

CITY OF ALAMEDA PLANNING BOARD
Draft Resolution

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING THE DEVELOPMENT PLAN AND DENSITY BONUS APPLICATION NO. PLN19-0368 TO CONSTRUCT 357 RESIDENTIAL UNITS, 5,000-SQUARE-FEET OF COMMERCIAL SPACE, INTERNAL ROADWAYS AND ALLEYS, PARKS AND OPEN SPACE ON AN APPROXIMATELY 17.2-ACRE SITE LOCATED AT 2800 FIFTH STREET AND COMMONLY KNOWN AS THE ALAMEDA LANDING WATERFRONT MIXED-USE PROJECT.

WHEREAS, an application was made on August 1, 2019 by Pulte Home Company, LLC (Pulte) for a Development Plan and Density Bonus approval to construct 357 residential units, 5,000-square-feet of commercial space, internal roadways and alleys, parks and open space on an approximately 17.2-acre site located at 2800 Fifth Street; and

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

WHEREAS, the subject property is located in a M-X (Mixed-Use Planned Development) Zoning District which requires a master plan for the development; and

WHEREAS, the eastern 10-acre portion of the site is located within the MF (Multi-Family Residential Combining Zone) Overlay District; and

WHEREAS, on December 5, 2006, the City Council certified by Resolution No. 14047 the Final Supplemental Environmental Impact Report for the Alameda Landing Mixed Use Development Project ("2006 Supplemental EIR", a Supplement to the 2000 Catellus Mixed Use Development Project EIR) in accordance with the California Environmental Quality Act (CEQA) (State Clearinghouse #2006012091). The City has prepared several addenda to the 2006 SEIR in 2007, 2008, 2012 and 2017; and

WHEREAS, on January 2, 2006, the City Council adopted Ordinance 2957 for the Alameda Landing/Bayport Mixed Use Development Master Plan Amendment; and

WHEREAS, on September 5, 2017, the City Council adopted Ordinance No. 3188 amending the Alameda Landing Master Plan and approved an Addendum to the Supplemental EIR. The Addendum concluded that the environmental effects associated with the Master Plan Amendment were within the scope of the analysis in the 2006 Supplemental EIR and no further environmental review was required; and

WHEREAS, on September 10, 2018, the Planning Board approved the Design Review for the 4.5 acre Alameda Landing Waterfront Park; and

WHEREAS, on June 10, 2019 the Planning Board approved Design Review for the northern extension of Fifth Street connecting Mitchell Avenue to the entrance of the Waterfront Park; and

WHEREAS, On June 10, 2019, the Planning Board held a study session for the Alameda Landing Waterfront Mixed-Use development. At the meeting, Pulte introduced the general circulation, distribution of units, and architectural concepts of the project, and received feedback from the community and the Board; and

WHEREAS, on October 14, 2019, the Planning Board held a duly noticed public hearing on the subject Development Plan and Density Bonus Application and examined all pertinent application materials and public testimony; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds the environmental effects of the proposed project were considered and disclosed in the Alameda Landing Master Plan Environmental Impact Report (State Clearinghouse #2006012091). No further environmental review is required under the California Environmental Quality Act for the proposed project. The proposed mixed use development will not result in any new environmental impacts or cause any previously disclosed significant impacts to become more severe, and all mitigations specified in the EIR are included as conditions of approval for the project as required by the Alameda Landing Master Plan; and

BE IT FURTHER RESOLVED, that pursuant to AMC Section 30- 4.20(g), the Board has made the following findings relative to proposed Development Plan:

1. **The Development Plan qualifies for approval under the Alameda Landing Master Plan and satisfies the purpose of the Mixed Use zoning regulations under AMC Section 30-4.20(g).** The proposed Development Plan is consistent with the Alameda Landing Master Plan for construction of 357 residential units, 5,000-square-feet of commercial, and open space at this location. The Development Plan qualifies for approval under AMC Section 30-4.20(g) as it satisfies the purpose of the regulations to facilitate mixed use development by providing a mix of residential and commercial uses.
2. **The Development Plan is designed in a manner compatible with existing and potential contiguous uses. The Development Plan also provides a sufficient vehicular and non-vehicular circulation system within the project with the least amount of duplication, and the Plan provides the best interface with other systems.** The Development Plan is designed in a manner compatible with existing and potential contiguous uses. The project provides for a well-designed pedestrian network, bicycle access, and street network that complement and support the planned surrounding uses. The proposed improvements to the western multiple use path, Mitchell Greenway, view corridors, and pedestrian paseos support and encourage use of and access to the waterfront. The development contributes to the completion of the waterfront park and water shuttle dock necessary to serve the final phases of the Alameda Landing Master Plan.
3. **The Development Plan provides and maintains adequate landscaping using, where appropriate, native plants and taking maximum advantage of the screening capabilities of landscaping.** The proposed plan includes approximately 6.4 acres of open space comprised of native plants and landscaping that are consistent with Bay

Friendly standards and comply with state water efficient landscape requirements. The ground level landscaping provides a good transition between the public sidewalks, interior site circulation, and open space within the development.

