

CITY OF ALAMEDA PLANNING BOARD
DRAFT RESOLUTION

APPROVING DESIGN REVIEW AND CONDITIONAL USE PERMIT (PLN 16-0037) FOR
BLOCK 10 WITHIN THE SITE A DEVELOPMENT PLAN IN THE WATERFRONT TOWN
CENTER PLAN AREA AT ALAMEDA POINT

WHEREAS, an application was made on January 21, 2016 by Alameda Point Partners (APP), for design review and use permit approval for four commercial buildings and approximately 3 acres of associated public plazas and spaces on what is referred to as “Block 10” within the approved Site A Development Plan in the Waterfront Town Center Precise Plan (Town Center Plan) area of the Alameda Point property; and

WHEREAS, the proposed Block 10 plan consists of approximately 46,609 square feet of commercial space and three acres of associated publicly accessible open space; and

WHEREAS, Block 10 is designated as Mixed Use in the General Plan; and

WHEREAS, the Block 10 is located within the Alameda Point Waterfront Town Center Sub-district (WTC Sub-district); which is in the Alameda Point District [Alameda Municipal Code (AMC) 30-4.24] of the Zoning Ordinance; and

WHEREAS, the Town Center Plan is a Specific Plan pursuant to Government Code Section 65450 et seq. for a transit-oriented development of the waterfront lands that surround the Seaplane Lagoon and the property at the entrance of Alameda Point between Main Street and Seaplane Lagoon;

WHEREAS, Block 10 is located within the Site A Development plan approved by the City Council on June 16, 2015;

WHEREAS, the Town Center Plan and the Site A Development Plan requires that the Planning Board approve a Design Review application prior to redevelopment and reuse of Block 10;

WHEREAS, the Planning Board held a public hearing on January 25, 2016, April 11, 2016, and on June 27, 2016 to review the plans for Block 10, and examined pertinent maps, drawings, and documents;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds that the following findings can be made in support of the Design Review approval:

DESIGN REVIEW FINDINGS:

1. **The proposed design is consistent with the General Plan, Zoning Ordinance, Town Center Plan, approved Site A Development Plan, and the City of Alameda Design Review Manual.** The proposed design of the four buildings and open space on Block 10 is consistent with the General Plan, Waterfront Town Center Specific

Plan, and Site A Development Plan goals and requirements to create a mixed-use “town center” as part of a transit-and pedestrian-oriented higher density mixed-income living environment at the heart of Alameda Point adjacent to the Seaplane Lagoon. The four buildings on Block 10 at the heart of Site A are designed to support a variety of related individual retailers and commercial uses. The building facing West Atlantic Avenue has been imagined as the “The Distillery Building” and visualized to house retailers that may specialize in beverage manufacture and sale, such as winemakers, coffee roasters, and/or spirits. Its design is purposely flexible yet very distinctive so that it can accommodate a variety of users whether beverage oriented or not. Building 98, closest to Block 11, is the “West Seaplane Shops” and is designed to appeal to a wide range of retailers, perhaps a small grocery store (less than 5,000 square feet), bicycle shop, or other similar neighborhood retailers. Building 67 “Bauhaus of Foods and Garden” at the rear of the Block is designed to house other food and beverage businesses and/or garden and home decorating or improvement businesses. Building 112 adjacent to Block 9 is the “Market Hall” building, which is designed for antique stores, home décor, artists and other similar uses.

2. **The proposed design is appropriate for the site, is compatible with adjacent or neighboring buildings or surroundings, and promotes harmonious transitions in scale and character in areas between different designated land uses.** The proposed design of Block 10 is compatible with the residential uses proposed on the adjacent blocks in the Site A Development Plan. Block 10 will provide a transition between the multi-family housing proposed to the west on Block 11 and on Block 9 to the east. The plan creates a clear and strong open space connection between the waterfront park to the west, and the neighborhood park to the northeast creating a continuous and contiguous “necklace of parks” throughout the project. The one new retail building with its open glass façade and winged roof design facing West Atlantic Avenue and Waterfront Park across the street is designed to create a strong visual connection between the Waterfront Park, its commercial pavilion with its winged roof design, and the interconnecting open spaces that are integral to the Site A Development Plan open space objectives. The new building is positioned to create a continuous street-facing retail frontage between Block 11, Block 10, and Block 9.
3. **The proposed design of the structure(s) and exterior materials and landscaping are visually compatible with the surrounding development, and design elements have been incorporated to ensure the compatibility of the structure with the character and uses of adjacent development.** The existing buildings and landscape features embrace and highlight the history of Alameda Point. Three of the four buildings are existing former Navy buildings and are planned to be rehabilitated and adaptively reused for retail uses. Within the publicly accessible open space area, the existing rails from the prior use of the land by rail cars, and other materials that remain from the prior use of the land by the United States Navy, will be retained and reused in the design of the district. Reuse of existing buildings and preservation of existing cultural landscape features and materials will work to create a truly unique and interesting retail environment and public spaces. The one new retail building with its open glass façade and winged roof design facing West Atlantic Avenue and Waterfront Park across the street is designed to create a strong visual connection

between the Waterfront Park, its commercial pavilion with its winged roof design, and the interconnecting open spaces that are integral to the Site A Development Plan open space objectives. The new building is positioned to create a continuous street-facing retail frontage between Block 11, Block 10, and Block 9.

