

CITY OF ALAMEDA PLANNING BOARD
DRAFT RESOLUTION

APPROVING DENSITY BONUS APPLICATION AND DESIGN REVIEW PLN15-0179 FOR DEVELOPMENT OF 22 AFFORDABLE HOUSING UNITS ON 0.83 ACRES OF LAND LOCATED AT 2437 EAGLE AVENUE (PLN15-0179)

WHEREAS, an application was made on April 20, 2015 by the Housing Authority of the City of Alameda for a Density Bonus Application and Design Review to permit the construction of 22 affordable housing units in three residential buildings and associated parking, landscaping and other improvements on property located at 2437 Eagle Avenue, and;

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

WHEREAS, the subject property is located in a NP-RD, North Park Street – Residential Zoning District; and

WHEREAS, the Board held a public hearing on June 8, 2015, for this application, and examined all pertinent maps, drawings, and documents; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds that the project is exempt from exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resource Code 21159.23 exemption for affordable low-income housing because the proposal is a 100 percent affordable residential project for lower-income households, the project is consistent with the General Plan and Zoning Ordinance, and the site was evaluated as a residential site in the North Park Street Environmental Impact Report (EIR). In addition, this project is exempt from CEQA pursuant to CEQA Guidelines Section 15332 – Infill Development Projects. The project meets all requirements for the infill exemption, including the following:

a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. The project meets this criterion because as proposed it is consistent with the Medium Density Residential General Plan designation and the NP-RD zoning district. The project complies with the requirements of the Density Bonus Ordinance for increased density and the requested waivers of zoning requirements. The proposed project with Density Bonus waivers is compliant with the development regulations of the NP-RD zone.

b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. The project site is located within the North Park Street District, a heavily urbanized area within the city limits. The project site is designated as Medium Density Residential by the General Plan and is approximately 0.83 acres in size.

c) The project site has no value as habitat for endangered, rare or threatened species. The area of the proposed development is currently a vacant lot within a heavily urbanized area of the North Park Street District. The site is surrounded by urban uses and is subject to high levels of disturbance from foot and vehicle traffic from the surrounding city streets. The vacant site has no habitat value for any endangered, rare, or threatened wildlife species.

d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The project is a residential development located within an urbanized area with sewer and water infrastructure to support the development. Construction noise and dust will be minimized by local regulations and proposed conditions of approval for the project. The proposed project will not result in any significant noise, air quality or water quality impacts. A letter from TJKM Transportation Consultants advises that the proposal will generate only twelve a.m. peak hour trips and fourteen p.m. peak hour trips (Exhibit 4, TJKM Letter).

e) The site can be adequately served by all required utilities and public services. The project site is located within an urban district that already has the basic water, sewer, and other utility infrastructure necessary to support the proposed project. The site has access to all other public services provided by the City.

BE IT FURTHER RESOLVED, that the Board made the following findings relative to the Density Bonus Application:

1. The 0.83 acre parcel can accommodate up to eight duplexes for a total of 16 units under the provisions of the NP-R residential zoning district. With all 16 of the units proposed for lower income households, the proposal qualifies for a 35% density bonus for a total of 22 housing units pursuant to AMC Section 30-17 Density Bonus Ordinance.
2. To enable the 22 units to physically fit on the site the Planning Board finds that the following waivers are required and justified.
 - a. Multifamily Prohibition Waiver. By allowing more than two units to be included in each building, the project is able to provide 22 units in three structures instead of eleven structures. By reducing the number of structures, the project is able to eliminate many small spaces between buildings and consolidate these spaces into usable spaces for recreation and/or parking.
 - b. Everett Front Yard Setback Waiver. The Zoning Ordinance requires a 15-foot front yard setback. The project is providing 11.5 feet. An 11.5-foot front yard setback is not uncommon in the neighborhood and allows for space for bicycle storage between buildings A and B and parking behind Building C.
 - c. Rear Yard Setback. The western property line of the property is the rear property line. This property line abuts the side yard of the adjacent

residential property on Eagle Avenue. The side yard setback for the adjacent property is five feet. This project is providing a 10-foot setback from the property line. A 20-foot setback is required. A 20 foot setback would require the elimination of at least one of the 22 units.