4. **The amount of land proposed for any particular use can be marketed for that use within a reasonable time after development is complete.** This plan provides for the development of 357 housing units that are necessary to address a severe housing shortage in the community. The project proposes a variety of for-sale housing products and plans with homes ranging between 962 to 2,504 square feet in size with 283 of the homes smaller than 1,500 square feet in size. The project also includes deed-restricted affordable housing that are expected to be occupied as soon as available. In addition, the project provides 5,000-square-feet of commercial space that will provide services for the new waterfront park.
5. **The Development Plan provides sufficient area, and encourages adequate public accessibility and usage of the water/land interface.** A pedestrian corridor provides public access between Mitchell Avenue, Fifth Street, and the waterfront and Bay Trail through the development. A variety of outdoor spaces such as paseos, bike paths, pedestrian pathways, pocket parks, and other common open space facilitate harmonious transitions between the surrounding uses and the waterfront park.
6. **The Development Plan provides a comprehensive, coordinated, controlled system of informational and directional graphic signage throughout the development.** The Development Plan consists of multiple clear points of entry along Fifth Street, the western greenway, and the pedestrian paseos, which will provide signage for public access to the waterfront park and the pocket parks in the development.
7. **The Development Plan demonstrates progressive techniques for the conservation of, and decreased consumption of, nonrenewable energy.** The proposed development will be 100% electric powered without any gas infrastructure serving the homes or the commercial development as recommended by the City of Alameda Climate Action Plan. All residential units will include solar panels on the roof; and

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

1. The proposal qualifies for a density bonus pursuant to State Density Bonus Law and Alameda Municipal Code Section 30-17. The applicant is proposing to provide affordable units to fifteen (15) very low-income, twelve (12) low-income, and twenty-one (21) moderate-income households, which qualifies the project for a 20% density bonus above the base project of 298 units for a total project size of 357 units.
2. The proposal qualifies for a waiver from Alameda Municipal Code Section 30-50.1, which prohibits construction of multifamily buildings with three or more units on those portions of the site which are not zoned with the MF Multifamily Combining District. The waiver allows for the construction of buildings with six, seven, nine and twelve units.

3. The requested waiver to allow multifamily buildings would not have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Government Code section 65589.5, upon health, safety, or physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
4. The requested waiver to allow multifamily buildings would not have a specific, adverse impact, on any real property that is listed in the California Register of Historical Resources or designated a City of Alameda Historical Monument or included in the City of Alameda's Historical Building Study List.
5. The requested development standard waiver would not be contrary to state or federal law; and

BE IT FURTHER RESOLVED, that the Planning Board hereby approves Development Plan and Density Bonus Application No. PLN19-0368 for 357 residential units, 5,000-square-feet of commercial space, internal roadways and alleys, parks and open space on a 17.2-acre site located at 2800 Fifth Street, subject to the following conditions:

Planning and Design Conditions

1. The plans submitted for the Building Permit shall be in substantial compliance with Exhibit 1: Alameda Landing Residential Development Plan Review Package prepared by Pulte Group dated September 30, 2019, and on file in the City of Alameda Planning Building & Transportation Department, except as modified by the conditions specified in this resolution.
2. Residential Design Review: Prior to the issuance of a building permit for any building, the applicant shall submit a Design Review application for all vertical improvements. The Design Review plans shall demonstrate compliance with the Design Guidelines and Universal Design requirements of the Alameda Landing Master Plan, as amended.
3. Commercial Design Review and Construction Phasing: The building permit for the 5,000 square foot commercial structure with minimum ceiling heights of 12 feet adjacent to the Waterfront Park shall be issued prior to the building permit for the 330th residential unit. The design review plans for the building shall be reviewed and approved by the Planning Board prior to issuance of the 150th building permit. The plans may include a freestanding 5,000 square foot commercial building or a mixed use building with 5,000 square feet of commercial space, consistent with the Master Plan, and residential units on the upper floors if the Planning Board is able to determine that the additional units are available under the 2017 Master Plan Amendment Trip Matrix. Upon review of the Design Review plans for the building, the Planning Board may also adjust the requirement for the issuance of the building permit prior to the 330th residential building permit established by this condition.
4. Waterfront Park Construction Phasing: To implement the final City of Alameda and final BCDC permit conditions for the waterfront park, the first half of the Waterfront Park as defined by the BCDC permit shall be completed prior to issuance of the 178th residential

building permit. The second half of the park shall be completed prior to the issuance of the 300th building permit.