BE IT FURTHER RESOLVED, that the Planning Board finds that the following findings can be made in support of the Conditional Use Permit approval:

USE PERMIT FINDINGS:

- 1. The location of the proposed use is compatible with other land uses in the general neighborhood area, and the project design and size is architecturally, aesthetically, and operationally harmonious with the community and surrounding development.**

The proposed use of the buildings within Block 10, the proposed extended hours of operation until 12:00 AM and the outdoor seating and activities is compatible with the mixed use, "town center" urban environment that is envisioned in the General Plan, Waterfront Town Center Plan, and Site A Development Plan for the subject site.

- 2. The proposed use will be served by adequate transportation and service facilities, including pedestrian, bicycle and transit facilities.**

Block 10 is located at the heart of a planned transit oriented, pedestrian friendly mixed use town center, within a 10 minute walk from a new regional ferry terminal and a 15 minute walk from an existing regional ferry terminal. The Site A development includes a robust and aggressive TDM Compliance Strategy with a wide variety of transportation services and facilities, including the provision of transit services and other transportation services and programs, \$10 million towards construction of the Seaplane Lagoon Ferry Terminal, and \$600,000 annually at buildout towards transit service and other TDM programs. Site A is providing transit service at a frequency in the peak hours (i.e., 15-minute vs. 30-minute) and other subsidies (i.e., \$50 Clipper card contributions for employees) that exceed the requirements of the Alameda Point TDM Plan.

- 3. The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity and will not have deleterious effects on existing business districts or the local economy.**

The proposed uses, outdoor seating, and extended hours will benefit Alameda Point, and contribute to the public's enjoyment of the nearby waterfront parks and activities and complement the adjacent residential uses to create a mixed use, walkable community.

- 4. The proposed use relates favorably to the General Plan.**

The proposal supports and implements the General Plan Alameda Point Element which calls for :

- *"Seamless integration of Alameda Point with the rest of the City".* The plans are designed as transit oriented, mixed-use, mixed income that is in keeping with Alameda's traditional character and scale.

- *“Fostering a vibrant new neighborhood”*. Block 10 supports creation of new public and private facilities that encompass a variety of uses, facilities and spaces that will create a vibrant new waterfront neighborhood.
- *“Maximizing waterfront accessibility”*. Block 10 improves accessibility to the waterfront and provide spaces and facilities for public enjoyment of the unique Seaplane Lagoon.
- *“Ensuring economic development”*. Block 10 open space, and retail services which are needed to support economic development of Alameda Point and create jobs in West Alameda to replace the jobs lost by the departure of the US Navy in 1996.
- *“Creating a mixed-use environment”*. Block 10 provides a variety of uses that promote a transit and pedestrian-friendly mixed-use environment.
- *“Establishing neighborhood centers”*. Block 10 and its commercial services are critical to the creation of a neighborhood center at Site A that allows for residential, commercial, civic, community support services, cultural and recreational uses that support human interaction and public events.

BE IT FURTHER RESOLVED that the Planning Board finds that the Alameda Point Project, including the Town Center Plan containing Site A, was adequately considered by FEIR, and that:

1. By Resolution No. 14891 the City Council of the City of Alameda certified the Final Alameda Point Environmental Impact Report (FEIR) (State Clearinghouse No. 201312043) under the California Environmental Quality Act (“CEQA”), California Public Resources Code Section 21000 *et seq.* and adopted written findings and a Mitigation Monitoring and Reporting Program (“MMRP”) on February 4, 2014, for the Alameda Point Project, including the Town Center Plan area which contains Site A; and
2. The City Council having certified the FEIR for the Alameda Point Project and the Town Center Plan containing Block 10, based on substantial evidence, that no further review under CEQA is required; and
3. Block 10 architectural design is consistent with the General Plan, Zoning Ordinance, Town Center Plan, and Site A Development Plan; and
4. The FEIR was certified by the City Council for the Alameda Point Project, including amendments to the General Plan and Zoning Ordinance, as well as the Town Center Plan; and
5. There are no environmental impacts peculiar to Block 10 that were not analyzed in the FEIR, or any such impact can be substantially mitigated by imposition of uniformly applied development policies or standards previously adopted by the City; and
6. There are no significant effects of the Block 10 project that were not analyzed as significant effects in the FEIR; and

7. There are no potentially significant off-site impacts of the proposed Block 10 project and there are no cumulative impacts to which the proposed Block 10 project makes a considerable contribution which were not discussed in the FEIR; and
8. There are no previously identified significant impacts of the proposed Block 10 project which, as a result of substantial new information which was not known at the time the EIR was certified, have been determined to have a more severe adverse impact than discussed in the FEIR.

