

CITY OF ALAMEDA PLANNING BOARD
DRAFT RESOLUTION

RECOMMENDING APPROVAL OF TENTATIVE MAP TRACT 8060 PLN 20-0118, DENSITY BONUS APPLICATION PLN 20-0119, DEVELOPMENT PLAN PLN 20-0120, AND OPEN SPACE DESIGN REVIEW PLN 20-0121 FOR DEVELOPMENT OF THE 9.48 ACRE PROPERTY LOCATED AT 2229, 2235 AND 2241 CLEMENT AVENUE (APN 071 029000100 AND 071 028900500)

WHEREAS, Boatworks, LLC ("Boatworks") is requesting approval of a Tentative Map Tract 8060 PLN 20-0118 (Exhibit 1), Density Bonus application PLN 20-0119 (Exhibit 2), Development Plan PLN 20-0120 (Exhibit 3), and Open Space Design Review PLN 20-0121 (included in Exhibit 3) for the construction of 182 residential units, approximately 1.8 acres of publicly accessible open space, and associated parking, landscaping and other improvements at the property owned by Boatworks, LLC located at 2229, 2235 and 2241 Clement Avenue (APN 071-0290-001-00 and 071-0289-005-00), also known as "the Property"; and

WHEREAS, the Property is designated for Mixed Use in the General Plan Diagram; and

WHEREAS, the Property is located in a R-2/PD, Two Family Residential/Planned Development Zoning District and Open Space Zoning District; and

WHEREAS, on October 5, 2010, by Resolution No. 14494, the City of Alameda certified an Environmental Impact Report (EIR) evaluating 242 residential units on the Property consistent with the California Environmental Quality Act (CEQA); and

WHEREAS, the existing zoning for the property allows a base density of 140 residential units; and

WHEREAS, Boatworks is proposing to provide a total of thirteen (13) units (or 9%) affordable to very low income households and eight (8) units (or 6%) affordable to moderate income households, for a total of twenty-one (21) affordable units, which qualifies the project for a 30% density bonus and one concession or incentive under State Density Bonus Law and the City's density bonus ordinance; and

WHEREAS, subdivision of the property will facilitate the development of the property consistent with the Development Plan for 182 residential units; and

WHEREAS, the Planning Board held a duly noticed public hearing on March 23, 2020 and has examined pertinent maps, drawings, and documents.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board of the City of Alameda makes the following findings pertaining to the Density Bonus Application (Exhibit 2):

- 1. The proposal qualifies for a 30% density bonus pursuant to California Government Code Section 65915 and City of Alameda Municipal Code (AMC) Section 30-17.** The applicant is proposing to provide 13 very low income units, or 9% of the base project of 140 units for very low-income households, which qualifies the project for a 30% density bonus for a total project size of 182 units.

2. **The proposal qualifies for waivers from City of Alameda development standards that physically preclude the construction of the development at the densities permitted pursuant to AMC Section 30-17.** The applicant has requested waivers from AMC Section 30-53 (prohibiting multifamily housing) and AMC Section 30-4.2 (prohibiting parcels less than 2,000 square feet in size), both of which physically preclude the construction of the development at the densities permitted.
3. **The proposal qualifies for one incentive or concession reducing or modifying development standards that result in identifiable and actual cost reductions to provide for affordable housing costs.** The applicant has requested a reduction or modification of local development standards (AMC Section 30-17.8) that require that the affordable housing be reasonably dispersed throughout the project and that the 21 deed restricted housing units reflect the range and number bedrooms provided in the project as a whole, which results in identifiable and actual cost reductions to provide for affordable housing costs.
4. **The requested development standard waivers and concession will not have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon public health, safety, or physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.**
5. **The requested development standard waivers and concession are not contrary to state or federal law; and**

BE IT FURTHER RESOLVED that the Planning Board makes the following findings pertaining to the Tentative Map Application (Exhibit 1):

1. **The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan and Zoning for the property.** The proposed tentative map is consistent with the property's Mixed Use General Plan designation and the R-2-PD and Open Space zoning designation. The subdivision will create 153 residential lots, rights of way for streets, and a parcel for waterfront open space. The proposed subdivision is designed to ensure lots face streets and parks, and that the parcels are adequately accessed by a system of internal streets, alleys, paseos, and sidewalks.
2. **The site is physically suitable for the type of development.** The tentative map facilitates the development of the property for residential use and waterfront open space on this waterfront property that is located one block from the Park Street corridor, major transit facilities, and services.
3. **The site is physically suitable for the density of the development.** The proposed subdivision provides a residential density of 19 units per acre, which is consistent with and within the density limits established by the property by the General Plan and Alameda Municipal Code. The proposed subdivision will not exceed the planned density proposed in the Development Plan.
4. **The proposed design of the subdivision and improvements, as conditioned, will not cause environmental damage or substantially and avoidably injure fish or wildlife or their habitat.** All future improvement on the property will be subject to the environmental

protections and mitigation measures imposed by the Final EIR for the project. The project as proposed does not require any work in the Oakland Estuary.

