

CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-18-01

APPROVING FINAL DEVELOPMENT PLAN AND DESIGN REVIEW FOR PLN17-0598 AT
2175 NORTH LOOP ROAD

WHEREAS, an application was made on December 11, 2017, by SRM Ernst for a Final Development Plan and Design Review to permit the construction of one commercial building totaling 47,000 square feet and other improvements located on a 2.8 Acre Site at 2175 North Loop Road in the Harbor Bay Business Park; and

WHEREAS, this application was accepted as complete on January 29, 2018; and

WHEREAS, the subject property is designated as Business Park on the General Plan Diagram; and

WHEREAS, the subject property is located in a C-M-PD, Commercial, Manufacturing, Planned Development Zoning District; and

WHEREAS, the Planned Development for the Business Park was approved by PD-81-2, and subsequently amended by PDA-85-4, PDA-87-7 and PDA05-0003; and

WHEREAS, Condition #2 of Resolution No. 1203 which approved the Business Park requires that for each development proposal within the Business Park a Final Development Plan be reviewed by Community Development staff for compliance with the conditions of the Business Park Final Development Plan and then be brought before the Planning Board; and

WHEREAS, the Board held a public hearing on February 12, 2018 for this application, and examined pertinent maps, drawings, and documents.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board finds that the proposed project is consistent with the General Plan, Alameda Municipal Code and Master Development Plan requirements for the property.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Board finds that this project is Categorically Exempt from environmental review pursuant to CEQA Guidelines Section 15332, Infill Development Projects.

1. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
2. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The project site is approximately 2.8 acres in size and is located within the Harbor Bay Business Park, a completely urbanized area of the city.

3. The project has no value as habitat for endangered, rare or threatened species.

4. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
5. The site can be adequately served by all required utilities and public services.

The project site is located within the Harbor Bay Business Park, a heavily urbanized area of the city served by all required utilities.

BE IT FURTHER RESOLVED that the Board finds that the Final Development Plan complies with all the development standards contained in Resolution No. 1203, as amended by PDA-85-4, PDA-87-7, and PDA05-0003 and the findings required by AMC Section 30-4.13.f.3.

1. **The development is an effective use of the site.** The Development Plan provides for a new commercial building that includes landscaping and open spaces, and pedestrian and bicycle facilities. The Development Plan utilizes landscaping, building placement and orientation to create an effective and successful commercial development that creates a compatible interface with the adjacent properties and uses, and provides strategies for the conservation of natural resources and sustainable landscaping design.
2. **The proposed use relates favorably to the General Plan.** The proposed development supports General Plan policies for the development of Harbor Bay Business Park and General Plan policies to increase complementary business opportunities in Alameda. The project also generates jobs consistent with General Plan goals.
3. **The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity and will not have substantial deleterious effects on existing business districts or the local economy.** The proposed Development Plan is consistent with the Harbor Bay Business Park Development Plan. The proposed Development Plan is designed to be compatible with adjacent commercial uses by providing attractive improvements and pedestrian and bicycle amenities, and by supporting the business park shuttle service.
4. **The location of the proposed use is compatible with other land uses in the general neighborhood area, and the project design and size is architecturally, aesthetically, and operationally harmonious with the community and surrounding development.** The proposed development qualifies as a commercial development pursuant to the C-M-PD Commercial Manufacturing - Planned Development Zoning District, and satisfies the purposes of the C-M-PD district regulations. The project site plan is designed to conform to the Harbor Bay Business Park Development Plan objectives and requirements adopted to ensure that the project would be compatible with the adjacent airport environment and commercial development. The Development Plan will provide for adequate landscaping, including Bay Friendly-compatible native landscaping, as required by City standards.
5. **The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.** The Development Plan is designed in a manner compatible with existing and potential contiguous uses. The project

plans provide for well-designed pedestrian facilities, bicycle access, and vehicular access to nearby transit amenities including a ferry terminal and shuttle service to BART.

