

CITY OF ALAMEDA RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ALAMEDA APPROVING VESTING TENTATIVE MAP 10305 AND
DENSITY BONUS APPLICATION FOR DEVELOPMENT OF 52
HOMES ON 2.78 ACRES OF LAND AT 2100 CLEMENT AVENUE

WHEREAS, City Ventures has submitted an application for Vesting Tentative Map, Development Plan, Design Review, Density Bonus, and Density Bonus Waiver for the site at 2100 Clement Avenue; and

WHEREAS, the General Plan designation of the site is Northern Waterfront MU-5 (Mixed Use); and

WHEREAS, the parcel is located within the R2-PD Zoning District (Two-Family Residence District with Planned Development overlay); and

WHEREAS, the Planning Board held a study session on the proposed Development Plan on March 9, 2015; and

WHEREAS, the Planning Board held a noticed public hearing and examined all pertinent materials on June 22, 2015; and

WHEREAS, the Planning Board held a second public hearing on July 13, 2015 to review revisions to the proposed improvements; and

WHEREAS, the Planning Board unanimously recommended that the City Council approve the Vesting Tentative Map and Density Bonus application; and

WHEREAS, the City Council of the City of Alameda held a noticed public hearing and examined all pertinent materials on September 1, 2015.

NOW THEREFORE be it resolved that, the City Council of the City of Alameda makes the following findings relative to the proposed Vesting Tentative Map and Density Bonus applications ("the proposal"):

DENSITY BONUS AND WAIVER FINDINGS:

- A. **The proposed affordable units make the project eligible for a density bonus of 20% under California Government Code 65915 and City of Alameda Municipal Code Section 30-17.** City Ventures has requested the 20% density bonus for a total project size of 52 residential units. The existing zoning designation for the property allows up to 43 residential units. The applicant is proposing seven affordable units, including two housing units affordable to very-low-income households (5%), two housing units affordable to low-income households (5%) and three units affordable to moderate-income households (6%). Since the Applicant is providing 5% of the

units to very low-income households, this qualifies the project for a 20% density bonus, for a total project size of 52 units.

- B. **The proposed affordable units make the project eligible for development standard waivers under California Government Code 65915 and City of Alameda Municipal Code Section 30-17.** City Ventures has requested a waiver from Alameda Municipal Code Section 30-53 Prohibition on Multifamily Housing to accommodate the bonus units on the site. The requested development standard waiver is necessary to accommodate 52 units on the property. Granting the requested waiver 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. Finally, the requested development standard waiver would not be contrary to state or federal law.

VESTING TENTATIVE MAP FINDINGS

- A. **The proposed subdivision is in conformance with the General Plan and Zoning for this site.** The proposed tentative map is consistent with the Mixed Use General Plan and R-2 Planned Development residential zoning designations for the property.
- B. **The site is physically suitable for the proposed development.** The tentative map implements the General Plan, and zoning provisions which apply to this property and introduces residential development onto a flat 2.78 acre parcel that is surrounded on three sides by residential and recreational uses.
- C. **The site is physically suitable for the density of the development.** The proposed 52 units represent a residential density of less than 19 units per acre, which is less than the 21 units per acre maximum established by the General Plan and Zoning Ordinance for the site.
- D. **The proposed design of the subdivision and improvements, as conditioned, will not cause environmental damage or substantially and avoidably injure fish or wildlife or their habitat.** The site is an urban in-fill property that was formerly used for industrial and manufacturing uses. The site does not provide habitat for any fish or wildlife.
- E. **The design of the subdivision will not conflict with easements acquired by the public at large for access through or use of property within the subdivision.** All required easements are to be retained and additional other necessary easements are to be provided.
- F. **The design of the subdivision and its improvements will not cause serious public health problems.** Redevelopment of the property with 52 residential units will not result in any public health problems. All future development of the site will be consistent with California Building Code requirements specifically designed to protect public health and safety.