5. **The design of the subdivision and its improvements will not conflict with easements acquired by the public at large for access through or use of property within the subdivision.** All future improvements on the site will be subject to compliance with the existing and proposed easements for the access to or use of the property.
6. **The design of the subdivision and its improvements will not cause serious public health problems.** Subdivision of the property will facilitate investment in the property, which is necessary to upgrade the existing substandard infrastructure and preserve public health and will comply with all conditions of approval and mitigations imposed by the FEIR to protect the environment and public health; and

BE IT FURTHER RESOLVED, that the Planning Board makes the following findings pursuant to AMC Section 30-4.20 relative to proposed Development Plan (Exhibit 3):

1. **The Development Plan satisfies the purpose of the Planned Development regulations under AMC Section 30-4.20.** The proposed Development Plan is consistent with the Alameda General Plan and Zoning Ordinance for construction of multi-family residential units and open space at this location. The Development Plan qualifies for approval under AMC Section 30-4.20(g) and satisfies the purpose of the regulations to facilitate multifamily development consisting of 182 multifamily and single family homes and waterfront open space.
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 compatible with existing surrounding uses and provides coordinated travel ways for vehicular and non-vehicular circulation. Landscaped pathways and Bay Trail connections serve public access to the site and the waterfront open space. A variety of paseos, pathways, and other landscaped areas facilitate harmonious transitions between the residential buildings and immediate surroundings.

The Development Plan provides a sufficient vehicular and non-vehicular circulation system within the project with the least amount of duplication; and the best interface with other systems. The proposed design provides an extension of Blanding Avenue and Elm Street into the project site to access the residential units and the waterfront open space. Pedestrian paseos and sidewalks are provided for non-vehicular access.

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 landscape plan includes native plants and Bay Friendly-compliant landscaping that also achieves state water efficient landscape requirements. The landscaping provides a good transition between the public sidewalks and private open spaces used by residents in the townhomes.
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 182 residential units that are necessary to address a severe housing shortage in the community. These critically needed housing units include affordable housing units that are expected to be occupied within a reasonable time.

5. **The Development Plan provides sufficient area, and encourages adequate public accessibility and usage of the water/land interface.** A network of pedestrian pathways and roadways provide public access through the site to the publicly accessible waterfront open space and Bay Trail and Clement Avenue. This network of pedestrian paths and other common landscaped open space facilitate harmonious transitions between the development, the waterfront, and the immediate surroundings.
6. **The Development Plan provides a comprehensive, coordinated, controlled system of informational and directional graphic signage throughout the development.** The Development Plan consists of a variety of connected streets, private driveways and non-vehicular paths. A wayfinding signage program will be incorporated into the building plans as a condition of approval. Bay Trail-compliant signage will also be provided according to the Bay Trail program.
7. **The Development Plan demonstrates progressive techniques for the conservation of, and decreased consumption of, nonrenewable energy.** The proposed project will meet the requirement of the 2020 California Building Code, which requires that all new buildings be solar ready; and

BE IT FURTHER RESOLVED, that the Planning Board makes the following findings pursuant to AMC Section 30-37.5 relative to the Open Space Design Review application:

1. **The proposed waterfront open space design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual.** The proposed waterfront open space design is consistent with General Plan, Zoning, and Design Review manual standards for publicly accessible open space.
2. **The proposed waterfront open space 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 open space design provides connections to the adjacent neighborhood from an extension of Blanding Avenue through the site to the waterfront, from Blanding and Oak Street via a pedestrian path to the waterfront, from the extension of Elm Street to the waterfront, and from a public pathway through the center of the project from Clement Avenue to the waterfront. The proposed design promotes harmonious transitions in scale and character with the immediate surroundings.
3. **The proposed design of the open space and landscape materials and pathways are visually compatible with the surrounding development.** The proposed design of the open space will be visually compatible with adjacent open space provided at Park Street landing; and

BE IT FURTHER RESOLVED, that the Planning Board finds that, based on substantial evidence in the record, the potential environmental impacts of the project have been evaluated and disclosed pursuant to CEQA. On October 5, 2010, by Resolution No. 14494, the City of Alameda certified an EIR in compliance with CEQA that evaluated the environmental impacts of the development of 242 residential units on the property. Consistent with the October 2010 action,

the conditions of approval require compliance with, and implementation of, all remaining applicable mitigation measures adopted by the City Council in October 2010. No further environmental review is required for the proposed project as provided by Section 15162 of the California Environmental Quality Act Guidelines because neither the project, nor the circumstances surrounding the project, would result in any new or more severe significant impacts to the environment than were analyzed in the previously certified EIR; and

BE IT FURTHER RESOLVED, that the Planning Board hereby recommends approval of Tract 8060 Tentative Map PLN 20-0118 (Exhibit 1), Density Bonus Application PLN 20-0119 (Exhibit 2), Development Plan PLN 20-0120 (Exhibit 3) and Open Space Design Review PLN 20-0121 (included in Exhibit 3), subject to the following conditions of approval:

Planning Conditions:

1. Subsequent Actions and Approvals. Development of the property and all future City actions and subsequent requests for entitlements and permits by the applicant or property owner shall be in substantial compliance with Exhibits 1, 2, and 3 attached to this Resolution. The total number of units developed on the Property shall not exceed 182 residential units. The City shall take no subsequent discretionary action that either reduces the number of units below 182 units or reduces the requested floor area of any of the 182 units provided the proposed plans are in compliance with all Applicable Law as that term is defined in the Development Agreement and in substantial conformance with Exhibits 1, 2, and 3.
2. Regional and State Agency and Utility Company Approvals. Prior to issuance of the first building permit for any phase of the project, the applicant shall acquire the necessary permits and approvals from all other regulatory agencies with jurisdiction over the project, including the Bay Conservation and Development Commission (BCDC) and the Department of Toxic Substances Control (DTSC) and East Bay Mud (EBMUD) and Alameda Municipal Power (AMP). Applicant/developer shall include in the project's improvement plans any de minimis modifications or improvements recommended by such agencies.
3. Environmental Impact Report (EIR) Mitigations: All future development of the site shall comply with all remaining applicable requirements of the Mitigation Monitoring Reporting Program for the site, as summarized below:
 - a. Prior to issuance of the first building permit for the first phase of the project, the applicant shall complete Boatworks Project EIR Mitigation Measures: MM 4.B-3a, B-5, B-8b, C-2, C-6a-c, D-1, D-4, E-2, E-3, E-4, F-2, F-4, F-5a, G-1a, G-2, G-3, H-3, I-2a-c.
 - b. Prior to the 101th Occupancy Permit, the applicant shall complete Boatworks Project EIR Mitigation Measure MM B-4,
 - c. Prior to issuance of the first final inspection or certificate of occupancy for any dwelling unit in the first phase of the project, the applicant shall complete Boatworks Project EIR Mitigation Measures MM B-3a (TDM), MM E-1 (Interpretive history exhibit), and G-1b.

- d. Mitigation Measure 4B-3a to be completed by the applicant prior to issuance of the first Building Permit shall be fulfilled by completion of one of the following two measures:

Option #1: Preparation of a Transportation Demand Management program for review and approval by the City's Planning Board that is designed to reduce peak hour trips by 10%. The program shall include:

- a. Establishment of a Home Owners Association (HOA) and CCRs for the project;
- b. Establishment of an annual assessment on all residential units in the development in an amount determined necessary to fund the following:
 - 1) Two AC Transit Passes for each unit to provide unlimited transit pass, usable on AC Transit buses.
 - 2) Bicycle storage facilities in each unit;
 - 3) Annual car share membership for each unit; and
 - 4) Annual funding for transportation coordination services including, but not limited to, promotional information packages and planning services regarding available transportation options.
 - 5) Annual funding for annual monitoring reports to be provided to the City of Alameda on an annual basis documenting the effectiveness of programs and recommended enhancements to meet 10% reduction goal.

Option #2: Establishment of a Home Owners Association (HOA) and CCRs, which provide for:

- a. HOA membership in a Transportation Management Association (TMA), which shall be responsible for providing transportation services for the residents of the project, which shall at minimum include AC Transit Easy Passes for each household, and
- b. Establishment of an annual assessment in the CC&Rs to provide annual funding to the TMA for transportation services in the amount of: \$550/year/Single Family Detached Unit, \$450/year/Single Family Attached Unit (townhome), and \$350/year/Stacked Flat Unit, The initial annual assessment fee per unit per year established by this condition shall be subject to annual adjustment according to the annual changes in the Bay Area Consumer Price Index.

4. Affordable Housing Phasing. Prior to final map approval, the applicant/developer shall complete and record on the deed of the property an executed Affordable Housing Agreement for the 21 units described on Development Plan page MFB-1. The Certificate of Occupancy permits for the 21 deed restricted residential units shall be issued prior to the issuance of the 101st Certificate of Occupancy permit for the 152 market rate townhome and single family residential units that are not located within the 30 unit multifamily building.
5. Waterfront Bio retention Lawn Improvement Plans. The improvement plans submitted pursuant to Engineering Condition of Approval #21 below shall include the final storm water retention plans for the Bio retention Lawn shown on Development Plan page L-1 through L5.

(as useable open space lawn) and not as shown on Tentative Map page TM 6.0. (an unusable open space). Any deviation from the bio retention plans as depicted on L1-L5 of the Development Plan shall be subject to the review and approval of the Public Works Director and the recreation and parks director.