BE IT FURTHER RESOLVED, that pursuant to the streamlining provisions of Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183, no further environmental review of the design review application is required;

BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby approves Design Review PLN 16-0037, subject to the following conditions:

1. Building and Site Improvement Permit Plans: The plans submitted for Building and Site Improvement Permits shall be in substantial compliance with the plans prepared by BCV Architects dated May 10, 2016, on file in the office of the City of Alameda Community Development Department.
2. Commercial Uses: Commercial uses within Block 10 shall be consistent with the permitted uses permitted within the Waterfront Town Center Plan and the following conditionally approved additional uses: Food and Beverage Manufacturing, Catering Services, Grocery stores, Wine stores, Wine Tasting, and Taverns, and artists' studios. Hours of operation shall be limited to the hours between 6:00 AM in the morning to 12:00 AM in the evening (midnight). The use of the outdoor areas may be used for outdoor seating and dining, temporary commercial events, and related activities. Outdoor amplified music and similar noise generating uses must be limited to 10 PM. Vehicular access onto Block 10 shall be limited to emergency vehicle access and delivery truck access between the hours of 6:00 AM and 6:00PM.
3. Public Open Space Access Easement: The applicant shall be responsible for the maintenance and safety of the public access areas and shall record an irrevocable public access easement on the areas shown as publically accessible in Exhibit 1 consistent with the DDA.
4. Public Viewing Deck: The applicant shall make available a public viewing area from the southwest corner of the second floor of the new building facing the Seaplane Lagoon. Public access may be limited to coincide with the hours of operation of the businesses within the building.
5. Final Design Review. Prior to issuance of Building Permits, the applicant shall submit final Design Review plans for review and approval by the Community Development Department, which shall include:
 - a. Architectural Design Details: Final window, door, lighting, exterior materials and

colors, and demising plans shall be submitted for final design approval by the Community Development Director. Project design details requested by the applicant may be established, modified, and approved by the Director of Community Development or the Director's designee provided that the findings can be made that the proposed changes to the buildings are consistent in character and quality to the design review plans approved by the Planning Board and attached as Attachment A to this resolution. The Community Development Director may approve changes in window and door placement, building details, numbers of individual tenants, and other minor changes necessary to accommodate the ultimate user of the building provided that the Director is able to find that the revisions are in substantial compliance with the intent and design quality approved by the Planning Board.

- b. Demising Plans: Demising plans for the allocation of space for individual tenants within the buildings shall be subject to the review and approval of the Community Development Director and shall ensure that all elevations facing the public rights of way provide for an attractive and inviting interface for a pedestrian oriented environment.
- c. Sustainable Design: Prior to issuance of a building permit, the applicant shall submit a checklist showing that the project meets either: a minimum LEED™ Certified rating and be so certified by the US Green Building Council or a minimum GreenPoint Rated score of fifty (50) and be so verified by Build It Green. The final design plans shall include plans for green roofs for a portion of the buildings consistent with Exhibit A and rain water collection and reuse.
- d. Public Parking and Signage: Final parking plans, including landscape, striping and parking access signage plans beginning at the intersection of Orion and West Atlantic directing visitors to the public parking lot located adjacent to Block 10 and behind Block 11. The final Public Parking Lot design, landscaping, striping and access plan shall be approved by the Community Development Director in consultation with the City Engineer. The public parking lot shall be complete prior to, or concurrent with, the first Certificate of Occupancy for Block 10. The Building Permit plans shall include design details providing for a minimum of three (3) electric car charging stations and for cost-effective expansion of electric car charging stations to additional stalls as demand warrants and shall meet the latest applicable codes as they relate to electric car charging. The design of the Public Parking lot shall be consistent with the Alameda Point TDM Plan.
- e. Drive Lane: The private drive lane between Block 10 and Block 11 shall be designed as a "naked street" without curbs and shared space for slow moving vehicles and pedestrians, including bollards for pedestrian safety. The final design shall include final paving, pedestrian amenities, signage, and other design details necessary to create a pedestrian-friendly, one way parking access lane from West Atlantic Avenue to the public parking lot behind Block 11. The design plan shall specify the dimensions, cross-section, and configuration of the public right of way and intersection with West Atlantic Avenue. The lane shall be a private lane, maintained by the applicant. The final Parking Lot design, landscaping, striping

and access plan shall be approved by the Community Development Director in consultation with the City Engineer.