CEQA FINDINGS:

The project is categorically exempt from further environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15332 In-Fill Development Projects. The project is consistent with the applicable general plan designation, policies and zoning designations and regulations. The proposal is located within the city limits on a project site of no more than five acres substantially surrounded by urban uses. The project site has no value as habitat for endangered, rare or threatened species. The site has been developed and operated as a light manufacturing and warehousing facility since the 1940s. As documented in the Project Initial Study, the project would not result in significant effects relating to traffic, noise, air quality or water quality. The site is adequately served by all required utilities and public services. As documented in the General Plan and Housing Element, the site is adequately serviced by existing services and will be paying Development Impact Fees to fund additional off-site park space, transportation improvements, and public safety facilities.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council hereby approves Vesting Tentative Map 10305 and Density Bonus Application PLN14-0701, subject to the following conditions:

Community Development

1. Tentative Map Approval: This approval shall become effective upon final approval of the Tentative Map and Density Bonus application by the City Council. In the event that the City Council does not approve the Tentative Map and Density Bonus application this approval shall be null and void.
2. Building Permit: The Final Map, Building Permit plans, and Improvement Plans submittals shall be in substantial compliance with Exhibit 1: 2100 Clement Avenue City Ventures dated July 2, 2015, which are on file in the office of the City of Alameda, subject to the conditions specified in this resolution approving the project. These conditions shall be printed on the first page of all building plans and improvement plans.
3. Public Art. Prior to issuance of the first building permit, the applicant is required to comply with the terms of the City of Alameda Public Art requirement as specified in Alameda Municipal Code section 30-65.
4. Design Review - Architecture, Parks and Greenways, and Street Trees. Prior to issuance of the first building permit or Final Map approval, the applicant is required to comply with the terms of the City of Alameda Design Review Ordinance as specified in Alameda Municipal Code section 30-65 Design Review. Prior to issuance of the first building permit, the applicant shall prepare and submit for

Planning Board review and approval revised architectural drawings for the proposed buildings, parks, and open spaces. The drawings shall include:

- a) Design Review plans including architectural details for all four elevations of each proposed building, including final window details.
 - b) Improvement details for the publically accessible park areas, including the central park on Eagle and the bicycle and pedestrian lane between Mulberry and Clement. Landscape materials on the common areas shall be suitable for light recreational activities. Details shall be provided for all C-3 water retention areas.
 - c) Final landscape and lighting details for all exterior areas and wall surfaces, including special paving treatments connecting the common open spaces to Eagle Avenue. Landscape plans shall be compliant with Bay Friendly Landscaping Standards and AMC requirements. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property
 - d) Street Tree Preservation and Replacement Plan. The Tree Plan shall show all existing trees to be preserved, existing trees to be removed, and new trees to be planted within the public right of way. Trees selected shall be of an appropriate size and shape to allow at least 14-15 feet of overhead clearance for solid waste collection trucks and other vehicles. Deep root barriers shall be required for all trees planted adjacent to curbs, sidewalks and other pavements, to the satisfaction of the Public Works Director.
 - a. Public access easements to be shown on the Final Map.
 - b. Bicycle parking details for storage of two bicycles in each garage and six visitor bicycle parking racks in the central open space.
5. Universal Design: The Design Review submittal and building permit plans shall specify, eight (8) homes along Willow Street (15% of the 52) that have a ground floor bedroom, full bathroom and kitchen facilities. All ground floor living space shall include:
- Accessible route of travel to dwelling unit from public sidewalk to the unit's primary entrance or an easily adaptable route.
 - Accessible route of travel from garage/parking to the unit's primary entrance.
 - Minimum 32" clear primary entry doorway and a "no step entry" (1/2" or less threshold) with dual peephole and doorbell
 - All exterior/interior doors shall meet Chapter 11a. code required maneuvering clearances, hardware, thresholds, and strike side clearances
 - An accessible route of travel with a minimum 42" wide hallway to all bedrooms, living rooms, kitchens, and bathrooms.

- Light switches, electrical receptacles, and environmental controls at accessible heights on the primary accessible floor
- Rocker light switches throughout entire unit
- Minimum required work/floor clearance of 30"x48" in front of stove, refrigerator, dishwasher, sink, and oven
- Accessible countertops with a 30" wide workspace and/or one or more 15" breadboards installed between 28-32" high
- Under-cabinet lighting
- At least one full bathroom on accessible route of travel, with standard shower stall and toilet with grab bar reinforcement
- Bathroom with removable base cabinets
- Lower towel racks and robe hooks
- Accessible toilet tissue holder
- For units with laundry facilities on the upper floor the garages will include hook ups for laundry facilities, in the event that the resident wishes to move the laundry facilities from the upper floors to the ground floor to accommodate a disabled resident.