- a. Prior to issuance of improvement plans for the pocket parks, the applicant shall submit final design details for the two required pocket parks at the terminus of the two mandated view corridors for final review and approval by the Planning, Building and Transportation Director, who will ensure that the applicant's proposal to utilize these areas as Fire Truck staging areas does not in any way reduce the value of these areas as public park extensions, as envisioned in the final City of Alameda and final BCDC approvals for the Waterfront Park. The final design for the park in Phase I shall be approved prior to issuance of the first building permit in Phase I, and the final design of the park in Phase 2 shall be approved before the first building permit in Phase 2.
5. Greenhouse Gas Emission Reductions: To minimize the use of fossil fuels and greenhouse gas emissions from the project, the improvement plans will ensure that power will be provided by electricity. No gas infrastructure will be provided or constructed to serve the residential buildings.
6. Transportation Demand Management: Prior to occupancy of the first housing unit, the Residential Homeowners Association shall join a Transportation Management Association and provide transportation funding in amounts consistent with the 2017 Alameda Landing Master Plan Amendments.
7. Bicycle, Pedestrian and Alley Access and Design: The Improvement Plans shall provide for:
 - a. Public access signs located at the entrances of the bike and pedestrian pathways, greenways, and pocket parks along Mitchell Ave and the waterfront park.
 - b. Improvement details for the Mitchell Avenue bicycle and pedestrian crossing at Bette Street.
 - c. Improvement details showing the location and type of the fifty (50) short term bicycle parking spaces listed in the Development Plan.
 - d. Improvement details for a 10 foot wide Mitchell Avenue sidewalk with street trees and transit stops.
 - e. Improvement details for the Western Buffer Greenway consistent with BCDC and City requirements. Improvement details for the raised pedestrian crossings in the 50 foot "view and bridge corridor" where the north-south pedestrian paths within the corridor cross "B" Street and "C" street. The details shall employ a surface material and/or treatment to differentiate from the predominant asphalt surface material used for the private streets and alleys.
8. Dust Control: Prior to issuance of building or grading permits, the developer/applicant shall ensure that a dust control program is implemented consistent with City and BAAQMD requirements. Construction activities shall be subject to the requirements of the Alameda Municipal Code, which restricts construction to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturday, unless a permit is first secured from the City Manager or designee based upon a showing of significant financial hardship.

9. Water Efficiency Landscape Ordinance: Prior to issuance of building permits or improvement plans, Applicant/Developer shall submit a complete WELO Landscape Document Package, as defined by Alameda Municipal Code (AMC) Section 30-58.3(d), subject to the approval of the Planning Director
10. Other Agency Approvals: Prior to approval of improvements related to work within the jurisdictional areas, Applicant shall provide evidence that all required approvals, permits, or waivers from Bay Conservation and Development Commission (BCDC), Regional Water Quality Control Board (RWQCB), including compliance with the existing 401 Certification for the construction of a storm water outfall, and/or the Army Corp. of Engineers. The final Improvement Plans shall incorporate all other agency comments.

Special Conditions

11. CC&Rs. In conjunction with the on-site improvement plans, the applicant/developer shall prepare Master Conditions, Covenants and Restrictions (CC&R's) for all properties within the project area, which CC&Rs shall establish a Master Homeowners' Association(s) (HOA) for the residential properties of the project. All residential property owners must be a member of an HOA. The applicant/developer must submit Master CC&Rs, and HOA requirements for the residential development to the City for approval prior to recording the first Final Map and prior to having the documents recorded. The applicant/developer shall bear all costs for recording the documents.
12. Phasing. Each phase of development shall provide the necessary street, utility, and other infrastructure to support that phase, meet the needs for public access, multimodal traffic circulation and the City's design standards as determined through the approval of the Master Demolition, Grading, Improvement and Phasing Plan (MDGIP) and improvement plans for each phase subject to the provisions of the Alameda Landing Residential Project Development Agreement.
13. Affordable Housing Agreement: Prior to the first Final Map approval, the project applicant shall execute an Affordable Housing Agreement with the City in conformance with the requirements of Section 7.4 of the Disposition and Development Agreement (Alameda Landing Mixed Use Project) dated and executed as of December 5, 2006. The Affordable Housing Agreement will require, in part, construction of 39 on-site residential units affordable to very low-, low- and moderate-income households. The project will provide at least 21 moderate-income units, 7 low-income and 11 very low-income units.
14. Bicycle Pedestrian Bridge Easement: The Final Map shall provide for a 50-foot wide Bicycle and Pedestrian Bridge easement in favor of the City of Alameda, as shown on the Tentative Map and Development Plan. The 50-foot Bridge easement shall extend from the Waterfront Park to the Mitchell Greenway as shown on the Development Plan and Tentative Map and provide the City with the rights to construct and maintain a public bicycle and pedestrian bridge from Alameda to Oakland. The Final Map will also allow the City of Alameda to construct the Bridge on the Western Buffer, which includes a 50-foot wide public access easement that extends from the Waterfront Park to the Mitchell Greenway. The Final Map shall also allow use of the Mitchell Greenway parcel for