6. Waterfront Open Space Play Structures. The improvements plans shall include play structures for young children. The structures should be located outside of the bio retention lawn area and shall be designed in consultation with the Recreation and Parks Director.
7. Open Space Maintenance and Access. Prior to final map approval, the applicant shall provide to the satisfaction of the Public Works Director a Maintenance Finance Mechanism to ensure maintenance of the open space in perpetuity by the Property owners at no expense to the City.
8. Final Map Lots 99-100. To preserve a 25-foot open space between buildings along the public access paseo from Clement Avenue to the waterfront open space as shown on the Development Plan Page DP-4 and TM Page TM-3, prior to final map, the applicant shall deed restrict Lots 99 and 100 so that there will be a “no-build” area of 3 feet on the side of each of those lots facing the public paseo. This deed restricted area will allow for private utility installation.
9. Final Map Easements. The Final map shall grant a permanent Public Access Easement on all lands depicted as public open space on Development Plan page DP-4 and on all internal roads and alleys within the project site.
10. Waterfront Park Construction Phasing. The waterfront improvements depicted on Development Plan pages DP-4, and pages L-1 through L-5 shall be completed to the satisfaction of the Public Works Director prior to the issuance of the 101st Certificate of Occupancy for the 152 market rate townhome and single family homes that are not located within the 30 unit multifamily building.
11. Blanding/Oak Street and Elm Clement Intersections. The improvement plans shall include final striping details for two cross walks across Clement to the project entrance at Elm and the improvements shown on Development Plan page DP-4 at the intersection of Elm and Clement, which shall include four new crosswalks and stop signs as determined necessary for public safety by the Public Works Director.
12. Blanding and Elm Striping. The improvement plans for the Blanding and Elm Street extensions within the project site shall provide a striping plan that provides two 10 foot travel lands and one 6 foot bike lane.

PUBLIC WORKS CONDITIONS OF APPROVAL

Tract 8060 Specific Improvement Plan Conditions

1. The project shall construct a public sidewalk extending 2 feet onto the project property along Oak Street and Clement Avenue as shown on the Tentative Map. The sidewalk on Clement Avenue shall be 8 feet wide and provide a minimum 48 inch clearance

around all joint utility poles that are to remain. The sidewalk on Oak Street shall be a minimum of 5 feet wide. The final width of the Oak Street sidewalk, up to a maximum of 7 feet, will be determined by the City Engineer during review of the Improvement Plans. Either a right-of-way dedication or Public Access Easement shall be granted on the Final Map for the 2 foot wide portion of sidewalk located on the project site.

2. The project shall construct a new accessible curb ramp at the northwest corner of Oak Street and Clement Avenue. The final design shall incorporate a turning radius to accommodate delivery and small trucks (WB 40). Either a right-of-way dedication or Public Access Easement shall be granted on the Final Map at the corner for the entire sidewalk and potential future traffic signal poles and equipment.
3. The Blanding Avenue extension and Elm Drive extension shall be private roadways with public access and public utility easements or easements of a form acceptable to the City Engineer dedicated on the final map.
4. Public access and public utility easements of a form acceptable to the City Engineer shall be granted on the Final Map for the Parcel C Open Space.
5. The roadway grades on the Blanding Avenue extension and Elm Drive extension shall be designed to be 3% slope or less within 40 feet of the Oak Street and Clement Avenue intersections, respectively.
6. The Elm Drive extension shall maintain a minimum 10 foot horizontal separation from the existing vehicular driveway at the adjacent Extra Space Storage facility or otherwise separate these access points to the satisfaction of the City Engineer.
7. The Blanding Avenue and Elm Drive intersection shall be re-aligned to minimize the driveway offset to the north and provide a perpendicular crosswalk across either Blanding Avenue or Elm Drive to the satisfaction of the City Engineer.
8. Street trees, where required, shall be planted on private property behind the back of sidewalk on Oak Street and Clement Avenue.
9. All permanent retaining walls constructed to create elevated building pads shall be located on private property and not within public right-of-way, access easements or within the Open Space.
10. All utilities shall be undergrounded within the subdivision. Existing utilities along the project frontages, with the exception of the 115kV electrical transmission lines along Clement Avenue, shall also be undergrounded.
11. 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. Any new streetlights located on Clement Avenue or Oak Street shall be LED cobra head 30-foot aluminum poles per the City Standard Plans. Streetlights located on the Blanding Avenue and Elm Street extensions shall be post top historic streetlights or as approved by the City Engineer.

