the construction/demolition/renovation period of the project, applicant/developer must obtain the necessary hauling permit, use a City certified waste hauler, or use the City of Alameda's franchised waste hauler, Alameda County Industries (ACI), in accordance with AMC Section 21-21, to remove all wastes generated during the project development.
58. A 40-foot turning radius must be provided for any street that would otherwise require the collection truck to back up a distance greater than 150 feet. Although not required, construction of a concrete pad just outside each solid waste enclosure is recommended in order to accommodate the truck weight while servicing the dumpster.

FIRE DEPARTMENT CONDITIONS

59. The applicant shall be responsible for a water main extension to serve the project, whose design shall be shown on the Improvement Plan to the satisfaction of the East Bay Municipal Utility District, the Public Works Director, and the Fire Chief.

60. The applicant shall submit plans, for review and approval by the Public Works Director and the Fire Chief, that:

a. Provide fire hydrants spaced ~~at 500 foot intervals in accordance with Appendix C Table C105.1 of the current edition of the California Fire Code~~ throughout the project; ~~For dead-end streets, distance to the nearest hydrant shall not exceed 450 feet;~~

b. Ensure sufficient fire hydrant flow for the development. Fire hydrant flow shall be ~~no less than 50% of the requirements of Appendix B of the current edition of the California Fire code; at least 1,000 G.P.M. from any one hydrant serving the single-family housing development, and at least 1500 G.P.M. from any one hydrant serving the multi-family housing development;~~

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 have an adequate turning radii for fire apparatus (inside turning radius of ~~3428~~ feet and outside turning radius of ~~49-44'8"~~ feet); and

e. Minimum fire lane width shall be 20 feet.

61. All private streets and courts within the development shall be marked as fire access roads to the satisfaction of the Fire Chief. No on-street parking shall be permitted within private streets and courts in the 20 foot wide fire lane.

ACKNOWLEDGMENT OF CONDITIONS

62. Prior to the issuance of any building permit for the site, the applicant shall acknowledge in writing all of the conditions of approval and must accept this permit subject to those conditions.

63. The building permit application should include a sheet that includes all conditions of approval within this resolution.

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.

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 Community Development Department a written notice of appeal stating the basis of appeal and paying the required fees.