replacement of storm water treatment areas and bridge landings, as needed by the City of Alameda. The Bicycle and Pedestrian Bridge Easements described above shall allow for the construction, operation, and maintenance of a publicly accessible bicycle and pedestrian bridge and foundation system and any associated public amenities, such as public paths, bridge maintenance facilities, public signage, or other improvements desired by the City to promote and protect public access to the easement and the future bridge, which will connect to Oakland's Jack London Square, over the Oakland Estuary. It is anticipated that the bridge will be open to public access 24 hours per day. All planning, design and construction costs of the future bridge will be the responsibility of the City of Alameda or others, with no obligation to the homeowners or Homeowners Association (HOA). The easement will allow the City to plan, construct and maintain the bridge and modify any existing landscaping, storm drain facilities, storm water infrastructure, connections to adjacent roadways, and utilities within the easement area to support public access and use of the bridge. Any existing storm water treatment areas that are affected by the bridge will be required to be replaced to meet the requirements of the State Water board permit. Any modifications to the HOA facilities should be replaced in a way that does not increase the HOA maintenance costs. Improvement plans for the Final Map shall ensure that only those permanent underground or overhead utilities, defined below are placed further than 10 feet from the outside edge of the 50-foot wide easement, to ensure that the central 30 feet has minimal permanent underground utilities and infrastructure that would need to be relocated to construct a bridge. Drainage lines and utilities to support the existing storm water treatment swales, utilities in the roads and alleys crossing the bridge easement and utility service lines to adjacent homes may be located within the central 30 feet of the 50-foot easement and will be relocated at a later date if needed by the City of Alameda.

15. Bicycle Pedestrian Bridge Disclosure Documents: Prior to first Final Map approval, the applicant shall provide for Planning, Building, and Transportation Director review and approval a draft "Supplemental Disclosure Statement Regarding Future Pedestrian/Bicycle Bridge – Addendum to Home Purchase Agreement and Escrow Instructions." The Disclosure Statement shall adequately inform all home owners of the City's intention to build a bicycle pedestrian bridge and provide a required signature line for each home buyer. The disclosure form shall also disclose that the City of Alameda may choose to build the bridge on the Fifth Street public right of way or on the Western Buffer.
16. Land Use Disclosures: Prior to first Final Map approval, the applicant shall provide for Planning, Building, and Transportation Director review and approval a draft "Supplemental Disclosure Statement Regarding Adjacent Industrial and Maritime Land Use – Addendum to Home Purchase Agreement and Escrow Instructions." The Disclosure Statement shall adequately inform all home owners that adjacent and nearby maritime manufacturing industries, the Port of Oakland, and heavy industrial uses such as Schnitzer Steel, may operate 24 hours a day and generate unpleasant noise, odors, and smoke.
17. Park Parking lot: The developer shall preserve 18 spaces adjacent to the Waterfront Park parking lot for use by waterfront park users. The public parking lot on the eastern

portion of the site shall provide 18 public parking spaces that can be used by visitors of the waterfront park and the commercial building.

18. Public Access Easements for all paseos and public parks: The Final Map shall provide public access easements on all paseos providing access to the front of homes and the public parks shown on the Development Plan that are located within the project.

Public Works General Conditions

19. An Encroachment Permit is required for all work within the Public Right-of-Way and Public Lands, including newly widened Mitchell Avenue, Waterfront Park, and Fifth Avenue Extension. Prior to the issuance of an Encroachment Permit, a traffic control plan that addresses pedestrian circulation around the site and parking and/or travel lane closures on the surrounding streets shall be submitted for review and approval by the City Engineer.
20. The Final Map shall show all existing and proposed easement locations, uses and recording information. The Owner's Statement shall list all public right-of-way and easements to be dedicated and the Certificate of City Clerk shall list all public easements and right-of-way to be abandoned with recording information as part of the parcel/final map.
21. The Applicant shall enter into a Subdivision Improvement Agreement with the City, pay all fees, and provide a security in a form and amount acceptable to the City prior to approval of Final Map.
22. The Development shall comply will Chapter 30, Article 6 of the Alameda Municipal Code (Real Estate Subdivision Regulations) and Chapter 22 of the Alameda Municipal Code (Streets and Sidewalks) as determined by the City Engineer.
23. The Development shall comply with all current, applicable, plans, standards, policies and guidelines including Alameda's Municipal Code (AMC), Standard Plans and Specifications, and Standard Subdivision Specifications and Design. All documents can be found at the City's Public Works webpage, under Key Documents, at <https://www.alamedaca.gov/Departments/Public-Works> , or are available by email on request from Public Works.
24. The fee for plan checking and inspection shall be calculated in accordance with the latest Schedule of Fees & Charges as approved by the City Council. A cash security deposit of an amount as determined by the City Engineer will be required prior to issuance of the improvement plans.