Engineering

21. The applicant/developer shall submit construction improvement plans for all on- and off-site improvements, including detailed designs for all wet and dry utilities, landscaping and irrigation, water, grading, drainage, erosion control, paving, and solid waste storage and recycling areas. The plans shall be prepared, signed, and stamped as approved by a registered civil engineer licensed in the State of California, unless the Public Works Director authorizes them to be prepared by some other qualified professional, and be in accordance with the AMC, the City of Alameda Standard Plans and Specifications, Standard Subdivision Specifications and Design Criteria, and the Master Street Tree Plan. The improvement plans shall be reviewed and approved by the Public Works Director prior to approval of the first final map. The engineer shall also assume responsibility for inspection of the on-site construction work, including but not limited to parking lots, pathways, storm facilities, sewer facilities, etc., and shall certify to the City, prior to acceptance of the work or issuance of any occupancy permit, including a temporary occupancy permit, whichever comes first, that the installation of the on-site work (excluding the building and foundation) was constructed in accordance with the approved plans.
22. Improvement and Grading Plans. Public Improvement and grading plans shall meet Federal Emergency Management Agency (FEMA) and City standards for flood protection and floodplain management in effect at the time of subdivision(s) map approval. Public improvements are to be consistent with the most current BCDC and DTSC requirements. The applicant/developer shall include the recommended improvements into the project's improvement plans prior to approval of the improvement plan and issuance of first (1st) final map.
23. Easements. All existing and proposed easement locations, uses and recording information shall be shown on final subdivision maps. The Owner's Statement shall list all easements to be dedicated and the Certificate of City Clerk shall list all public easements to be abandoned with recording information as part of the Final Map.
24. Landscaping. Prior to issuance of the first Building Permit, the applicant shall submit for Public Works Director review and approval, landscape and irrigation plans for improvements on and off-site signed and stamped as approved, by a licensed landscape architect. The plans shall be in accordance with the most recent version of the "Bay-Friendly Landscape Guidelines" developed by StopWaste.Org and the Bay Friendly Coalition, the Master Street Tree Plan, the AMC, conditions of approval by the Planning Board, and other regional jurisdictions requirements, as applicable.
 - a) Projects required to meet the Bay-Friendly Landscape (BFL) guidelines shall:
 - i. have plans prepared by a qualified BFL design professional;
 - ii. earn, at a minimum, a total of 60 points on the StopWaste.Org "Bay-Friendly Scorecard for Commercial & Civic Landscapes" (Scorecard), as determined by a qualified BFL Rater;
 - iii. complete the nine required practices identified on the Scorecard related to mulch, compost, diversion of construction and demolition waste, selection of planting materials, and the design and installation of irrigation systems, as determined by a qualified BFL Rater;
 - iv. acquire the services of an approved BFL Rater to assist the landscape project design and construction team with gaining BFL qualification,

consistent with the BFL qualification requirements of the Bay Friendly Coalition

- v. pay the required BFL application and final submittal fees via the BFL Rater to the Bay Friendly Coalition
- vi. Submit to the City written certification from the Bay Friendly Coalition that the design and construction of the landscaping and irrigation meets the most recent version of the "Bay-Friendly Landscape Guidelines" developed by StopWaste.Org and The Bay Friendly Coalition. This certification is required prior to acceptance of the work or issuance of any occupancy permit, including a temporary occupancy permit, whichever comes first.

- b) In addition, the final landscape plans shall ensure that all landscaping and bioswales are compatible with the stormwater treatment measures designed to minimize irrigation and runoff; promote surface infiltration, where appropriate; and minimize the use of fertilizers and pesticides that can contribute to storm water pollution. Also, integrated pest management (IPM) principles and techniques shall be incorporated into the landscaping design and specifications. Where feasible, landscaping shall be designed and operated to treat storm water runoff by incorporating elements that collect, detain, and infiltrate runoff. Plant placement within the site landscape design shall not interfere with the design function of any of the stormwater treatment measures. For example, trees planted in or near a bio treatment swale shall not adversely interfere with the design flow capacity of the swale. The plans shall be reviewed and approved by the Public Works Director prior to approval of the building permit. The landscaped architect shall also assume responsibility for inspection of the work and shall certify to the City, prior to acceptance of the work or issuance of any occupancy permit, including a temporary occupancy permit, whichever comes first, that the installation of landscaping and irrigation in the public right of way was constructed in accordance with the approved plans.

25. To guarantee completion of the required on-site and off-site public improvements the applicant/developer shall enter into an agreement with the City and provide a security in a form and amount acceptable to the City prior to approval of the improvements plans and final map pursuant to Government Code sections 66456.2 and 66499-66499.10.

26. A sanitary sewage flow analysis, acceptable to the Public Works Director, identifying the total peak sanitary sewage flow quantities to be generated by the proposed development shall be prepared by a registered civil engineer licensed in the State of California and submitted as part of the construction improvement plans. The engineer shall sign and stamp the analysis as approved. The applicant/developer will pay for the cost of the analysis. The City will determine the required improvements, if any, to ensure sufficient sewage capacity for this project and anticipated cumulative growth in the associated sewer sub-area. The applicant/developer will include the City and EBMUD recommended improvements, if any, from the sewer study and into the project's improvements plans prior to approval of the first building permit. All permits, easements and/or approvals for modifications to the sewer system required by EBMUD are to be obtained prior to the first Building Permit.

27. Prior to the Final Inspections, the applicant/developer shall comply with the provisions of the EBMUD Regional Private Sewer Lateral Program (which the City is a participant of).

Compliance requires that each parcel within the subdivision be issued a Compliance Certificate by EBMUD for the upper lateral. The applicant/developer shall schedule verification testing for the public and private sewer mains, manholes, and other appurtenances in the public or private streets within the subdivision, including lower laterals. The City will provide their acquired test results for sewer infrastructure that is privately-owned to EBMUD so Compliance Certificates can be issued for those parcels (parcels to be owned by Homeowners Association). Review the program requirements and cost for Compliance Certificates at <http://www.easbaypsl.com/>.