- f. Public Space Design Details. Final paving materials, landscaping materials, furniture, lighting, and amenities within the 3 acres of publically accessible open space shall be subject to the review and approval of the Community Development Director in consultation with the Recreation and Parks Director. The final design plans shall include plans for a public restroom and a dog fountain.
6. Sign Program. Prior to Certificate of Occupancy for the first building, the applicant shall submit a Block 10 Sign Program for Planning Board review and approval. The Sign Program shall specify allowable sign sizes, materials, and finishes.
7. CEQA: Prior to issuance of a Building or Site Improvement Permit, the applicant shall submit a Mitigation Measure Compliance Checklist confirming compliance with all required environmental mitigation measures 4-C-1, 4.D-2, 4.D-3, 4.D-4, 4.E-1f, 4.E-1g, 4.E-4b, 4.E-4c, 4.E-4f, 4.F-1a, 4.F-1b, 4.F-1c, 4.F-1d, 4.F-2, 4.F-7b, 4.G-1a, 4.G-1b, 4.G-1c, 4.G-1d, 4.G-4, 4.G-5, 4.H-1, 4.H-2, 4.H-4, 4.H-5, 4.I-1, 4.I-2, 4.I-8, 4.J-1a, 4.J-1b, 4.J-1c, 4.J-1d, 4.J-2, 4.J-7, 4.K-4, 4.M-5 contained in the MMRP adopted by the Alameda City Council on February 4, 2014, for the redevelopment and reuse of Alameda Point, including Block 10 within Site A.
8. Infrastructure Improvement Plans and Subdivision Maps: Prior to issuance of building permits for new construction, the applicant shall submit infrastructure improvement plans for on and off-site improvements for review and approval by the Public Works Department and the Community Development Department, and the applicant shall submit a Tentative Subdivision Map or Tentative Parcel Map for Block 10 consistent with the Site A Development Plan for review and approval by the Planning Board and City Council. Such maps and infrastructure plans shall be consistent with the Development Plan and the DDA, and subject to the requirements of the AMC, and Alameda Point Master Infrastructure Plan (MIP). Such maps and infrastructure improvement plans shall include a phased infrastructure construction plan for all off-site infrastructure, including the dimensions, cross-sections, and -configuration of all public rights of way, ADA ramps at all intersections and associated ADA improvements, public open space, and development parcels and include the proposed site grading, drainage improvements and utility and construction phasing.
9. Sea Level Rise: Prior to Building Permit approval, a description of the improvements shall be provided to ensure that any new habitable buildings will be constructed at a minimum elevation of 24 inches above the 100-year tidal flood plan elevation.
10. Bicycle Parking: Final bicycle parking plan shall be consistent with AMC-30.7.15 Bicycle Parking. The facility, location, and type shall be approved by the Community Development Department prior to approval of the improvements plans or building permit, whichever comes first. The Community Development Department shall inspect the location, type, and number of facilities to ensure they are in accordance with the approved plans prior to acceptance of the work or issuance of any occupancy permit, including temporary occupancy permit, whichever comes first.

11. Modifications: 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 design review approval or these conditions shall be subject to review and approval of the Planning Board.
12. Other Agency Approvals: Prior to issuance of building permit(s) for work within jurisdictional lands, the applicant shall provide evidence that all required approvals, permits, or waivers from Regional Water Quality Control Board (Water Board), including a possible 401 Certification for the construction of a stormwater outfall, and/or the Army Corp. of Engineers, if any, have been obtained. The final improvement plans shall incorporate all other agency requirements.

Biological

13. Biological Regulations: Applicant shall notify all future property owners or occupants of the Declaration of Restrictions for the Former Naval Air Station Alameda (Declaration) consistent with the Biological Opinion issued by the U.S. Department of Fish and Wildlife Service (Service) and thereafter the Declaration shall be incorporated by reference in all deeds and leases of any portion of the Block 10.
14. Feral Cat Feeding Stations. Feral cat feeding stations and colonies, and the feeding of any native and non-native wildlife species that are potential predators of least terns is prohibited in perpetuity and thereafter this prohibition shall be incorporated in all deeds and leases of any portion of the Block 10.
15. Fireworks Displays. Fireworks displays will not be authorized from April 1 to August 15 and thereafter this prohibition shall be incorporated in all deeds and leases of any portion of the Block 10.
16. Lighting: Pedestrian and vehicular lighting at all intersections and project driveways shall meet Alameda Municipal Power standards for crosswalks, sidewalks, and intersections and be consistent with the Declaration and Alameda Point Lighting Mitigation Measures.
17. Service Review of Stormwater Plans. All stormwater management and monitoring plans for Block 10 shall be developed in coordination with the Service and implemented in perpetuity to protect open water foraging areas for the endangered California Least Tern. The plans shall be reviewed and approved by the Service prior to development of the project.

Improvement Plans

18. Landscape Plans: The improvement plans shall include landscape and irrigation plans for both on-site and off-site improvements consistent with the Town Center Plan, MIP and DDA. The plans shall be prepared, signed, and stamped by a licensed landscape architect and civil engineer and shall be in accordance with the AMC and other regional

jurisdictional requirements. The landscape architect shall also assume responsibility for review of the work and shall provide a Letter of Acceptance of construction conformance to the City, prior to acceptance of the work, that the installation of landscaping and irrigation was constructed in accordance with the approved plans.