Improvement plans

25. The Applicant shall submit for review and approval construction Improvement Plans for all on- and off-site improvements, including design calculations, for all improvements listed below, as applicable. The plans shall be prepared, signed, and stamped as approved by a registered civil engineer licensed in the State of California. The

Improvement Plans shall be approved by the Public Works Department prior to approval of the Final Map or issuance of a Building Permit for the development.

26. The developer shall construct and provide public access easements for full private street improvements, including concrete curb, gutter, sidewalk, paving, drainage system, streetlights and street trees, all to the satisfaction of the City Engineer. The street section for any private access roads shall be designed by a registered civil engineer and is subject to approval by the City Engineer.
27. Street lighting shall be designed in accordance with the City of Alameda Street Lighting Design Guide, latest edition. A photometric study shall be provided with the improvement plans. Any adjustments to bring street lighting up to City standards will be incorporated into final permit drawings.
28. The Applicant shall submit a soils investigation and geotechnical report for the proposed development, subject to the review and approval of the City Engineer. The report shall address the structural and environmental analysis of existing soils and groundwater and provide recommendations for all grading, retaining walls, bulkheads, surface and sub-surface drainage, lot drainage, utility trench backfilling, and pavement design. The improvement plans shall incorporate all design and construction criteria specified in the report and shall be reviewed and signed by the Soils Engineer specifying that all recommendations within the report have been followed.
29. Any retaining walls, which are adjacent to a property line, shall be masonry, metal, or concrete. Any existing retaining walls to remain are to be evaluated by the Applicant's geotechnical/structural engineer for integrity and applicability to the geotechnical engineer's recommendations.
30. All developments shall be designed to account for future predicted sea level rise to Elevation 13 feet, NAVD88 Datum. The project shall also be designed with to accommodate additional future adaptability provisions for sea level rise above Elevation 13 feet. Projects within the BCDC jurisdiction will be required to meet BCDC's Sea Level Rise conditions.
31. A FEMA elevation certificate is required for each building located within 100-year flood zones as identified on the Flood Insurance Rate Maps (FIRM), at the time the first floor slab is poured. A second Elevation Certificate based on completed construction is required prior to Building Permit Final and Certificate of Occupancy for any structure.

Drainage and Storm water Treatment

32. All on site surface drainage shall be collected and conveyed in an adequately designed underground storm drainage system in a manner to be approved by the City Engineer. The downstream drainage system shall be analyzed and inadequacies, if any, corrected as determined by the City Engineer. The site shall be graded so that no additional runoff is directed to and so as not to impede runoff from adjacent properties.

33. A storm drainage hydrology analysis, identifying the total peak drainage flow quantities to be generated by the proposed development shall be prepared in accordance with the Alameda County Flood Control District Hydrology and Hydraulics Manual by a registered civil engineer licensed in the State of California and submitted as part of the construction improvement plans. The City will provide this data to an independent consultant who will assess the impact of the proposed development on the City's storm drainage system using a hydraulic model and determine the improvements, if any, to ensure sufficient capacity for this project and anticipated cumulative growth in the associated drainage basin. The Applicant shall include the recommended improvements into the project's improvements.
34. All projects shall incorporate permanent storm water design techniques and source control measures to manage the quantity and quality of storm water runoff from the planned development to prevent and minimize impacts to water quality, in accordance with the City of Alameda's National Pollution Discharge Elimination System (NPDES) Permit, and consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual. Project plans shall indicate the efforts taken to minimize impervious surface areas, especially directly connected impervious surface areas.
35. The development shall incorporate permanent post-construction storm water quality controls in accordance with the City of Alameda's National Pollution Discharge Elimination System (NPDES) Permit. 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.
36. The development is subject to full trash capture requirements of the City's NPDES permit. A full trash capture system or device is any single device or series of devices that traps all particles retained by a 5mm mesh screen and has a design treatment capacity of not less than the peak flow rate Q resulting from a one-year, one-hour storm in the sub-drainage area. Plan sheets shall include location, detail and cross-sectional drawings of the storm water full trash capture device(s) necessary to treat the entirety of the site. All private street and property runoff shall be treated before it reaches the public storm drain system.
37. Prior to the issuance of any permits for the development, the Applicant shall submit a Storm water Quality Management Plan and stamped, signed City of Alameda C3 certification form from a qualified independent civil engineer with storm water treatment facility design experience, licensed in the State of California, and acceptable to City Engineer that indicates the LID and treatment measure designs of the improvement plans and Storm water Quality Management Plan meet the established sizing design criteria for storm water treatment measures. The Civil Improvement Plans shall be consistent with the approved Storm water Quality Management Plan submittal.
38. Prior to the issuance of any permits for the project, the Applicant shall submit for review and approval by City Engineer a Storm water C3-LID Measures Operations and Maintenance (O&M) Plan that provides a thorough discussion of the inspection, operations and maintenance requirements of all of the storm water treatment, including