- d. Height Limit. The proposed design includes two buildings with a third story. To accommodate the third story, the building heights are increased to just over 34 feet. Although the height limit is 30 feet in this district, several residential buildings in the immediate vicinity of the project also exceed the 30-foot height limit. Reducing the height to 30 feet would require the elimination of at least two units or reducing the size of the units.

BE IT FURTHER RESOLVED, that the Board made the following findings relative to the Design Review approval:

1. The proposed project design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual. The proposal includes materials, architectural elements, and building colors to match and compliment the surrounding neighborhood. The project is compatible with the North Park Street Design Guidelines.
2. The project will be compatible with adjacent or neighboring buildings and promotes harmonious transitions in scale and character in areas between adjacent land uses. The project utilizes a court yard housing configuration with row house building architecture as recommended by the North Park Street Design Guidelines. Design elements found in the surrounding neighborhood are incorporated into the building designs including sheltered entry porches, tall articulated windows, and gabled roofs. The design utilizes varying roof lines and building separation to articulate and reduce the scale of the structures for a more harmonious transition along the street. The site plan maximizes the amount of landscaped grounds and parking spaces on the site. A mix of balconies, porches, and patios provide personal open space for the residents. Outdoor amenities and landscaped areas provide gathering locations for the residents.
3. The proposed design of the structures and exterior materials and landscaping are visually compatible with the surrounding development. Design elements have been incorporated to ensure the compatibility of the structures with the character and uses of adjacent development. Fiber cement siding, panels, and board and batten, are used to emulate and accentuate the vertical proportions that are often displayed in Stick style architecture of the Victorian era. Columns of bay windows, the varying roof lines, and the composition of the façade materials are carefully designed to further break up the mass of each building and articulate the individual units. The materials, design, and scale of the buildings are compatible with the residential character of the adjacent properties.

BE IT FURTHER RESOLVED, that the Planning Board of the City of Alameda hereby approves Design Review, Density Bonus, and Density Bonus Waivers, PLN15-0179 subject to the following conditions:

COMMUNITY DEVELOPMENT DEPARTMENT

1. These conditions shall be printed on the first page of all building plans and improvement plans.
2. Building Permit Plans: The plans submitted for building permits shall be in substantial compliance with the plans prepared by Anne Phillips Architects, date stamped April 15, 2015 on file in the office of the City of Alameda Community Development Department.
3. The Design Review approval for the three affordable housing buildings shall expire and become void unless actual construction under valid permits has been commenced within two years after this approval. A one-time extension for an additional two years may be granted upon written request.
4. The plans submitted for building permit shall be consistent with the Design Review Approval and shall show details of the following for review and approval by the Community Development Director or his or her designee:
 - a. Final Planting and Irrigation Plans;
 - b. Final window and door details;
 - c. Lighting Plan, including fixtures. All new exterior lighting fixtures shall be directed downward and shielded to minimize offsite glare.
 - d. Final bicycle parking plan. Final bicycle parking plan shall be consistent with AMC-7.15 Bicycle Parking.
5. Any additional exterior changes shall be submitted to the Community Development Department Director or designee for review and approval prior to construction.
6. Prior to issuance of the building permit, the applicant shall enter into an affordable housing agreement with the City of Alameda.
7. At least two weeks prior to initiating any construction activities at the site, the applicant shall provide notice 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 in five (5) business days in advance to the City for review and approval.