19. Fire Water: The improvement plans for the project site shall include a Fire Water System consistent with the MIP. The system shall be designed to the satisfaction of EBMUD and the Alameda Fire Department. The Applicant shall be responsible for the placement of on-site hydrants. The location and number of hydrants shall be established in improvements plans. Placement shall be shown on the improvement plans and shall be to the satisfaction EBMUD, the City Fire Chief and the City Engineer.
20. Fire Sprinklers: The improvement plans and building permit plans shall include fire sprinkler systems within each residential unit including the garage and attic spaces and within any commercial spaces.
21. Fire Safety: Prior to approval of the Improvement Plans, the applicant shall submit plans for review and approval by the Public Works Director and the Fire Chief, that:
 - a. Provide fire hydrants spaced throughout the project as required in California Fire Code Appendix C. Ensure sufficient fire flow for the development compliant with California Fire Code Appendix B and AMC 15-1.2 where a maximum reduction of the fire flow can be reduced by 50% for fire sprinklered buildings.
 - b. Fire hydrant flows shall be a minimum of 1,500 G.P.M. from any one hydrant;
 - c. Provide adequate turn around space or acceptable emergency vehicle through access for any street greater than 150 feet in length;
 - d. Ensure that all roads that are required to be fire access roads have an adequate turning radii for fire apparatus (inside turning radius of 28" and outside turning radius of 44'8"); and
 - e. For all roads designated as fire aerial access roads shall have a minimum fire lane width of 26' unobstructed for buildings taller than 30' in the immediate vicinity of the building. Proximity to the building shall be no less than 15' and a maximum of 30' and shall be positioned parallel to the entire side of the building. All other fire lanes are to be an unobstructed minimum of 20' wide. Should parking within the fire lane be required, the fire lane width shall be increased as required to meet fire access requirements.
22. Utilities: The improvement plans shall include facilities and improvements to ensure that utility services are maintained for existing users throughout the construction process and the access to such service for maintenance purposes is preserved throughout the construction process for new utilities.
23. Geotechnical Report: A geotechnical report, including recommendations, shall be prepared by a registered geotechnical engineer licensed in the State of California. The improvement plans shall incorporate all geotechnical recommendations in the report and be consistent with the MIP and DDA. The geotechnical engineer shall sign and stamp the improvement plans as conforming to its recommendations. The geotechnical engineer shall also assume responsibility for inspection of the work and shall certify to the City, prior to acceptance of the work that the work performed is adequate and complies

with their recommendations.

Public Improvements

24. Maintenance: Maintenance of improvements not within the public ROW shall be the responsibility of the new development.
25. Street Resurfacing: Applicant/developer shall resurface the existing street pavement whenever a street is cut for utility or other improvement installations or the condition of the existing pavement requires improvements. The resurfacing shall extend a sufficient distance beyond any cut to ensure a smooth transition and shall consist of an average of one and a half (1½) inch asphalt concrete overlay, with a minimum one inch asphalt concrete overlay.
26. Curb and Gutter: 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.
27. Access Phasing Plan. Prior to Building or Site Improvement Permit, a fire, pedestrian, bicycle, and automobile access plan for the phasing of all four sides of Block 10 shall be approved by the Public Works Director.

Water Quality

28. 401 Certifications Conditions. The development of Block 10 must be designed and constructed to comply with all of the conditions of the Conditional 401 Water Quality Certification for Alameda Point Stormwater Outfall Upgrades Project in the City of Alameda (Corps File No. 2014-00087S) (401 Certification Conditions) issued by the Water Board.
29. Final Stormwater Management Plan: The improvement plans shall incorporate a Final Stormwater Management Plan for Block 10, including all appropriate pollution prevention source control measures, permanent low impact development (LID) measures, storm water treatment controls and/or design techniques to manage the quantity and quality of storm water runoff from the project site to prevent and minimize impacts to water quality and must be consistent with the 401 Certification Conditions, the Site A Stormwater Management Plan (Site A SWMP), the preliminary stormwater management plan for Block 8 attached to this application, the MIP and the Provision C3 requirements of the City's municipal stormwater permit. Efforts shall be taken to minimize impervious surface areas, especially directly connected impervious surface areas. Roof drains shall discharge and drain to an unpaved area wherever practicable. Design techniques may include green roofs, rainwater harvesting, vegetated swales, vegetated buffer zones, bio retention units, retention/detention basins and ponds, tree well systems, and the incorporation of pervious surface areas and LID measures. The improvement plans shall provide details sufficient to ensure that the storm water design and treatment measures shall be constructed consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual, the MIP, the Site A SWMP, the

preliminary stormwater plan for Block 8, and the 401 Certification Conditions. Applicants may also refer to the Bay Area Storm water Management Agencies Association (BASMAA) *Start at the Source Manual* for technical guidance. All storm water design and treatment measures for private development pads shall be consistent with the C3 requirements and 401 Certification Conditions and be located on the development pad or an adjacent private development pad and shall not be located on property planned for public parks or public rights of way. Areas between the building and the public right of way with public access easements may be treated within the public storm water treatment system if sized to handle the flow. With the finalized stormwater quality management plan and finalized, stamped, signed City of Alameda C3 certification form from a qualified independent civil engineer with stormwater treatment facility design experience, licensed in the State of California, and acceptable to Public Works Engineering that indicates the LID and treatment measure designs of the finalized improvement plans and stormwater quality management plan meet the established sizing design criteria for stormwater treatment measures. These will be at the 100% complete level.