In addition, 22 of the townhomes units shall have a ground floor room that can be converted to a bedroom and a full bathroom with wall mounted sinks, shower stalls (instead of bath tubs) lever-style door handles, ADA faucets, framed baking for the future installation of grab bars, ADA height toilets, and non-slip floor coverings in wet areas.

6. Bicycle and Pedestrian Lane. The applicant shall fund the construction and complete the extension of the bicycle and pedestrian lane the full length of the public utilities easement from Mulberry Street to Clement Avenue prior to the issuance of the final Certificate of Occupancy for the project. If AUSD prohibits access to their portion of the easement for public access or improvements, the applicant's responsibilities shall be limited to the improvements on the project site. If AUSD imposes significant financial requirements above and beyond the cost to construct the paving improvements and remove the existing gates on City Ventures in return for public access to their portion of the easement, City Ventures may request that the Planning Board relieve City Ventures of the obligation to extend the lane to Clement Avenue.
7. Affordable Housing Agreement: Prior to issuance of the first building permit or the first final map, the project applicant shall execute an Affordable Housing Agreement with the City in conformance with the requirements of Section 30-16 Inclusionary Housing Requirements for Residential Projects. The Affordable Housing Agreement will require, in part, construction of three (3) moderate-units,

two (2) low-income units and two (2) very-low income units. The affordable units shall be distributed throughout the development.

8. Building Height and Setback. The heights and setbacks of the buildings shall be shown on the Building Plans and shall be consistent with Exhibit 1: 2100 Clement Avenue
9. Undergrounding Utilities. The applicant shall underground all overhead utilities along the project public right of way frontage, including all utilities on the south side of Clement Avenue, east side of Willow Street, and north side of Eagle Street. Utilities crossing Clement from the above ground facilities on the south side of Clement to the above ground utilities on the north side of Clement shall be undergrounded.
10. Public Frontage Improvements. The applicant/developer shall reconstruct frontage improvements up to the centerline along Clement Street, Willow Street, and the full width of Eagle including the undergrounding of overhead utilities on all project frontages.
11. CC&Rs. The Covenants, Code and Restrictions (CC&R's) shall include:
 - a. A disclosure for residential units fronting onto Clement Avenue that Clement Avenue is a designated Truck Route and will eventually be used as such, as provided for in the Transportation Element of the General Plan.
 - b. A disclosure that Thompson Field is a designated City Park for active recreational activities that include amplified sound and lighted night time activities and games that can attract large noisy crowds.
 - c. A disclosure that all common open space is available for public use and access.
 - d. Funding and annual reporting obligations for transportation demand management services.
12. Transportation Demand Management Program: The project shall fund and provide transit services from the property to the regional transportation facilities including BART. At minimum, the transportation services shall include access to AC Transit services and commute hour shuttle services to BART. Such services shall be made available to each home owner upon first occupancy of the first unit. The transportation services may be provided by the project Homeowners Association, a third party provider, or an existing transit agency such as AC Transit. To insure permanent funding for transportation services, a Homeowner's Association shall be created for properties located within the project site. The project shall be subject to its Declaration of Covenants, Conditions and Restrictions for 2100 Clement, a Planned Development (the "Declaration"), to which these conditions shall be attached as an Exhibit. The provisions of this Declaration shall provide a requirement and mechanism of annual funding by the Homeowners Association. The funding shall be provided on a permanent basis as a Common Expense of the

HOA through the HOA's assessments on the Lots and Units in the Project as established under the Declaration for the Project. The HOA's participation and funding for program services under these conditions program is mandatory and shall be considered an obligation and requirement of the HOA under the Declaration. The obligations, requirements and provisions under this condition cannot be amended, revised, deleted or rescinded by the HOA or its membership without the prior written approval of the City's Transportation Commission or City Council. Each of the 52 units shall be assessed an initial amount of \$450.00 per year for the required transportation services to be provided under this condition. The 2015 initial annual assessment fee of \$450 per unit per year shall be subject to annual adjustment according to the annual changes in the Bay Area Consumer Price Index.