PUBLIC WORKS

Engineering

8. The applicant/developer shall submit construction improvement plans for all on- and off-site improvements, including detailed designs for all wet and dry utilities, landscaping and irrigation, water, grading, drainage, erosion control, paving and solid waste storage and recycling areas. The plans shall be prepared, signed and stamped as approved by a registered civil engineer licensed in the State of California, and be in accordance with the AMC, the City of Alameda Standard Plans and Specifications, Standard Subdivision Specifications and Design Criteria, and the Master Street Tree Plan. 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. The engineer shall also assume responsibility for inspection of the on-site construction work, including but not limited to parking lots, pathways, storm facilities, sewer facilities, etc., 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.
9. The landscape and irrigation plans for on-site and off-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 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 storm water 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 storm water treatment measures. For example, trees planted in or near a mistreatment 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. 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.

10. A sanitary sewage flow analysis identifying the total peak sanitary sewage 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 City will provide this data to an independent consultant who will assess the impact of the proposed development on the City's sanitary sewer system using a hydraulic model and determine the required improvements, if any, to ensure sufficient sewage capacity for this project and anticipated cumulative growth in the associated sewer sub-area. The developer will pay for the cost of the modeling study. The developer will include the recommended improvements into the project's improvements plans prior to approval of the improvement plan or the building permit, whichever comes first.

11. A sanitary sewage treatment capacity analysis for wet weather flows 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 treatment capacities associated with the development when compared to existing conditions. The developer will include the recommended improvements into the project's improvements plans prior to approval of the improvements plans or the building permit, whichever comes first.

12. 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 City will provide this data to an independent consultant who will assess the impact of the proposed development on the City's storm drainage system using a hydraulic model and determine the improvements, if any, to ensure sufficient capacity for this project and anticipated cumulative growth in the associated drainage basin. The developer will pay for the cost of the modeling study. The developer will include the recommended improvements into the project's improvements plans prior to approval of the improvements plans or the building permit, whichever comes first. I

13. The applicant/developer shall submit a soils investigation and geotechnical report, prepared by a registered geotechnical engineer licensed in the State of California and acceptable to the Public Works Director. 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 parcel/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 or establishment of the use, whichever comes first, that the work performed is adequate and complies with their recommendations. Additional soils information may be required during the plan check of individual house plans
14. All required public frontage and street improvements shall be designed, built, and dedicated to the City in accordance with City ordinances and Public Works Department standards and shall include curbs, gutters, sidewalks, street trees, landscaping and irrigation, streetlights, etc.
15. Applicant/developer shall resurface the existing street pavement 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 ditches and reconstruction of any potholed and/or alligatored areas adjacent to the project.
16. Installation of street paving shall include reconstruction of the existing pavement section to provide adequate conforms. The limits of such reconstruction shall be established by the Public Works Director prior to approval of the improvement plans, issuance of a building permit, or prior to establishment of the use, whichever comes first.
17. 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.

18. All project related grading, trenching, backfilling, and compaction shall be conducted in accordance with City of Alameda Standards and Specifications.
19. 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.
20. Construction equipment must have start of the art muffler systems as required by current law. Muffler systems shall be properly maintained.
21. Noisy stationary construction equipment, such as compressors, shall be placed away from developed areas off-site and/or provided with acoustical shielding.
22. Grading and construction equipment shall be shut down when not in use.
23. 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.
24. Prior to trenching within existing street areas, the applicant's engineer shall ascertain the location of all underground utility systems and shall design any proposed subsurface utility extensions to avoid disrupting the services of such system.
25. New street trees shall maintain clearances from utilities shall be as follow: a) Fire hydrant – 6 feet; b) top of driveway wing – 5'; c) stop signs – 15'; d) street/pathway lights and utility poles – 25'; e) storm drain, sanitary mains, gas, water, telephone, electrical lines – 5'; f) front of electrical pad-mounted equipment – 10'. Verify minimum clearance distances of street trees/shrubs from electrical transformers with City of Alameda Municipal Power (AMP).
26. 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.
27. 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.