trash capture, and LID design measures at the site. This O&M Plan shall be consistent with the City of Alameda's C3-LID Measures O&M Plan Checklist.

39. State Water Resources Control Board: The applicant/developer shall provide to the City Engineer or his designee, prior to the issuance of the first combination building/grading permit for each project block or phase, a copy of both the WDID# issued to the project site by the State Water Resources Control Board (SWRCB) and the required Storm Water Pollution Prevention Plan (SWPPP). These documents shall provide verification to the City that the project site is in compliance with SWRCB Order No. 2009-0009-DWQ.
40. 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 Oakland Inner Harbor, 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. Civil Plan sheets shall include all City BMPs standards as Notes. 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.
41. Storm water Quality and Treatment Controls: The Civil Improvement Plans for each project block or phase shall incorporate appropriate pollution prevention source control measures, permanent low impact development (LID) measures, storm water treatment controls, full trash capture controls, and design techniques to manage the quantity and quality of storm water runoff from the project site to prevent and minimize impacts to water quality consistent with the Provision C3 requirements of the City's municipal storm water permit and in accordance with the guidelines of the Alameda Countywide Clean Water Program. 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. 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 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.
42. Storm Water Quality Management Plan: The Civil Improvement Plan submittals shall include a finalized storm water quality management plan for each distinct project block and/or phase, consistent and concurrent with the finalized improvement plans, to demonstrate and verify appropriate site design for LID, storm water treatment and trash control consistent with the Provision C3 and C10 requirements of the municipal storm

water permit and the guidelines from the Alameda Countywide Clean Water Program. This Plan shall include: a completed, updated, City of Alameda's Storm water Requirements Checklist; the determination and identification of drainage management areas (DMAs) for all proposed impervious surface areas on the proposed project site; the establishment of Provision C.3- and Provision C.10-compliant storm water quality measures for each DMA; a site plan map and inventory identifying each DMA and the corresponding compliance measure(s), including area values (in square feet) for all areas and total summation values; a stamped, signed City of Alameda certification form from a qualified independent civil engineer with storm water treatment facility design experience, licensed in the State of California, and acceptable to the Public Works Department that indicates the Plan and all the LID, storm water treatment and trash control measures designs meet the established sizing design criteria for storm water treatment measures.

43. On-Site 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 location(s) and type(s) of storm water trash capture measure(s) being installed on the project site to ensure that the storm water drainage from the project site is subject to full trash capture consistent with the City's municipal storm water 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 storm water full trash capture device.
44. Storm Drain Markings: 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.
45. Operations and Maintenance Plan: Prior to approval of the Civil Improvement Plans for each project block and/or phase, the Applicant/Developer shall submit a storm water treatment measures Operations and Maintenance (O&M) plan for review and approval to the Public Works Department. The O&M plan shall include, but not be limited to: treatment and design measure(s) descriptions and summary inventory, including all full trash capture devices; a legible, recordable, reduced-scale (8.5"x11") copy(-is) of the Site Plan indicating the treatment and design measure(s) location(s) and site drainage patterns; treatment measure(s), including trash capture, 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 storm water treatment and design measures to be maintained by any HOA shall be incorporated with the CC&Rs of the relevant HOA.

46. The Applicant shall pay for any required cleanup, testing, and City administrative costs resulting from consequence of construction materials entering the storm water system and/or waters of the State.