13. Annual Reports. The Homeowners Association shall be responsible for providing an annual report for Transportation Commission and City Council review and approval at a noticed public hearing which shall include peak hour automobile counts at the two project entries and surveys of project residents to determine whether the 10% reduction requirement is being achieved annually. In the event that the development fails to achieve the 10% reduction in any given year, the annual report shall identify additional measures that shall be taken to further reduce automobile trips during the peak periods. Two consecutive years failing to meet the 10% reductions may be the basis for the Transportation Commission and City Council to increase the annual assessments by an additional 5% annually. An annual report which shows that the project is generating more than 32 AM peak hour automobile trips or more than 40 PM peak hour trips shall be the basis for the Transportation Commission or the City Council to determine that the project is failing to achieve its 10% trip reduction requirement.
14. Modifications: 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. Major modifications that are not consistent with this development plan or these conditions shall be subject to review and approval of the Planning Board.

Public Works

15. Prior to final inspection of the first housing unit, the applicant/developer shall establish a Homeowners Association to provide funding for maintenance of private improvements including private streets and alleys, TDM, landscaping in common areas, all (public and private) biotreatment areas, and retaining walls. Site improvements and demolition may commence prior to approval of the funding mechanism. The common area shall be owned and maintained by the HOA.
16. The applicant/developer shall design the private utility systems to be separate from the public utility systems so that there is a clear point of connection between the

two systems. The utility system design shall be reviewed and approved by the Public Works Director prior to approval of the improvements plans, parcel/final map(s), or grading permit, whichever comes first.

17. The applicant/developer shall provide utility access easements across all areas where public utilities cross private property. Public utilities must be accessible to City maintenance vehicles.
18. The applicant/developer shall grant the City of Alameda an Emergency Vehicle Access (EVA) easement wherever the Fire Rescue Vehicle access route crosses over private property. All streets and sidewalks within the access route shall be designed to support Fire Rescue Vehicle loads and accommodate truck turning radii.
19. The applicant/developer shall grant to the City an ingress/egress easement for the purpose of waste collection wherever the collection vehicle access route crosses over private property. Collection vehicle access shall not be restricted by bollards or gates. All streets and sidewalks within the access route shall be designed to support collection vehicle loads and accommodate truck turning radii, truck grabber arm clearance, and curbside cart placement.

Engineering

20. Prior to the recordation of the Final Map, the subdivider shall submit engineered Improvement Plans including, but not limited to, the proposed roadways, drainage improvements, utilities, traffic control devices, retaining and/or sound walls, sanitary sewers and storm drains, common area landscaping and other subdivision improvements, the design of street furniture including, but not limited to ganged mailboxes and light fixtures, consistent with the requirements and to the satisfaction of the Community Development Director and the Public Works Director.
21. Private street entrances to the Project shall be identified by a different pavement material designed to the satisfaction of the Community Development Director and the Public Works Director.
22. 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, unless the Public Works Director authorizes them to be prepared by some other qualified professional, 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 improvement

plans or Final Map, 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.

23. The Final Map shall show all existing and proposed easement locations, uses and recording information. The Owner's Statement shall list all easements to be dedicated and the Certificate of City Clerk shall list all public easements to be abandoned with recording information as part of the Final Map. In addition, the following is required as part of the Final Map approval:
 - a) The subdivider shall post a refundable cashier's check in the amount of \$400 to guarantee a mylar copy of the recorded Final Map.
 - b) The subdivider shall pay for all reasonable office and engineering costs expended by the City Engineer's office, including overhead, in conjunction with reviewing the Final Map, improvement plans, easements, and in obtaining the map signature of the City's consulting surveyor.
 - c) The subdivider shall provide five copies of the permit approved on-site/off-site civil improvement plans, landscape plans, and specifications along with a velum or other reproducible set (plans only), and a CD or DVD digital copy acceptable to the City Engineer. The applicant/developer shall also provide GIS SHP files for the as-built sanitary sewer and storm drain lines.
24. The landscape and irrigation plans for improvements on-site and 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. Projects required to meet the Bay-Friendly Landscape (BFL) requirements shall:
 - Have plans prepared by a qualified BFL design professional;
 - 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;
 - 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;

- 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
- Pay the required BFL application and final submittal fees via the BFL Rater to the Bay Friendly Coalition
- 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

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. 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.