30. Certification Report: Prior to issuance of the initial, temporary or first occupancy permit, whichever comes first, 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
31. Water Board Approval. Pursuant to Condition #15 of the 401 Certification Conditions, the applicant shall submit the proposed Site A SWMP to the Water Board's Executive Officer for review and approval prior to the issuance of a building permit or site improvement permit by the City for any construction of the Site A development, including Block 10. If the Water Board staff does not respond to the applicants Site A SWMP within 45 days of the received date, the plans will be deemed approved by the Executive Officer and the City may issue a building or site improvement permit if no changes have been made to the submitted Site A SWMP. The on-site drainage management areas indicated in the finalized stormwater management plans shall be reviewed for conformance with the corresponding off-site improvement plans.
32. Other Water Board Documents: The applicant/developer shall provide to the City Engineer or his designee, prior to the issuance of the first combination building/grading permit, a copy of both the WDID# issued to the project site by Water Board 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. Information on this State Order is available at:

33. Best Management Practices: The applicant/developer shall be responsible for ensuring that all contractors and sub-contractors install, implement and effectively maintain appropriate sediment control, erosion control and other water quality protection measures to prevent any pollutants from entering the municipal storm water drainage system or the Seaplane Lagoon, either directly or indirectly, during all construction activities. All implemented measures shall be consistent with the City's urban runoff Best Management Practices (BMPs) standards. The applicant/developer shall pay for any required cleanup, testing, and/or City administrative costs resulting from consequence of construction materials entering the storm water drainage system.
34. Erosion Control Measures: The installation of effective erosion control measures (for example, Hydro seeding) for all disturbed pervious surface areas shall be completed in compliance with the requirements included in the State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ.
35. Storm Water Trash Capture: Prior to the issuance of the first grading/building/combination permit for each project phase, the Improvement Plans shall indicate the storm water trash capture measure(s) being installed on the project site (or within the backbone public system) to ensure that the stormwater drainage from the project site is subject to full trash capture consistent with the City's municipal stormwater permit definition of a full trash capture device. Improvement plan sheets shall provide sufficient plan views and details of the full trash capture device installation(s) necessary for engineering review and approval. A full trash capture system or device is any single device or series of devices that trap all particles retained by a 5mm mesh screen and has a design treatment capacity of not less than the peak flow Q resulting from a one-year, one-hour storm in the sub-drainage area. Plan sheets shall include detail and cross-sectional drawings of any stormwater full trash capture device.
36. Storm Drains: All new storm drain inlets shall be clearly marked with the words 'No Dumping! Drains to Bay' by means approved by the Public Works Department. Permanently affixed thermoplastic, metallic or plastic laminate style markers are acceptable forms. The Improvement Plans shall clearly indicate this.
37. Operations and Maintenance Plan: The Applicant/Developer shall submit a stormwater treatment measures Operations and Maintenance (O&M) plan for review and approval to the Public Works Department prior to the approval of and consistent with the improvement plans for each phase. The O&M plan shall include, but not be limited to: treatment and design measure(s) descriptions and summary inventory; a legible, recordable, reduced-scale (8.5"x11") copy(-ies) of the Site Plan indicating the treatment and design measure(s) location(s) and site drainage patterns; treatment measure(s) maintenance requirements and maintenance schedule; the approved plant list and planning plan; detailed description of the integrated pest management principals and techniques and/or Bay Friendly Landscaping Program techniques to be utilized during landscape maintenance to ensure pesticide/herbicide use-minimization in landscaped areas; name and contact information of current maintenance personnel; and template of the annual O&M report submittal to the City. The O&M plan(s) for all stormwater

treatment and design measures to be maintained by any HOA or CA shall be incorporated with the CC&Rs of the relevant HOA/CA.

38. Stormwater Agreement: For any stormwater treatment or design measure not to be maintained by an HOA or CA, the Applicant/Developer shall execute a Stormwater Treatment Measures Maintenance Agreement (Stormwater Agreement) with the City prior to the issuance of the certificate of occupancy. The Stormwater Agreement shall include, but not be limited to: the O&M plan for all approved stormwater treatment measures; identification of the party responsible for implementing the O&M plan; assurances of access to inspect and verify the treatment system O&M for the life of the project; and assurances of the submittal of the annual O&M report to the City. The executed Stormwater Agreement shall be recorded, at applicant/developer's expense, with the County Recorder's Office of the County of Alameda.
39. Landscape Plans: Landscaping plans shall be designed to minimize runoff, promote surface infiltration, incorporate Bay Friendly Landscaping approaches, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution and be consistent with the MIP, the Site A SWMP, the preliminary stormwater management plan for Block 10, and 401 Certification Conditions
40. Backflow Prevention: Backflow prevention devices shall be installed on all new and existing domestic, commercial, irrigation, and fire water services and as required by the East Bay Municipal Utility District (EBMUD).
41. Certification Report: Prior to issuance of the initial, temporary or first occupancy permit, whichever comes first, 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 specification 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.

Solid Waste

42. Waste Management Plan: The applicant/developer shall submit a Waste Management Plan (WMP) to the Public Works Environmental Services Division for approval. The plan shall describe how the trash and debris will be handled. The WMP shall be submitted by the developer to Environmental Services via Green Halo (greenhalosystems.com) prior to start of the demolition, remodeling, or construction work. This must be done using Green Halo's web interface. The Public Works Environmental Services Division will

review the WMP, and will provide comments that shall be incorporated into the plans for the project. The project is subject to the WMP requirement of section 21-24 of the AMC, and must recycle at least 50% of total debris hauled from the project.