Stormwater, Wastewater and Water

Prior to issuance of the grading or combination building/grading permit, or approval of

the Civil Improvement Plans, whichever comes first:

28. The Civil Improvement Plans shall include the finalized storm water quality management (treatment) plan at the 100% complete level. Civil Plan sheets shall include detail and cross-sectional drawings of the storm water quality design and treatment measures consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual and Provisions C.3.c and C.3.d of the City's Municipal NPDES storm water permit.
29. In tandem with the submittal of the Civil Improvement Plans, the applicant/developer shall also submit, for review by the Public Works Department, a finalized, stamped, signed City of Alameda C3 certification form from a qualified independent civil engineer with storm water treatment facility design experience that indicates the storm water treatment measure designs of the finalized improvement plans and storm water quality management (treatment) plan meet the established sizing design criteria for storm water treatment measures.
30. Finalized Landscaping Plans for all landscape-based storm water treatment measures shall be consistent with the civil engineering designs and functional intent of these treatment measures. The landscape architect's plans shall indicate the usage of biotreatment soils compliant with the storm water requirement's Attachment L specifications in all landscape-based treatment measures. The plant palette(s) described for the landscape-based storm water treatment measures shall be consistent with the civil engineering designs and functional intent of these treatment measures and the use of the Attachment L compliant mistreatment soil. The landscaped areas shall also be designed to minimize runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to storm water pollution. Consideration shall be given to pest-resistant landscaping and design features and the use of integrated pest management (IPM) principles and techniques.
31. The finalized Civil Improvement plans shall indicate the structural storm water trash capture measure(s) being installed on the project site to ensure that the storm water drainage from the project site is subject to full trash capture consistent with City's municipal storm water permit definition of a full trash capture device. A full trash capture system or device is any single device or series of devices that traps all particles retained by a 5mm mesh screen and has a design treatment capacity of not less than the peak flow rate Q resulting from a one-year, one-hour storm in the sub-drainage area. Plan sheets shall include detail and cross-sectional drawings of any storm water full trash capture device(s).
32. The project proponent shall provide a construction-phase urban runoff/storm water pollution prevention plan (SWPPP) for review and approval by the Public Works Clean Water Program for conformance with the City's erosion and sediment control standards. This Plan shall include appropriate erosion, sediment and pollution control measures to effectively prevent the entry of any soil, rock, debris and/or other pollutants to storm water runoff, the municipal storm drain system, or the Bay/estuary during

construction.

33. The Civil Improvement Plans shall contain erosion and sediment control plan sheet(s) notes and detail drawings consistent with the approved SWPPP document. Detail drawings shall be provided in the Civil Improvement Plan sheets for the installations of all structural erosion and/or sediment control practices. These specifications should meet industry standards for erosion and sediment control effectiveness, such as those established by the California Storm water Quality Association's Storm water Best Management Practice Handbook – Construction (www.cabmphandbooks.com).
34. In compliance with the project site's SWPPP, the applicant/developer shall be responsible for ensuring that all contractors and sub-contractors install and regularly maintain all control measure elements required in the project site's SWPPP. The applicant/developer shall pay for any required cleanup, testing, and City administrative costs resulting from the consequence of construction materials entering the storm water system and/or waters of the State.
35. Fire sprinkler system test water discharges shall be directed to the sanitary sewer system or to appropriately-sized onsite vegetated area(s).
36. The Improvement Plans shall indicate that all new storm drain inlets shall be clearly marked with the words "No Dumping! Drains to Bay," or equivalent, as approved by the City Public Works Department. Permanently affixed thermoplastic, metallic or plastic laminate style markers are examples of acceptable forms.
37. Improvement Plan design of all external enclosures for solid waste, recycling and organics shall be approved by the Public Works Department. These facilities shall be designed to prevent water run-on to the area, runoff from the area, and to contain litter, trash and other pollutants, so that these materials are not dispersed by the wind or otherwise discharged to the storm drain system.
38. The applicant/developer shall submit for review and approval by Public Works Engineering a Storm water C3-LID Measures Operations and Maintenance (O&M) Plan that provides a thorough discussion of the inspection, operations and maintenance requirements of all of the storm water treatment measures at the site. This O&M Plan shall be consistent with the City of Alameda's C3-LID Measures O&M Plan Checklist.