Traffic and Transportation

47. The Applicant shall comply with all applicable policies and requirements of the current approved transportation plans, including the Alameda's Bicycle Master Plan, the Pedestrian Master Plan, the Long Range Transit Plan, the Transportation Demand Management and Transportation System Management (TSM/TDM) Plan, the Multimodal Circulation Plan, Transportation Element of the General Plan, and the Transportation Choices Plan. Bicycle parking shall be consistent with AMC 30-7.15 Bicycle Parking.
48. Transportation facilities, including streets, sidewalks, pathways, parking lots, striping, signage, and signalization, shall be designed in accordance with Alameda's Bicycle Facility Design Standards; Pedestrian Design Guidelines; and guidelines for multiway stop signs, crosswalks, and pedestrian paddles; as well as the Caltrans Design Manual and Standard Plans and the California MUTCD.
49. Parking layout shall be constructed in conformance with City's off-street parking design standards, Alameda Municipal Code Section 30, Article 1, Chapter 6 Off-Street Parking and Loading Regulations. Accessible stalls, ramps, loading and unloading platforms including for vans, slope and grade of ramps, landings and stalls, signs, striping, logo, width of landings and such details as are required shall comply with applicable City and State Standards.
50. No signs shall be installed or mounted on street light poles owned and/or maintained by the City. All new signs shall be installed on dedicated sign posts.

Utilities

51. Sanitary sewerage shall be in accordance with the EBMUD Regional Standards for Sanitary Sewer Installation.
52. The City participates in the EBMUD Regional Private Sewer Lateral Program; therefore the Applicant shall comply with the provisions of this program prior to the issuance of Certificate of Occupancy. Each parcel within the subdivision must be issued a Compliance Certificate by EBMUD. Please review the program requirements and cost for Compliance Certificates: <http://www.eastbaypsl.com/eastbaypsl/>.
53. Prior to issuance of building permits, the Applicant shall secure all necessary permit approvals from EBMUD regarding the installation of all water or sewer service connections for the project.
54. The Applicant shall design and construct water, power, telecom, gas, and other utilities in accordance with applicable utility standards.

55. Fire sprinkler system test water discharges shall be directed to the sanitary sewer system or to appropriately-sized onsite vegetated area(s).

Public Works Other Standard Conditions

56. A separate Building Permit is required for the construction of each structure on the site. The Applicant should contact the Building Division to discuss submittal requirements.
57. The project shall be designed to accommodate three waste streams: recycling, organics, and trash; as required by the Alameda County Waste Management Authority's Mandatory Recycling Ordinance (ACWMA Ord. 2012-01).
58. The design, location, access, and provisions for waste hauler collection of all external enclosures for solid waste, recycling, and organics shall be of sufficient size and design to serve the development as approved by the Public Works Department.
59. Trash enclosure(s) shall comply with Best Management Practices in accordance with the Clean Water Act. These facilities shall be designed to prevent water run-on to the area, runoff from the area, and to contain litter, trash and other pollutants, so that these materials are not dispersed by the wind or otherwise discharged to the storm drain system. Any trash enclosure facilities with a water supply shall also drain to the sanitary sewer.
60. All trash containers outside the building shall be stored in a roofed trash enclosure. The trash enclosure shall have a concrete pad, designed to prevent run-on to and runoff from the enclosure. The enclosure shall solid walls on three sides with a lockable gate on the fourth side. If the trash enclosure is attached to the building it should have fire sprinklers.
61. The Development shall comply will Chapter 21, Article 6 of the Alameda Municipal Code and submit a Waste Management Plan documenting the diversion of project related construction and demolition debris to the satisfaction of the Public Works Director.
62. The landscape and irrigation plans for on-site and public right-of-way improvements shall be prepared, and signed and stamped as approved, by a licensed landscape architect. The plans shall be in accordance with the most recent version of the "Bay-Friendly Landscape Guidelines" developed by StopWaste.Org, and the Bay Friendly Coalition, the AMC, the Alameda Master Tree Plan, the Alameda Tree Removal Policy, the Integrated Pest Management Policy, as well as conditions of approval by the Planning Board, and other applicable standards, as applicable. Landscaping shall be designed to improve curb appeal while promoting low maintenance plant material and xeriscaping. Landscaping plans shall be designed to minimize runoff and promote surface infiltration.
63. The Developer shall obtain all necessary permits from other regulatory agencies for projects within sensitive areas or which have significant storm water pollution potential. Other regulatory agencies include, but are not limited to, the Regional Water Quality Control Board, Department of Fish and Wildlife, Army Corps of Engineers, and the Bay Conservation and Development Commission.

64. Construction activities are restricted to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturday, unless a permit is first secured from the City Manager or designee based upon a showing of significant financial hardship.

