

CITY OF ALAMEDA PLANNING BOARD
DRAFT RESOLUTION

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA GRANTING DESIGN REVIEW APPROVAL FOR THE SEAPLANE LAGOON FERRY TERMINAL LANDSIDE IMPROVEMENTS WITHIN AND ADJACENT TO THE NAS ALAMEDA HISTORIC DISTRICT.

WHEREAS, an application was made by the City of Alameda for Design Review for construction of the Seaplane Lagoon Ferry Terminal and adjacent landside improvements (Project) in the Waterfront Town Center Precise Plan (Town Center Plan) area of the Alameda Point property;

WHEREAS, the Project consists of the construction of a new ferry terminal, including a new pier, temporary landside transportation infrastructure and landscape improvements, and a surface parking lot in and adjacent to the eastern edge of the Seaplane Lagoon, all largely within the Naval Air Station Alameda Historic District (NAS Alameda Historical District);

WHEREAS, the Seaplane Lagoon Ferry Terminal is located within the Alameda Point Enterprise District and the adjacent landside improvements are in the Alameda Point Waterfront Town Center which is in the Alameda Point Zoning District [Alameda Municipal Code (AMC) 30-4.24] of the Zoning Ordinance;

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, the Seaplane Lagoon Ferry Terminal Plan was approved by the City Council on April 5, 2016;

WHEREAS, the Town Center Plan requires that the Planning Board review and approve design review for any improvement that requires a building permit within the plan area; and

WHEREAS, the Planning Board held a public hearing on April 18, 2018, May 29, 2018, and July 23, 2018 for this application, and examined pertinent maps, drawings, and documents.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board of the City of Alameda approves Design Review for the Seaplane Lagoon Ferry Terminal PLN16-0314 Landside Improvements based on the following findings:

1. The proposed design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual. A new ferry service creates a transit hub at the heart of Alameda Point, which maximizes opportunities for Alameda Point residents and employers/employees to be transit users. This minimizes potential traffic impacts and significantly increases the possibility of attracting major commercial users to Alameda Point, which is consistent with the General Plan Alameda Point Element for de-emphasizing automobile use and promoting alternative modes of transportation. The

Alameda Point Element calls out use of water transportation as one of these alternatives. The project is also consistent with the Alameda Point zoning as a ferry terminal is a permitted use in the AP-WTC, Alameda Point Waterfront Town Center zoning district. The project design is also consistent with the Design Review Manual landside and landscape improvements that are pedestrian/bike oriented and inviting access to the water's edge.

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 project would construct a new pier in Seaplane Lagoon to be used by passenger ferries. This use differs slightly from the historic use of Seaplane Lagoon, which was the take-off and landing area for patrol, rescue, and transport seaplanes. However, this new use is still a maritime use and it would require no physical changes to Seaplane Lagoon. The ferry terminal structures are small relative to the size and scale of the Seaplane Lagoon and would not be a disruptive addition to the Seaplane Lagoon environment. Instead, the ferry terminal would reinforce the maritime theme and support harmonious transitions between the water and landside waterfront improvements. The proposed ferry terminal and supporting landside amenities for pedestrian/bike and ferry parking are compatible uses and appropriate for this waterfront setting.
3. The proposed design of the structure(s) and exterior materials and landscaping is 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 landside improvements including the ferry terminal parking lot, access road, and bicycle and pedestrian facilities are all surface-level features that improve the existing unfinished concrete surface for new public waterfront access.

BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda finds that the Seaplane Lagoon Ferry Terminal Project was adequately considered by the CEQA Addendum to the Alameda Point FEIR, and that:

1. The City of Alameda as lead agency under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.), prepared the Final Environmental Impact Report for the Alameda Point Project (FEIR) (State Clearinghouse No. 201312043) ("Final EIR").
2. On February 4, 2014, the City Council certified the Final EIR for the Alameda Point Project, including the Town Center Plan area which contains the project site.
3. After certification of the Final EIR for the Alameda Point Project, the City developed project-specific plans for the new Seaplane Lagoon Ferry Terminal and adjacent landside improvements ("Project").
4. The City caused to be prepared an Addendum to the Final EIR ("Addendum") pursuant to CEQA Guidelines Section 15164.

5. The City Council adopted the Addendum and approved the Project on April 5, 2016.
6. The Seaplane Lagoon Ferry Terminal design and the adjacent landside improvements are consistent with the General Plan, Zoning Ordinance, and Town Center Plan.
7. This Design Review approval will implement the approved project analyzed in the Final EIR and Addendum.
8. Approval of the Design Review would not involve substantial changes in the Project or circumstances under which the Project is to be undertaken that would result in new or substantially more severe significant environmental effects requiring major revisions to the Final EIR, and there is no new information of substantial importance that involves new or substantially more severe significant environmental effects that would require major revisions to the Final EIR; therefore, no further environmental review is required pursuant to Public Resources Code Section 21166 and CEQA Guideline Sections 15162 and 15163.

BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby approves the Design Review for the Seaplane Lagoon Ferry Terminal Project subject to the following conditions:

- (1) Effective Date for Approval: This Design Review approval shall expire two (2) years after the date of approval, unless construction on the Project has begun under valid City permits. The Community Development Director may grant a two-year extension prior to the date of expiration.
- (2) Building and Site Improvement Permit Plans: The plans submitted for the Building Permit shall be in substantial compliance with plans prepared by COWI, Groundworks, and Marcy Wong Donn Logan Architects, on file in the office of the City of Alameda Planning Division, except as modified by the conditions specified in this resolution.
- (3) CEQA: Prior to issuance of a Building Permit, the applicant/contractor shall submit a Mitigation Measure Compliance Checklist confirming compliance with all required environmental mitigation measures 4.G-1a, 4.G-1b, 4.G-1c, 4.G-1d, 4.G-2, 4.G-4 contained in the Project-Specific Mitigation Monitoring and Reporting Program for Seaplane Lagoon Ferry Terminal adopted by the Alameda City Council on April 5, 2016.
- (4) Biological Regulations: Applicant/contractor's plans shall comply with the Declaration of Restrictions for the Former Naval Air Station Alameda (Declaration) for consistency with the Biological Opinion issued by the U.S. Department of Fish and Wildlife Service.

Public Improvements

- (5) Automobile Parking: The public off-street parking lot shall meet the latest applicable codes as it relates to surface improvements, illumination of parking areas, parking dimensions and access.
- (6) Parking Lot Landscaping: Due to the temporary nature of the proposed parking lot and the ultimate relocation to another site, the requirement for one (1) tree for every four (4) parking spaces per AMC Section 30-7.10 is waived as the trees are unlikely to form a

- canopy in that time period. Should the parking lot remain in the current location for more than 10 years, trees shall be installed at that time.
- (7) 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. Roadway lighting to match Site A; bike path and sidewalk lighting do not need to match Site A light fixtures but shall be shielded and oriented to prevent light spillage.
 - (8) Street Resurfacing: Applicant/contractor shall resurface the existing paving for vehicles, bike paths and sidewalks as required to provide ADA compliant path of travel.

Water Quality

- (9) Compliance with 401 Conditions of Approval: Prior to issuance of building permits, the Applicant/contractor shall demonstrate compliance with the 401 Conditions of Approval for BCDC, USACE, and RWQCB, incorporated herein by reference.
- (10) Storm Water Quality Management Plan: The Project Civil Improvement Plans shall include a finalized stormwater quality management plan with:
 - a. The identification of the drainage management areas (DMAs) for all newly created and/or recreated impervious surface areas on the project site and the establishment and identification of Provision C3-compliant stormwater quality design and treatment measures for each DMA.
 - b. A site plan map and inventory identifying the location and area values (in square feet) of each DMA and the corresponding, one-to-one-matching, C3-compliant measure. The DMA inventory shall be summarized in tabular form and provide an accurate total area summation value.
 - c. A finalized supplemental submittal of the Stormwater Requirements Checklist. The area value summation of all of the DMAs shall be consistent with the area values accurately presented in the summary "Table of Impervious and Pervious Surfaces" (Section I.B) in the completed Stormwater Requirements Checklist.
 - d. A finalized, stamped, signed City of Alameda C3 certification form prepared by an independent civil engineer with stormwater treatment facility design experience, licensed in the State of California, and meeting City qualification standards, 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.
 - e. The Civil Improvement Plans sheets shall include thorough 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.
- (11) Storm Water Trash Capture: The Civil Improvement Plans shall indicate the structural stormwater trash capture device(s) being installed on the project site to ensure that the entirety of stormwater drainage from the project site is subject to full trash capture. Civil Plan sheets shall include specific make and model option descriptions, manufacturer's specifications, Detail and cross-sectional drawings of the stormwater full trash capture device(s) in order to verify that the device(s) specified are consistent with City's municipal stormwater permit definition of a full trash capture device and are on the list of pre-

approved devices. 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. Consider multi-benefit treatment systems that meet the definition of both stormwater treatment and full trash capture, consistent with the design guidelines and definitions of both State Water Board Multi-Benefit Treatment Systems and the Alameda Countywide C3 Technical Guidance Manual.

- (12) Landscape Plans: Finalized Landscape Plans for all landscape-based stormwater treatment measures shall be consistent with the civil engineering designs and functional intent of these treatment measures. Landscape Plans shall be designed to minimize runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution. Consideration shall be given to pest-resistant landscaping and design features and the use of integrated pest management (IPM) principles and techniques.
- (13) State Water Resources Control Board: Prior to issuance of the initial grading or combination grading/building permit, 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 Public Works 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.
- (14) Erosion and Sediment Control: The Civil Improvement Plans shall list the City's erosion and sediment control standards and provide detail drawings and installation specifications for all water quality control measures. The applicant/contractor shall be responsible for ensuring that all contractors and sub-contractors install and regularly maintain all control measure elements required in the project SWPPP and/or the Civil Improvement Plans 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.
- (15) Operations and Maintenance Plan: Prior to the approval of the Civil Improvement Plans, submit for review and approval by Public Works Engineering a Stormwater Treatment 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 measures, trash capture devices, and LID design measures at the site. This O&M Plan shall be consistent with the City of Alameda's Stormwater Treatment Measures O&M Plan Checklist. Upon approval, provide Public Works a pdf copy of the finalized O&M Plan.
- (16) Storm Drains: The Civil 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. Installation locations shall be clearly identified. Permanently affixed thermoplastic, metallic or plastic laminate style markers are examples of acceptable forms.