24. To guarantee completion of the required on-site and off-site improvements, the applicant/developer shall enter into an agreement with the City and provide a security in a form and amount acceptable to the City prior to approval of the improvements plans and Final Map.
25. A sanitary sewage flow analysis, acceptable to the Public Works Director, 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 engineer shall sign and stamp the analysis as approved. 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. All permits, easements and/or approvals for modifications to the sewer system required by EBMUD are to be obtained prior to Final Map. The applicant/developer will pay for the cost of the modeling study. The applicant/developer will include the recommended improvements from the sewer study and from EBMUD into the project's improvements plans prior to approval of the improvement plan or Final Map, whichever comes first.

26. A sanitary sewage treatment capacity analysis for wet weather flows, acceptable to the Public Works Director, shall be prepared by a registered civil engineer licensed in the State of California and submitted as part of the construction improvement plans. The engineer shall sign and stamp the analysis as approved. The plan shall identify and mitigate any increase in wet weather flow treatment capacities associated with the development when compared to existing conditions. The applicant/developer will include the recommended improvements into the project's improvements plans prior to approval of the improvement plan or Final Map, whichever comes first.
27. A storm drainage hydrology analysis, acceptable to the Public Works Director, 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 engineer shall sign and stamp the analysis as approved. The City will provide this data to an independent consultant who will assess the impact of the proposed development on the City's storm drainage system using a hydraulic model and determine the improvements, if any, to ensure sufficient capacity for this project and anticipated cumulative growth in the associated drainage basin. The applicant/developer will pay for the cost of the modeling study. The applicant/developer will include the recommended improvements into the project's improvements plans prior to approval of the improvement plan or Final Map, whichever comes first.
28. 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 house plans. The applicant/developer will include the engineer's recommended improvements into

the projects improvement plans prior to approval of the improvement plan or Final Map, whichever comes first.

29. 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.
30. All new utilities shall be placed underground prior to issuance of any occupancy permit. All existing utilities within the project shall be placed underground in accordance with the AMC, prior to acceptance of the project.
31. The 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. The applicant/developer shall also provide digouts and reconstruction of any potholed and/or alligatored areas adjacent to the project.
32. Installation of street paving shall include reconstruction of the existing pavement section to provide adequate conforms. The limits of the reconstruction shall be established by the Public Works Director prior to approval of the improvement plans or Final Map, whichever comes first.
33. 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.
34. All project related grading, trenching, backfilling, and compaction shall be conducted in accordance with City of Alameda Standards and Specifications.
35. Hydroseeding of all disturbed areas shall be completed by October 1. Applicant/developer shall provide sufficient maintenance and irrigation to ensure growth is established by November 1.
36. 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.

37. Construction equipment must have state of the art muffler systems as required by current law. Muffler systems shall be properly maintained.
38. Noisy stationary construction equipment, such as compressors, shall be placed away from developed areas off-site and/or provided with acoustical shielding.
39. Grading and construction equipment shall be shut down when not in use.
40. 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.
41. 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.
42. New street trees shall maintain clearances from utilities as follow: a) Fire hydrant – six feet; b) top of driveway wing – five feet; c) stop signs – 15'; d) street/pathway lights and utility poles – 25'; e) storm drain, sanitary mains, gas, water, telephone, electrical lines – five feet; f) front of electrical pad-mounted equipment – ten feet. Verify minimum clearance distances of street trees/shrubs from electrical transformers with Alameda Municipal Power (AMP).
43. 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.
44. 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.
45. The applicant/developer shall repair all damaged sidewalk, curb and gutter that fronts the development on Willow Street and on Eagle Avenue in accordance with the Public Works Department's Standard Plans and Specifications prior to acceptance of the project.
46. The applicant/developer shall resurface or pay an in lieu fee for the reconstruction of Eagle Avenue between Willow Street and Mulberry Street.
47. The applicant/developer shall provide a minimum unobstructed 5' sidewalk width on Clement Avenue fronting the development.