Conditions to be met prior to issuance of first Certificate of Occupancy:

65. Conditions, Covenants and Restrictions (CC&R's): Condition of Approval for all Blocks/Lots shall explicitly state that the approved storm water treatment measures Operations and Maintenance (O&M) Plans shall be incorporated and included within the CC&Rs of the relevant property owners' associations, including but not limited to the Master Homeowners' Association(s) (HOA) for residential properties.
66. Storm water Agreement: Prior to the issuance of the certificate of occupancy, for any on-site storm water treatment or design measure not to be maintained by an HOA, the Applicant/Developer shall execute a Storm water Treatment Measures Maintenance Agreement (Storm water Agreement) with the City. The Storm water Agreement shall include, but not be limited to: the O&M plan for all approved storm water 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 Storm water Agreement shall be recorded, at applicant/developer's expense, with the County Recorder's Office of the County of Alameda.
67. Storm water Treatment Measures Construction Certification Report: Prior to the issuance of the first occupancy permit (or as adjusted by any project site Phasing Plan) for each project block and/or phase, the applicant/developer shall submit a certification report (Report) affirming that all project site storm water treatment measures and full trash capture devices have been constructed per the City approved plans and specifications. The Report shall be prepared by a registered civil engineer, licensed in the State of California. 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; any required on-site testing results conform with approved plans and specifications; treatment measures conform to dimensions, grades and slopes on approved plans and specifications; all structural features of the treatment measures comply with plan specifications; the irrigation system is installed and functions as designed; healthy vegetation/ground cover is installed as shown on plans. The Report shall be submitted in a form acceptable to the Public Works Director or designee.
68. The geotechnical/soils engineer shall submit a letter report to the City at completion of construction certifying that grading, drainage and backfill installation was performed in general compliance with recommendations in the geotechnical report. All material testing reports shall be attached to the certification letter report.
69. Prior to project acceptance and any certificate of occupancy, the Property Owner(s) shall execute a C3-LID Treatment Measures Maintenance Agreement with the City, complete with an approved Operations and Maintenance Plan, the template for annual self-reporting, and assurances for property access for City verification inspections.

70. Prior to project acceptance and any certificate of occupancy, the Applicant shall submit a certification report (Report) prepared by a registered civil engineer, licensed in the State of California, affirming that all project site storm water treatment measures have been constructed per the City approved plans and specifications. As appropriate, the Report shall include, but not be limited to, assurances that: imported materials used for the treatment measure(s) are certified by the supplier; installation of these materials is per approved plans and specifications and meets the intent of the design engineer; required on-site testing results conform with approved plans and specifications; treatment measures conform to dimensions, grades and slopes on approved plans and specifications; all structural features of the treatment measures comply with plan specifications; the irrigation system is installed and functions as designed; healthy vegetation/ground cover is installed as shown on plans. The Report shall be submitted in a form acceptable to the City Engineer.

Fire Safety Conditions:

71. The developer/applicant shall provide adequate turn around space or through access for any street greater than 150 feet in length to the satisfaction of the Fire Chief and the City Engineer. Emergency Vehicle Access roads shall have an adequate turning radius for fire apparatus (inside turning radius of 28 feet, outside turning radius 44 feet 8 inches, minimum height 13 feet 6 inches, minimum width 20 feet) and 26 feet wide in the immediate vicinity or portion thereof buildings 30 feet or taller. 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.

72. The improvement plans for the project site shall include a Fire Water System 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.

73. 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 radius for fire apparatus (inside turning radius of 28" and outside turning radius of 44'8").

Alameda Municipal Power (AMP)

74. 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.
75. 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.
76. 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.
77. The Final Map shall provide a 30 foot easement for the 115 kV line. No shrubs and trees shall be allowed around poles.
78. The development shall allocate areas for pad mounted transformers and switches. This is addition to the primary and secondary boxes and conduits that will be required to provide power to the development.
79. The developer shall provide load estimate for PV and EV installations in the development.
80. The project shall provide for space for primary conduits coming from the Bay Ship and Yacht property from the west.
81. The development will be served from 208/120 V or 480/277 V sources, not 120/240 V.
82. New street trees shall maintain clearances from electrical utilities as follow: a) street/pathway lights and utility poles – 25-feet (with the exception of 15 feet between streetlights and palm trees); b) joint trench and all underground electrical lines – five feet; c) access doors of electrical pad-mounted equipment (e.g. switches, transformers and capacitors) – **ten feet**; d) all sides of electrical pad-mounted equipment – **three feet**. Verify minimum clearance distances of trees/shrubs from all sides and back of electrical pad-mounted equipment with Alameda Municipal Power (AMP). Any variance from these standards must be approved by AMP, and may include mitigation measures, such as root barriers.
83. 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.

84. 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.
85. 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.
86. 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.
87. 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.
88. 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.
89. 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.
90. 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 an AMP assigned inspector during construction.
91. 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 Planning, Building & Transportation 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.

* * * * *