43. External Enclosures: Design of all external enclosures for solid waste, recycling, and organics shall be approved by the Public Works Director concurrent with the approval of the improvements plans. 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.

44. Storage Requirements: Applicant must comply with the following minimum storage requirements for solid waste, recyclable and compostable materials:

Non-Residential Structures -- Non-residential structures/uses within all zoning districts shall provide external solid waste, recyclable and compostable material storage areas. The following minimum exterior storage area requirements apply to each individual structure:

Building Size (square feet)	Solid waste (square feet)	Recyclables (square feet)	Organic Materials (Plant Debris, Food Waste & Food Soiled Paper) (square feet)	Total Area (square feet)
0-5,000	12	12	12	36
5,001-10,000	24	24	24	72
10,001-25,000	48	48	48	144
25,001-50,000	96	96	96	288
50,001-75,000	144	144	144	432
75,001-100,000	192	192	192	576
100,001+	Every additional 25,000 square feet shall require an additional 48 square feet for solid waste, 48 square feet for recyclables, and 48 square feet for organics.			

45. Exterior Solid Waste and Recyclable Material Storage: Exterior solid waste and recyclable material storage shall be adjacent or combined and may only be located on the outside of a structure, in a designated interior courtyard with appropriate access, or in rear or side yards. External storage area(s) shall not be located in any required front yard, street side yard, required parking, landscaped, or open space, or any areas required by the AMC to be maintained as unencumbered.

46. Storage Area Guidelines: 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.

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. 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.

47. Collection: Internal collection and storage area(s) and the individual bins and containers provided, shall be adequate in capacity, number, and distribution to serve the anticipated demand for trash, recycling, and organics as determined by the Public Works Department. The trash collection areas shall be accessible to residents and employees. Each storage area shall be no more than 250 feet from any dwelling unit, or in the garage. Trash enclosures and/or recycling area shall be covered; no other area shall drain onto these areas. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. The applicant shall contact the City and East Bay Municipal Utility District (EBMUD) for specific connection and discharge requirements prior to building permit issuance. Discharges to the sanitary sewer are subject to the review, approval, and conditions of the City and EBMUD.

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

Construction Conditions

49. Traffic Control Plan: At least three weeks prior to the commencement of work within the public right-of-way that affects access for pedestrian, bicyclist, and vehicular traffic, 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 public right-of-way shall remain unobstructed during project construction or an ADA compliant alternative route established as approved by the Public Works Director. At locations where adequate alternate access cannot be provided, appropriate signs and barricades shall be installed at locations determined by the Public Works Director and Police Chief. Should transit routes be affected, applicant/developer is required to obtain prior approval from AC Transit of any proposed traffic detours or temporary closure of bus stops. Construction work may not commence until the TCP is approved by the Public Works Director.
50. Hazardous Materials. The applicant/developer shall provide documentation from a qualified professional to the City of Alameda stating that adequate soils and ground water investigations and, where warranted, remediation, have been conducted to ensure that future site use complies with the regulatory requirements for hazard related risks as established by applicable Federal, State and local requirements. The project sponsor shall ensure that all proposed areas for demolition and abatement shall be assessed by qualified licensed contractors for the potential presence of lead-based paint or coatings, asbestos containing materials, and PCB-containing equipment prior to issuance of a demolition permit. During Construction the developer/applicant shall ensure that all construction crews are properly trained and made aware of any site contamination issues consistent with the Alameda Point Site Management Plan (SMP) and MMRP.
51. Truck Plan: Prior to issuance of grading permit, developer/applicant shall submit a Truck Route Plan for hauling to be approved by the City Engineer. The Plan must be incorporated into any construction documents for every contract.
52. Notice to Neighbors: 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 to the City for review and approval at least five (5) business days in advance.
53. Construction Hours: Construction activity shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Friday, and between 8:00 a.m. and 5:00 pm on Saturday. No construction-related activity shall occur on Sunday or on any Federal Holiday. Equipment and trucks used for project construction shall utilize the best available

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

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

Fire Safety

57. Fire Access: All streets and courts within the development that are required to be fire access roads, shall be marked as fire access roads to the satisfaction of the Fire Chief. All roads that are required to be fire access roads shall be designed to handle fire apparatus weight of up to 35,000 pounds per axle. Parking shall be prohibited within the streets and alleys that are dedicated as fire lanes. CC&R's shall include an enforcement mechanism.

Alameda Municipal Power (AMP)

58. The applicant shall comply to AMP's Rules and Regulations and AMP's "Material and Installation Criteria for Underground Electrical Systems" (both available at www.alamedamp.com) and provide completed "Service Planning Sheets" for AMP's review prior to submitting plans for building permits.
59. The applicant shall provide information on the location of transformers and total load in kilowatts or kilowatt/volts (KVA) to AMP for approval prior to building permit issuance. 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.