48. The applicant/developer shall remove all railroad tracks on Clement Avenue fronting the development.
49. The applicant/developer shall establish a Homeowners Association to provide funding for maintenance of private improvements including private streets and alleys.
50. The common area shall be owned and maintained by the HOA.
51. The applicant/developer shall clearly delineate the private streets on the Final Map and improvement plans
52. The applicant/developer shall design the private utility systems to be separate from the public utility systems so that there is a clear point of connection between the two systems. The utility system design shall be reviewed and approved by the Public Works Director prior to approval of the improvement plans or Final Map, whichever comes first.
53. The applicant/developer shall provide utility access easements across all areas where public utilities cross private property. Public utilities must be accessible to City maintenance vehicles.
54. The applicant/developer shall grant the City of Alameda an Emergency Vehicle Access (EVA) easement wherever the Fire Rescue Vehicle access route crosses over private property. All streets and sidewalks within the access route shall be designed to support Fire Rescue Vehicle loads and accommodate truck turning radii.
55. All lots shall drain independently.
56. No structures shall be placed over existing or proposed easements.

Stormwater and Water

Prior to issuance of the grading, combination grading/building permit, or approval of the Civil Improvement Plans, whichever comes first:

57. The Civil Improvement Plans shall include the finalized stormwater quality management (treatment) site plan at the 100% complete level. This finalized stormwater quality management site plan shall include:
 - a) The identification and location of all of the drainage management areas (DMAs) for all impervious surface areas on the project site.
 - b) The identification and locations of all of the Provision C3-compliant stormwater quality design and treatment measures for each DMA.

c) The area values (in square feet) of each DMA and corresponding C3-compliant measure.

58. The applicant/developer shall submit, for review by the Public Works Department, a finalized, stamped, signed City of Alameda C3 certification form from a qualified, independent, third-party civil engineer with stormwater treatment facility design experience that indicates the stormwater treatment measure designs of the finalized improvement plans and stormwater quality management (treatment) plan meet the established sizing design criteria for stormwater treatment measures consistent with the requirements of the City's Municipal NPDES storm water permit. City qualification standards are listed below.
59. Civil Improvement Plan sheets shall include Detail and cross-sectional drawings of the stormwater 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.
60. Civil Improvement Plans shall indicate that the soil mix used in all of the bioretention areas will be compliant with the Attachment L soil specifications of the City's Municipal NPDES storm water permit. A copy of the Attachment L specifications shall be included in the Civil Improvement Plans. Provide Biotreatment Soil Mix Notes in the Civil Plans identifying potential biotreatment soil mix vendors and indicating the need to obtain Attachment L compliance documentation such as the following:

"The following vendors are listed by the regional Clean Water Program as offering biotreatment soil mixes compliant with the required Attachment L specifications:

- a. American Soil Products, www.americansoil.com, 510-292-3000
- b. L.H. Voss, www.lhvoss.com, 925-676-7910
- c. Lyngso Garden Materials, www.lyngsogarden.com/, 650-333-1044
- d. Pleasanton Trucking, www.pleasantontrucking.com, 925-449-5400
- e. Redi-Gro, www.redi-gro.com/, 800-654-4358
- f. TMT Enterprises, www.tmtenterprises.net, 408-432-9040

Obtain verification documentation from the supplier of all loads of the biotreatment soil mix, indicating that the soil mix is compliant with the Attachment L specifications, for review by the design engineer and inclusion with the post-construction certification report to be submitted to the City Public Works Department."