28. A storm drainage hydrology analysis, acceptable to the Public Works Director, identifying the total peak drainage flow quantities to be generated by the proposed development shall be prepared by a registered civil engineer licensed in the State of California and submitted as part of the construction improvement plans. The engineer shall sign and stamp the analysis as approved. The City will provide this data to an independent consultant who will assess the impact of the proposed development on the City's storm drainage system using a hydraulic model and determine the improvements, if any, to ensure sufficient capacity for this project and anticipated cumulative growth in the associated drainage basin. The applicant/developer will pay for the cost of the modeling study. The applicant/developer will include the recommended improvements into the project's improvements plans prior to approval of the first Building Permit.
29. Prior to issuance of a final map for the Property, the applicant/developer shall submit a soils investigation and geotechnical report, acceptable to the Public Works Director, in accordance with the AMC and prepared by a registered geotechnical engineer licensed in the State of California, with recommendations based on the findings. The report shall address the structural and environmental analysis of existing soils and groundwater. The improvement plans shall incorporate all design and construction criteria specified in the report. The geotechnical engineer shall sign and stamp the improvement plans as approved and as conforming to their recommendations prior to approval the first final map. The geotechnical engineer shall also assume responsibility for inspection of the work and shall certify to the City, prior to acceptance of the work that the work performed is adequate and complies with their recommendations. Additional soils information may be required during the plan check of individual house plans. The applicant/developer will include the engineer's recommended improvements into the projects improvement plans prior to approval of the first final map.
30. All required public frontage and street improvements shall be designed, built, and dedicated to the City in accordance with City ordinances and Public Works Department standards and shall include curbs, gutters, sidewalks, street trees, landscaping and irrigation, streetlights, etc.
31. Maintenance of public improvements shall be the responsibility of the new development through an Assessment District and/or Homeowners Association.
32. Applicant/developer shall resurface the existing street pavement whenever a street is cut, either by a longitudinal or transverse cut, for utility or other improvement installations so the street is restored to pre-project conditions. The resurfacing shall extend a sufficient distance beyond any cut to ensure a smooth transition, as determined by the Public Works Director, and shall consist of a one and a half (1½) inch asphalt concrete overlay. Applicant/developer shall also provide digouts and reconstruction of any potholed and/or alligatored areas adjacent to the project.

33. Any retaining walls, which are adjacent to a property line, shall be masonry, metal, or concrete. Wood retaining walls shall not be installed adjacent to property lines. Existing retaining walls are to be evaluated by a geotechnical/structural engineer for integrity. The engineer is to provide design criteria and recommendations for all retaining structures. The applicant/developer will include the engineer's recommended improvements into the projects improvement plans prior to approval of the improvement plan or parcel/final map, whichever comes last.
34. Installation of street paving shall include reconstruction of the existing pavement section to provide adequate conforms. The limits of the reconstruction shall be established by the Public Works Director prior to approval of the improvement plans or parcel/final map, whichever comes first.
35. Exposed soil surfaces shall be periodically sprinkled to retard dust. During construction, the applicant/developer shall ensure that construction crews undertake a program of dust control including, but not limited to, watering soil surfaces as needed to prevent dust blowing, covering trucks carrying materials to and from the site, and frequent clean-up of soil carried by construction vehicle tires from the site onto streets. No City water shall be used for this purpose.
36. All project related grading, trenching, backfilling, and compaction shall be conducted in accordance with City of Alameda Standards and Specifications.
37. 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.
38. Construction equipment must have state of the art muffler systems as required by current law. Muffler systems shall be properly maintained.
39. Noisy stationary construction equipment, such as compressors, shall be placed away from developed areas off-site and/or provided with acoustical shielding.
40. Grading and construction equipment shall be shut down when not in use.
41. During non-working hours, open trenches shall be provided with appropriate signage, flashers, and barricades approved by the Public Works Director to warn oncoming motorists, bicyclists, and pedestrians of potential safety concerns.
42. Prior to trenching within existing street areas, the applicant's engineer shall ascertain the location of all underground utility systems and shall design any proposed subsurface utility extensions to avoid disrupting the services of such system.
43. New street trees shall maintain clearances from utilities as follow: a) Fire hydrant – six feet; b) top of driveway wing – five feet; c) stop signs – 15 feet; d) street/pathway lights and utility poles – 25 feet; e) storm drain, sanitary mains, gas, water, telephone, electrical lines – five feet; f) front of electrical pad-mounted equipment – ten feet. Verify minimum clearance distances of street trees/shrubs from electrical transformers with Alameda Municipal Power (AMP).

44. Approved backflow prevention devices shall be installed on all new and existing domestic, commercial, irrigation, and fire water services and as required by the East Bay Municipal Utility District (EBMUD). These devices must be tested by an AWWA certified tester from a list of testers provided by EBMUD.
45. Costs for inspection by the Public Works construction inspectors during non-working hours shall be at time and one half. Work on Saturdays requiring inspection shall not be done unless approved in advance by the Public Works Director. No work allowed on Sundays. Any work done without inspection may be rejected at the contractor's expense.