Prior to issuance of the initial, temporary or first occupancy permit, whichever comes first:

39. 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 for review and approval by Public Works Engineering.

40. The Housing Authority shall submit a signed statement to the City Public Works Department that the Housing Authority accepts full responsibility for the implementation of the approved O&M Plan for the project site's storm water treatment measures until such responsibility is legally transferred to another entity, complete with the approved O&M Plan and annual reporting template. This signed statement shall also provide, but not necessarily be limited to: identification of the party responsible for storm water treatment measures O&M; assurances of City 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 by the Housing Authority to the Public Works Department.

Traffic and Transportation

41. The applicant/developer shall submit a traffic striping and signage plan for all on- and off-site improvements, as part of the construction improvement plan submittal. 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 improvements plans or building permit, whichever comes first.
42. The applicant/developer shall submit the improvement plans for any on-site parking facilities to the Community Development Department and Public Works Department for review and approval. A registered civil engineer licensed in the State of California shall prepare the plans and signed and stamped them as approved. The Community Development Department shall review and approve the parking lot layout, including number of spaces, dimensions of spaces, and ADA requirements and the Public Works Director shall review and approve the internal and external circulation of the parking lot, including lane widths and access points. The plans shall be reviewed and approved by the Community Development Department and Public Works Director prior to approval of the improvements plans or the building permit, whichever comes first.
43. 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.

44. 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 or issuance of any occupancy permit, including a temporary occupancy permit, whichever comes first.

Environmental

Waste Management:

45. The project shall be subject to the WMP requirement of section 21-24 of the Alameda Municipal Code, and must recycle at least 50% of total debris hauled from project. Failure to comply with any of the terms of that chapter shall be punishable as an infraction pursuant to subsection 1-5.1 of the Municipal Code. For purposes of this provision, one or more permits for construction or demolition issued within a short period of time (as for example, the time between the application for the initial approval and the issuance of a certificate of occupancy or final inspection approval for that initial approval) and with respect to the same premises or with respect to multiple premises owned by the same person shall be deemed a single "project" unless the Building Official determines that treating such permits as involving multiple projects will not obstruct the accomplishment of the purposes of this chapter.

- a) 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, which will include information such as:
 - I. Franchised or permitted waste hauler's name, address, and telephone number
 - EXCEPTION: Self-haul is allowed, but ONLY in fixed body trucks that belong to the permit holder –debris or roll-off boxes are prohibited for self-haulers, and unpermitted and subcontracted waste haulers are prohibited. (AMC 21-21)
 - II. Project location and/or street address
 - III. Anticipated start and completion dates of the project
 - IV. A list of materials expected to be generated (e.g., glass, wood, metal, drywall, concrete, bricks);
 - V. The estimated tonnage of each material; how they are to be reused, disposed or recycled; and

VI. The destination/processor for that reuse, recycling or disposal.

The Environmental Services Division will review the WMP, and will provide recommendations that shall be incorporated into the plans for the project.

b) Final Hauling Report: Within thirty (30) days after the completion of the demolition, remodeling or construction project, or prior to final inspection approval, whichever comes first, the developer shall submit a Summary Report to the Environmental Services Division, via Green Halo (greenhalosystems.com). For approval, this reporting will specify actual tonnages disposed and/or recycled for each material, and the actual destination/processor. Disposal and/or recycling weight tags from that facility or facilities will need to be directly uploaded to Green Halo to verify this activity.

Should paper forms be necessary for the WMP and Summary Report, please request City-specified forms, and note that additional City staff hours required for reporting and calculation will be charged to the permit.