60. Concurrent with submittal of Improvement Plans, the Applicant shall coordinate with AMP regarding power requirements. All submittals shall refer to AMP's "Material and Installation Criteria for Underground Electrical Systems" for minimum clearances of street trees/shrubs from streetlights, electrical transformers and other utility electrical equipment. New street trees shall maintain clearances from electrical utilities as follow: a) public street lights – 25 feet; b) joint trench and all underground electrical lines – five feet; c) access doors of electrical pad-mounted equipment – ten feet; and d) all sides of electrical pad-mounted equipment – three feet. Any variance from these standards must be approved by Alameda Municipal Power and may include mitigations measures, such as root barriers.
61. The Applicant shall provide and install street lighting consistent with AMP's standard specifications and AMP's "Material and Installation Criteria for Underground Electrical Systems". Cobra head light fixtures shall not be used for street lights and all street lights shall be designed to preserve "dark skies" and direct light downward toward the public right of way. No signs shall be installed or mounted on street light poles owned and/or maintained by AMP. All new signs shall be installed on dedicated sign posts.
62. Applicant/Developer shall have all streetlights included in the Improvement Plans, installed, fully functional and operating prior to issuance of a Certificate of Occupancy for any building unless a phasing plan is approved by the Director of Public Works. Applicant/Developer shall pay to AMP the sum of Six Dollars (\$6.00 as adjusted no more than annually for inflation) per streetlight per month, or portion of a month, for the streetlight energy costs until the applicable improvements are accepted for maintenance by City.
63. The Applicant shall be required to furnish two streetlight poles and LED fixtures of each type installed, at no cost, to AMP as a stock for future pole/fixture replacement on public street. If AMP agrees to maintain private streetlights, the Applicant/Developer shall also be required to furnish two additional streetlight assemblies (e.g. pole, fixture, arm, shroud, etc) of each type.
64. All public streets shall be lit with LED lighting. Streetlight layout shall be staggered for a more uniform light distribution. Applicant/Developer can provide alternate design if a better efficient light distribution is met. Applicant/Developer shall use AMP LED standard fixtures. LED streetlight fixtures shall offer tri-level lighting with the mid-level setting meeting IES RP-8-14.
65. The Applicant shall provide all necessary underground substructures, including conduits, pull boxes, electric utility equipment pads, etc. per the AMP specifications. AMP will require easements for all transformers, primary and secondary boxes, and conduits. AMP will furnish and install all required transformers, high voltage distribution cables, and secondary cables. Existing Alameda Point electric substructures will NOT be re-used.
66. The Applicant/Developer shall install all electric pull boxes and vaults in-line with the conduit joint trench. No conduit bend will be allowed between electric pull boxes, unless conduit section terminates to an electrical equipment pad. All primary and secondary

electrical distribution pull boxes shall not be greater than two section deep (34-inches from finish grade to bottom of pull box). Any deviations from this standard shall be approved by the AMP Project Engineer in writing.

67. Applicant/Developer will be required to provide an oil containment facility for all AMP owned pad-mount distribution switches and/or transformers installed within 100-feet of any body of water or in other critical locations. Applicant/Contractor shall contact AMP to verify all dimensions, elevations, and orientation before commencing work.
68. The Applicant shall furnish and install code-size service cables in code-size conduit from each customer electric meter switchgear to the nearest secondary pull box (or Service Point) in the public right-of-way, as designated by AMP. AMP will connect the service to the distribution transformer or to the secondary distribution system.
69. The improvement plans and all subdivision maps shall show all necessary easements and access to all electrical utility facilities that are in the private properties, at no charge to AMP.
70. Prior to issuance of Certificate of Occupancy, the Applicant shall furnish and install service equipment for each building. The service equipment shall meet Electric Utility Service Equipment Requirement Committee (EUSERC) standards. Electric meter(s) shall be located as close as practicable to the point of entry of the service-entrance conductors to the building. Outdoor meter locations are preferred. When meters are located within a building, the meter room shall be directly accessible from the exterior of the building. No remote metering.
71. Concurrent with acceptance of work by City Council, the applicant/developer shall dedicate and AMP shall take over ownership and will be responsible for maintaining all new substructures for under grounding primary and secondary circuits, and distribution transformers once the improvements have been inspected by AMP and found to have been properly installed. The Applicant or successor property owner(s) shall be responsible for the service cables and service equipment.
72. The Applicant/developer shall be responsible for all expenses involved in the duct/joint trench system engineering design, plan check, project coordination, and electrical construction inspection. The Applicant shall be responsible for the cost of AMP assigned inspector during construction.
73. The Applicant/developer shall submit, with the site improvement plans, detailed drawings showing the required site electric utility facilities.

HOLD HARMLESS. The 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, the City of Alameda City Council relating to this 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.

NOTICE. No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision plus extensions authorized by California Code of Civil Procedure Section 1094.6.

NOTICE. The conditions of project approval set forth herein include certain fees and other exactions. Pursuant to Government Code section 66020(d) (1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and exactions. The applicant is hereby further notified that the 90-day appeal period, in which the applicant may protest these fees and other exactions, pursuant to Government Code section 66020(a) has begun. If the applicant fails to file a protest within this 90-day period complying with all requirements of section 66020, the applicant will be legally barred from later challenging such fees or exactions.

The decision of the Planning Board shall be final unless appealed to the City Council, in writing and within ten (10) days of the decision, by filing with the Community Development Department a written notice of appeal stating the basis of appeal and paying the required fees.