Stormwater and Water

46. Prior to issuance of building permits, the applicant/developer shall secure all necessary permit approvals from EBMUD regarding the installation of all water or sewer service connections for the project. Accumulated wastewater must be drained to the sanitary sewer.
47. The applicant/developer shall provide the Public Works Department City Engineer or designee, prior to the issuance of the first combination building/grading permit, a copy of both the WDID# issued to the project site by the State Water Resources Control Board (SWRCB) and the required Storm Water Pollution Prevention Plan (SWPPP). These documents shall provide verification to the City that the project site is in compliance with SWRCB Order No. 2009-0009-DWQ prior to the initiation of construction activity. Information on this State Order is _____ available _____ at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml
48. In compliance with the submittals to the SWRCB, the developer shall submit a Storm Water Pollution Prevention Plan (SWPPP) as part of the improvement plan submittal. The SWPPP shall be reviewed and accepted by the Public Works Director or designee for conformance with the City's erosion and sediment control standards.
49. In compliance with the SWPPP, the developer shall be responsible for ensuring that all contractors and sub-contractors install and regularly maintain all control measure elements required in the project SWPPP during any construction activities.
50. The applicant/developer shall be responsible for ensuring that during any construction activity all contractors and sub-contractors install and regularly maintain erosion control measures and perform Best Management Practices (BMP) as described in the Alameda Countywide Clean Water Program brochures, the San Francisco Bay Regional Water Quality Control Board's Erosion and Sediment Control Field Manual and the California Stormwater Quality Association's Stormwater Best Management Practice, to prevent any pollutants entering directly or indirectly the storm water system. The applicant/developer shall pay for any required cleanup, testing, and City administrative costs resulting from consequence of construction materials entering the storm water system.
51. The construction improvement plans shall incorporate permanent stormwater treatment controls and/or design techniques to manage the quantity and quality of stormwater runoff from a planned development to prevent and minimize impacts to water quality. 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 vegetated swales, vegetated buffer zones, bioretention units, retention/detention basins and ponds, tree well systems, and the incorporation of pervious surface areas and Low Impact Development (LID) measures. Stormwater 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 Stormwater Management Agencies Association (BASMAA) *Start at the Source Manual* for technical guidance.

52. The landscaping 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. Where feasible, landscaping shall be designed and operated to treat stormwater runoff.
53. The applicant/developer shall submit a completed City of Alameda Stormwater Requirements Checklist Form to the Public Works Department for review and approval prior to improvement plan approval. The form shall include a table showing the amount of pervious and impervious area (indicated in units of square feet) prior to and after the proposed development.
54. The applicant/developer shall submit a stormwater drainage management plan showing each storm water LID measure(s) and treatment measure(s) required to be constructed to meet Provisions C.3.c and C.3.d of the City of Alameda's Municipal NPDES storm water permit as part of the improvement plans for the project. This stormwater drainage management plan shall be consistent with the results of the completed City of Alameda Stormwater Requirements Checklist Form, as above. As part of the final improvement plan submittal, the applicant/developer shall submit a stamped, signed certification from a qualified independent civil engineer with stormwater treatment facility design experience, licensed in the State of California, and acceptable to the Public Works Director or designee that indicates the LID and treatment measure design meets the established sizing design criteria for stormwater treatment measures prior to approval of the improvements plans, grading permit, or building permit, whichever comes first.
55. The applicant/developer shall submit a Stormwater Treatment Measures Operations and Maintenance (O&M) Plan as part of the improvement plans for the project. The O&M plan shall include, but not be limited to: treatment measure(s) descriptions and summary inventory; a legible, recordable, reduced-scale (8.5"x11") copy of the Site Plan indicating the treatment measure(s) location(s) and site drainage patterns; treatment measure(s) maintenance requirements and maintenance schedule; 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; the approved plant palette list; name and contact information of current maintenance personnel. The O&M Plan shall be reviewed and approved by the Public Works Director or designee prior to approval of the improvements plans, or grading permit, or building permit whichever comes first.
56. The applicant/developer shall execute a Stormwater Treatment Measures Maintenance Agreement (Agreement) with the City. The Agreement shall include, but not be limited to: the approved O&M plan for all post-construction (permanent) stormwater LID and treatment measures; identification of the party responsible for stormwater LID and treatment measures

O&M; 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 approved by the City. The Agreement shall be executed between the project owner and the City and recorded prior to the issuance of any occupancy permit, including a temporary occupancy permit. The Agreement shall also be recorded at Project Owner's expense, with the County Recorder's Office of the County of Alameda prior to establishment of the use.

57. 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 the Public Works Director or designee, prior to the issuance of any occupancy permit, including a temporary occupancy permit.
58. Fire sprinkler system test water discharges shall be directed to the sanitary sewer system or to appropriately-sized onsite vegetated area(s).
59. All new storm drain inlets shall be clearly marked with the words "No Dumping! Drains to Bay," or equivalent, as approved by the City Public Works Department. Permanently affixed thermoplastic, metallic or plastic laminate style markers are examples of acceptable forms.