46. Compliance as a Condition of Approval. Compliance with these provisions of the Alameda Municipal Code shall be a condition of approval on any building or demolition permit issued by the City and the Building Official shall provide the applicant written notice of that fact. (Ord. No. 2886 N.S. §1). The Building Official shall not issue a certificate of occupancy or a final inspection approval pursuant to the Building code for any project for which a C&D Applicant is not in compliance with the WMP requirement unless that non-compliance has been resolved by payment of the corresponding penalty (ninety five (\$95) dollars for every ton of material required to be diverted but which is not diverted).

WASTE/RECYCLING ENCLOSURES:

47. 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, parcel/final map(s), or the building permit, whichever comes first. If no building permit is required, the plans must be approved by the Public Works Director prior to establishment of the use. 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.

48. The storage area(s) shall be accessible to residents and employees. Each storage

area within a residential development shall be no more than 250 feet from each dwelling unit.

49. Driveways or aisles shall provide unobstructed access for collection vehicles and personnel and provide at least the minimum clearance required by the collection methods and vehicles used by the City's designated collector or hauler. In all cases where a parcel is served by an alley, all exterior storage areas shall be directly accessible to the alley.
50. The storage area(s) and the individual bins and containers provided within shall be adequate in capacity, number and distribution to serve the anticipated demand as determined by the Public Works Director.
51. The design and construction of the storage area(s) shall:
 - a. Be compatible with the surrounding structures and land uses; and
 - b. Be properly secured to prevent access by unauthorized persons. If gates with locks are planned to limit access to the enclosure or to the property, cards or keys must be provided to the City's franchised waste hauler and recycling collector; at present Alameda County Industries; and
 - c. Contain a concrete pad within the fenced or walled area(s) and a concrete apron which facilitates handling of the individual bins and containers; and
 - d. Provide a 6-inch wide curb or parking bumpers along the interior perimeter of the enclosure walls to protect them from damage by the dumpster. A 6-inch wide parking bumper, at least 3 feet long, should also be placed between the refuse dumpster and the recycling containers; and
 - e. Maintain a minimum space of 12 inches between the dumpster(s) and the walls of the enclosure and the recycling container(s) to allow for maneuvering the dumpster(s); and
 - f. Protect the area(s) and containers from adverse environmental conditions, which might render the collected materials non-collectible, noxious, unsafe, or in the case of recyclable materials, unmarketable.
52. Dimensions of the storage area(s) shall accommodate containers consistent with the current methods of collection. The storage area(s) shall be appropriately located and screened from view on at least three sides by a solid wall six feet in height, and on the fourth side by a solid gate not less than five feet in height. The gate shall be maintained in good working order and shall remain closed except when in use. Gates must open straight out and gates and hinges must be flush with the enclosure wall to allow adequate maneuverability of the dumpster in and out of the enclosure. The design of the wall and gate shall be architecturally compatible with the surrounding structures.
53. A sign clearly identifying each exterior solid waste and recyclable material storage area and the accepted material(s) is required. Each sign shall not exceed two square feet in area and shall be posted on the exterior of the storage area adjacent to all access points.

54. 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 or emptied.

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

56. The applicant shall provide information on the location of transformers and total load in kilowatts or kilowatt/volts (KVA) to Alameda Municipal Power (AMP) for approval prior to issuance of building permits. If necessary, the applicant shall provide (at no charge to AMP) an easement and access to all AMP facilities on the property prior to issuance of building permits.

57. Prior to issuance of the building permit(s), the applicant shall show the location of fire hydrant spacing on all sides of the project.

58. The City of Alameda requires as a condition of this approval that the applicant, or its successors in interest, shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, its Redevelopment Agency, the Alameda City Planning Board and their respective agents, officers, and employees from any claim, action, or proceeding against the City of Alameda, Alameda Redevelopment Agency, Alameda City Planning Board and their respective agents, officers or employees to attack, set aside, void or annul, any approval or related decision to this project. This indemnification shall include, but is not limited to, all damages, costs, expenses, attorney fees or expert witness fees arising out of or in connection with the project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.

59. All Time and Material charges for this application shall be paid in full prior to the issuance of building permits.

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.