61. Finalized Landscaping Plans for all landscape-based stormwater treatment measures shall be consistent with the civil engineering designs and functional intent of these treatment measures. The landscape architect's plans shall indicate:
- a) The usage of biotreatment soils compliant with the stormwater requirement's Attachment L specifications in all landscape-based treatment measures.
 - b) The plant palette(s) described for the landscape-based stormwater 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 biotreatment soil.
 - c) The landscaped-based stormwater treatment 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 stormwater pollution. Design consideration shall be given to pest-resistant landscaping and design features and the use of integrated pest management (IPM) principles and techniques.
62. The finalized Civil Improvement plans shall indicate the structural stormwater trash capture measure(s) being installed on the project site to ensure that the stormwater drainage from the project site is subject to full trash capture consistent with City's municipal stormwater 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 stormwater full trash capture device(s).
63. Provide the Public Works Department Clean Water Program, a copy of both the WDID# issued to the project site by the State Water Resources Control Board (SWRCB) and the required Storm Water Pollution Prevention Plan (SWPPP). These documents shall provide verification to the City that the project site is in compliance with SWRCB Order No. 2009-0009-DWQ prior to the initiation of construction activity. Information on this State Order is available at: http://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml The SWPPP shall be reviewed and accepted by the Public Works Clean Water Program for conformance with the City's erosion and sediment control standards.
64. In compliance with the 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 SWPPP during any and all construction activities in order to prevent any pollutants entering directly or indirectly the storm water system or waters of the State. The Improvement Plans shall list the City's erosion and sediment control standards and provide detail drawings and installation specifications for all SWPPP structural control measures. 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 and/or waters of the State.

65. The applicant/developer shall submit for review and approval by Public Works Engineering a Stormwater C3-LID Measures Operations and Maintenance (O&M) Plan that provides a thorough discussion of the inspection, operations and maintenance requirements of all of the stormwater treatment and LID design measures at the site. This O&M Plan shall be consistent with the City of Alameda's C3-LID Measures O&M Plan Checklist.
66. The Improvement Plans shall indicate that all new storm drain inlets within the public right-of-way 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.

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

67. The applicant/developer shall submit a certification report (Report) prepared by a registered civil engineer, licensed in the State of California, affirming that all project site stormwater treatment measures have been constructed per the City approved plans and specifications. As appropriate, the Report shall include, but not be limited to, 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 Public Works Engineering.
68. The property owner shall establish a legally enforceable mechanism to ensure that the responsibility for implementing the O&M Plan is identified and assigned by either executing a C3-LID Treatment Measures Maintenance Agreement (Agreement) with the City or incorporating the O&M Plan within the CC&R's of a homeowners' association. The Agreement or CC&R's shall include, but not be limited to: the O&M Plan, approved by the Public Works Department, for all stormwater treatment measures; assurances of the party responsible to implement the stormwater treatment measures O&M plan; 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 to the City.

City of Alameda Certification Form Qualification Standards:

The City of Alameda C3 certification forms need to be completed and submitted by a reviewer meeting the following criteria:

- (1) Be a Civil Engineer or a Licensed Architect or Landscape Architect registered in the State of California.
- (2) Provide verification acceptable to the Public Works Department that they are not also hired to design and/or construct the stormwater treatment system(s) being certified (the "no conflict of interest" provision).
- (3) Provide verification acceptable to the Public Works Department that they have current training on stormwater treatment system design (within three years of the certification signature date), relevant to the certifications being submitted, for water quality and understand the groundwater protection principals applicable to the project site.

Training conducted by an organization with stormwater treatment system design expertise (such as a college or university, the American Society of Civil Engineers, American Society of Landscape Architects, American Public Works Association, California Water Environment Association (CWEA), BASMAA, National Association of Flood & Stormwater Management Agencies, California Stormwater Quality Association (CASQA), or the equivalent) may be considered qualifying training.

Traffic and Transportation

69. The applicant/developer shall submit a traffic striping and signage plan for all on- and off-site improvements, including all crosswalks, bus stops, turn lanes, merge lanes, acceleration lanes, lane drops, etc, as part of the construction improvement plan submittal. The 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 Final map, whichever comes first.
70. For any off-street parking facilities associated with the subdivision, the applicant/developer shall submit the improvement plans to the Community Development Department and Pubic Works Department for review and approval. The plans shall be prepared by a registered civil engineer licensed in the State of California and shall be signed and stamped as approved. The Community Development Department shall review and approve the parking lot layout, including number of spaces, dimensions of spaces, and Americans with Disabilities Act (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, prior to approval of the improvements plans or Final Map, whichever comes first.
71. 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.

72. Pedestrian and vehicular lighting at all intersections and project driveways shall meet AMP standards for crosswalks, sidewalks, and intersections.