Traffic and Transportation

60. For any off-street parking facilities associated with the Development Plan, the applicant/developer shall submit the improvement plans to the Public Works Department for review and approval. The plans shall be prepared by a registered civil engineer licensed in the State of California and shall be signed and stamped as approved. The Public Works Department shall review and approve the parking lot layout, including number of spaces, dimensions of spaces, and Americans with Disabilities Act (ADA) requirements, and the Public Works Director shall review and approve the internal and external circulation of the parking lot, including lane widths and access points, prior to approval of building permits.
61. Final bicycle parking plan shall be consistent with AMC-30-7.15 Bicycle Parking.
62. At least three weeks prior to the commencement of work within the public right-of-way that affects access for pedestrian, bicyclist, and vehicular traffic, the applicant/developer shall provide a Traffic Control Plan (TCP) to the Public Works Department for review and approval. The TCP shall be prepared by a registered civil engineer or traffic engineer licensed in the State of California, and be in accordance with the California MUTCD standards. The engineer shall sign and stamp the plans as approved. In general, any vehicular, transit, bicyclist, and pedestrian access through and/or adjacent to the project site shall remain unobstructed during project construction or an ADA compliant alternative route established as approved by the Public Works Director. At locations where adequate alternate access cannot be provided,

appropriate signs and barricades shall be installed at locations determined by the Public Works Director and Police Chief. Should transit routes be affected, applicant/developer is required to receive prior approval from AC Transit of any proposed traffic detours or temporary closure of bus stops. Constructed work may not commence until the TCP is approved by the Public Works Director.

63. Pedestrian and vehicular lighting at all intersections and project driveways shall meet AMP standards for crosswalks, sidewalks, and intersections.
64. 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.

Environmental

65. If external enclosures are proposed, design of all external enclosures for solid waste, recycling, and organics shall be approved by the Public Works Director prior to approval of the building permit.

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.

A 40-foot turning radius must be provided for any street that would otherwise require the collection truck to back up a distance greater than 150 feet. The storage area(s) shall be accessible to residents and employees. Each storage area within a residential development shall be no more than 250 feet from each dwelling unit.

66. Driveways or aisles shall provide unobstructed access for collection vehicles and personnel and provide at least the minimum clearance required by the collection methods and vehicles used by the City's designated collector or hauler. In all cases where a parcel is served by an alley, all exterior storage areas shall be directly accessible to the alley.
67. The storage area(s) and the individual bins and containers provided within shall be adequate in capacity, number and distribution to serve the anticipated demand as determined by the Public Works Director.
68. 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.
69. 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.
70. 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.
71. All solid waste containers, including dumpsters and individual cans or carts, must have fitted lids which shall remain closed at all times when the container is not being used or emptied.

ALAMEDA MUNICIPAL POWER (AMP)

72. Concurrent with submittal of Improvement Plans, the Applicant shall coordinate with the 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 electrical transformers and other utility electrical equipment.
73. 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". 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.
74. The Applicant shall provide all necessary on-site underground substructures, including conduits, pull boxes, transformer 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. The Applicant shall be reimbursed for improvements pursuant to the standard AMP agreement.
75. The Applicant shall furnish and install code-sized service cables in code-sized conduit from each house to the nearest secondary pillbox. AMP will connect the service to the secondary distribution system.

76. The Final Map shall show all necessary easements and access to all electrical utility facilities that are in the private properties, at no charge to AMP.
77. Prior to issuance of Certificate of Occupancy, the Applicant shall furnish and install service equipment for each house. The service equipment shall meet Electric Utility Service Equipment Requirement Committee standards.
78. 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 and found to have been properly installed. The Applicant or successor property owners shall be responsible for the service cables and service equipment.
79. The Applicant/developer shall be responsible for all expenses involved in the on-site duct/joint trench system including engineering design, plan check, and electrical construction inspection. The Applicant shall be responsible for the cost of AMP assigned inspector during construction
80. The Applicant/developer shall submit, with the on-site improvement plans, detailed drawings showing the required on-site electric utility facilities.

ALAMEDA FIRE DEPARTMENT

81. 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 Alameda Municipal Code 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 access roads shall have a minimum fire lane width of 26' unobstructed. Should parking within the fire lane be required, the fire lane width is to be increased to an additional 8' per side for vehicle parking.

Prior to approval of the first Building Permit, the Applicant shall submit improvement plans for the project site Fire Water System. The system shall be designed to the satisfaction of EBMUD. The Applicant shall be responsible for the placement of on-site hydrants. The location and number of hydrants shall be established in improvements plans.

82. All private streets and courts within the development shall be marked as fire access roads to the satisfaction of the Fire Chief. No on-street parking shall be permitted within private streets and courts in the 20 foot wide fire lane.

83. The improvement plans and building permit plans shall include fire sprinkler systems within each residential unit including the garage and attic spaces.
84. The improvement plans and building permit plans shall, to the satisfaction of the Fire Chief and City Engineer, includes design each street and/or alley to handle the maximum weight of the heaviest equipment that may be used by the Fire Department for emergency purposes. Parking shall be prohibited within the streets and alleys dedicated as fire lanes by the Fire Chief, and the CC&R's shall include an enforcement mechanism.
85. Indemnification: The applicant shall defend (with counsel 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, the Alameda City Planning Board, or 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.