- (17) Trash Enclosures: The Civil Improvement Plan design of all external enclosures for solid waste, recycling and organics shall prevent water run-on to the area, runoff from the area, and contain litter, trash and other pollutants, so that these materials are not dispersed by the wind or otherwise discharged to the storm drain system. Any trash enclosure facilities with a water supply shall also drain to the sanitary sewer.
- (18) Certification Report: Prior to final acceptance of the project, 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 and trash capture devices 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.

Construction Conditions

- (19) 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/contractor/contractor/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/contractor 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.
- (20) Hazardous Materials: The applicant/contractor 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 applicant/contractor 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.
- (21) Truck Plan: Prior to issuance of grading permit, applicant/contractor/contractor/contractor

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.

- (22) Notice to Neighbors: At least two weeks prior to initiating any construction activities at the site, the applicant/contractor/contractor 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.
- (23) Construction Hours: Construction activity shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Friday, and between 8:00 a.m. and 5:00 pm on Saturday. No construction-related activity shall occur on Sunday or on any Federal Holiday. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment re-design, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) wherever feasible and necessary. No construction activity that may cause excessive off-site vibration from heavy machinery such as pile drivers, drilling rigs (except as necessary for elevator, shoring, and soil testing), etc. shall be allowed. Impact tools (e.g., jack hammers, pavement breakers and noise drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to 10dB. External jackets on the tools themselves shall be used where feasible. Quieter procedures shall be used such as drilling rather than impact equipment whenever feasible.
- (24) Dust Control: Prior to issuance of building or grading permits, the applicant/contractor/contractor/contractor shall ensure that a program of dust control is implemented consistent with City, MMRP and BAAQMD requirements.
- (25) 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.
- (26) 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.

Alameda Municipal Power (AMP)

- (27) The applicant/contractor shall comply to AMP's Rules and Regulations as stated in Article X and AMP's "Material and Installation Criteria for Underground Electrical Systems" (both

available at www.alamedamp.com) and provide completed "Service Planning Sheets" for AMP's review prior to submitting plans for building permits.

- (28) The applicant/contractor 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/contractor shall provide (at no charge to AMP) an easement and access to all AMP facilities on the property prior to issuance of building permits.
- (29) Concurrent with submittal of Improvement Plans, the Applicant/contractor 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.
- (30) The Applicant/contractor 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.
- (31) Applicant/contractor 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/contractor 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.
- (32) The Applicant/contractor 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/contractor shall also be required to furnish two additional streetlight assemblies (e.g. pole, fixture, arm, shroud, etc.) of each type.
- (33) All public streets shall be lit with LED lighting. Streetlight layout shall be staggered for a more uniform light distribution. Applicant/contractor can provide alternate design if a better efficient light distribution is met. Applicant/contractor shall use AMP LED standard fixtures. LED streetlight fixtures shall offer tri-level lighting with the mid-level setting meeting IES RP-8-14.
- (34) The Applicant/contractor 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.
- (35) Prior to issuance of building permits, the Applicant/contractor shall coordinate with AMP to determine whether to provide an easement for electric utility vehicle access to AMP's Cartwright Station. The easement shall encompass the entire perimeter of the substation, including buildings and exterior yards with a 25-foot minimum clearance from any structure

(above or below grade), wall and fence. Applicant/contractor shall avoid planting any trees that will grow in fullness to the point they may encroach into the perimeter easement.

- (36) The Applicant/contractor 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.
- (37) Applicant/contractor 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.
- (38) Prior to issuance of building permits, the Applicant/contractor shall coordinate with AMP to determine the need to 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.
- (39) The improvement shall show all necessary easements and access to all electrical utility facilities that are in the private properties, at no charge to AMP.
- (40) Concurrent with acceptance of work by City Council, the applicant/contractor 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/contractor or successor property owner(s) shall be responsible for the service cables and service equipment.
- (41) The Applicant/contractor 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/contractor shall be responsible for the cost of AMP assigned inspector during construction.
- (42) The Applicant/contractor shall submit, with the site improvement plans, detailed drawings showing the required site electric utility facilities.

NOTICE. 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 Notice of Appeal stating the appellant claims that either the Board's decision is not supported by its findings or its findings are not supported by the evidence in the record.

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/contractor is hereby further notified that the 90-day appeal period, in which the applicant/contractor may protest these fees and other exactions, pursuant to Government Code Section 66020 (a) has begun. If the applicant/contractor fails to file a protest within this 90-day period complying with all requirements of Section 66020, the applicant/contractor will be legally barred from later challenging such fees or exactions.

* * * * *