Waste Collection Access

73. A 42-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.
74. 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.
75. The entrances at Crown Way at Eagle Avenue and at Crown Way at Clement Avenue shall be curbed, not winged.

Construction Waste

76. The applicant shall submit a Waste Management Plan (WMP) approved by the Public Works Director in accordance with AMC Section 21-24.
77. 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.
78. 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.

79. 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.
80. 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

Alameda Municipal Power

81. Pedestrian and vehicular lighting at all intersections and project driveways shall meet AMP standards for crosswalks, sidewalks, and intersections.
82. To provide electric service to the proposed development, primary line extensions will be required. Per AMP's Rules and Regulations, the owner/developer shall be responsible for 60% of the installed costs of the required primary trunk cables and padmounted switches. The subdivider's electrical consultant shall coordinate with AMP regarding power requirements.
83. The subdivider shall provide all necessary underground substructures, including conduits, pull boxes, transformer pads, etc. per AMP specifications. AMP will require easements for all transformers, primary and secondary boxes, and conduits. AMP will furnish and install all required transformers, high voltage distribution cables, and secondary cables.
84. The subdivider shall be responsible for the cost of AMP's assigned inspector during construction.
85. The subdivider shall furnish and install Code-sized service cables in code-sized conduit from each house to the nearest secondary pullbox. AMP will connect the serviced to the secondary distribution system.
86. The subdivider shall furnish easements and access to all electrical utility facilities that are in the private properties, at no charge to AMP.
87. The subdivider shall furnish and install service equipment for each house. The service equipment shall meet Electric Utility Service Equipment Requirement Committee standards.
88. AMP will take over ownership and will be responsible for maintaining all new substructures for undergrounding primary and secondary circuits, and distribution transformers once the improvements have been inspected and found to have been properly installed. The subdivider or successor property owners shall be responsible for the service cables and service equipment.
89. The subdivider shall be responsible for all expenses involved in the duct system

engineering design, plan check, and electrical construction inspection.

90. The subdivider shall submit two sets of approved drawings showing the required electric utility facilities.

Fire Department

91. The subdivider 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 Utilities District and the Public Works Director. The subdivider may also be responsible for off-site improvements related to fire flow requirements.
92. Prior to approval of the Improvement Plans, the subdivider shall submit revised plans, for review and approval by the Public Works Director in consultation with the Fire Chief, that:
 - a. Provide fire hydrants space at 500 foot intervals throughout the project. For dead-end streets, distance to the nearest hydrant shall not exceed 400 feet;
 - b. Ensure fire flow for the development shall be 1,000 G.P.M. from any one hydrant;
 - c. Provide adequate turn around space or acceptable emergency vehicle through access for any street greater than 150 feet in length; and
 - d. Ensure that all roads have an adequate turning radii for fire apparatus (inside turning radius of 34 feet and outside turning radius of 49 feet); and
 - e. Minimum fire lane width shall be 20 feet.
93. 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.
94. The lot numbers on the Final Map shall generally correspond to the lot numbering on the approved Tentative Map.
95. The subdivider shall record the Final map within twenty-four (24) months of approval, or conditional approval, the Tentative Map by the City Council. An extension of time, not to exceed and additional twelve (12) months, for the filing of the Final Map may be granted by the City Council providing written application is made by the subdivider prior to the expiration of the approved or conditionally approved Tentative Map.
96. Provide a traffic signing and striping plan to indicate the location of all stop signs and other traffic control devices. Stop signs will be required at the intersections with Clement and Eagle Avenues.

97. Hold Harmless and Indemnification Agreement The developer/applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda City Planning Board and their respective agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Alameda, Alameda City Planning Board and their respective agents, officers or employees to attack, set aside, void or annul, an approval by the City of Alameda, the Community Development Department, Alameda City Planning Board, or City Council relating to this project. The City shall promptly notify the developer/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.

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 1st day of September, 2015, by the following vote to wit:

AYES

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this 2nd day of September, 2015.

Lara Weisiger, City Clerk
City of Alameda

APPROVED AS TO FORM:

Janet C. Kern, City Attorney
City of Alameda