BE IT FURTHER RESOLVED, that the Board makes the following findings relative to the Design Review approval, as required by AMC 30-37.5:

1. **As conditioned, the proposed design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual.**
The project meets the development regulations of the C-M Zoning District, and the development regulations established for the Harbor Bay Business Park by Resolution 1203 as amended by PDA-85-4, PDA-87-7 and PDA05-0003. The project is consistent with General Plan Guiding Policy 2.8 to support development of the Harbor Bay Business Park consistent with existing approvals and agreements. The quality and size of this project enables it to make a major contribution to the identity of Alameda and to the economic health of the East Bay.
2. **As conditioned, the proposed design is appropriate for the site, is compatible with adjacent or neighboring buildings or surroundings, and promotes harmonious transitions in scale and character in areas between different designated land uses.**
The project is compatible with the adjacent residential development because it provides adequate setbacks for parking and buildings from the residential properties on the opposite side of Catalina Avenue to north of the project, and the project provides adequate landscaping and fencing to screen on-site parking.
3. **As conditioned, the proposed design of the structures and exterior materials and landscaping are visually compatible with the surrounding development, and design elements have been incorporated to ensure the compatibility of the structure with the character and uses of adjacent development.**
The new construction is compatible in design and use of materials with the adjacent Phases 1 and 2 of the North Loop office/industrial development. Exterior materials include painted concrete panels, ribbed infill panels, and aluminum shading devices at main and secondary entries, which is consistent with previously developed phases of the business park along North Loop Rd.

BE IT FURTHER RESOLVED that the Board makes the following findings relative to the specific design guidelines for the Business Park contained in Resolution No. 1203:

1. The preliminary landscape plan is consistent with the required landscaping requirements of the Business Park.
2. As conditioned, the project will be consistent with the City's Design Review Guidelines, because the design has an appropriate sense of scale for the site, and the building is well proportioned, and well located on the site. The building is designed to project a low horizontal profile which reduces the apparent bulk of the building as required by the Architectural Guidelines contained in Resolution No. 1203. The building and parking area are set back and screened from residences.

BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby approves Final Development Plan and Design Review, PLN17-0598, subject to the following conditions:

COMMUNITY DEVELOPMENT DEPARTMENT

1. Conditions relating to Planning Board Resolution No. 1203 are incorporated by reference.
2. These conditions shall be printed on the first page of all building plans and improvement plans.
3. Building Permit Plans: The plans submitted for the Building Permit shall be in compliance with the plans prepared by Forge Architects, dated January 25, 2018, on file in the office of the City of Alameda Community Development Department.
4. This Final Development Plan and Design Review approval shall expire and become void unless actual construction under valid permits has commenced within two years after this approval. A one-time extension for an additional two years may be granted upon written request.
5. If valid building permits have not been issued prior to the expiration of the Development Agreement (Document No. 89-110709), the applicant/developer shall satisfy all standard development requirements outside of the Development Agreement prior to the issuance of permits, including but not limited to development impact fees, public art fees, and Affordable Housing Impact fees.
6. Prior to issuance of building permits, the developer/applicant shall submit a complete Landscape Document Package for review and approval by the Community Development Director. The planting and irrigation plans submitted with the Landscape Document Package shall be amended to reflect the addition of vertical landscaping elements on the rear of the building(s), such as vines, tall shrubs, or additional trees, for review and approval by the Community Development Director.
7. The plans submitted for building permit shall be consistent with the Final Development Plan and shall show details of the following for review and approval by the Community Development Director or his or her designee:
 - a. Compliance with the City's Standard Landscaping Conditions of Approval;
 - b. Final window and door details;
 - c. Required roof screening for mechanical and electrical equipment;
 - d. Sample color and material selections; and
 - e. Lighting Plan, including fixtures.

8. Dust Control: During construction, the applicant 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 roadways. 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 or Sunday. Design specifications shall incorporate Waste Management and Recycling elements for building and site demolition debris.
9. Site Lighting: At the common property line with the adjacent residential properties, the Project will meet the LEED standard for light pollution reduction in residential areas (LZ2 described below). The intent is to minimize light trespass from the site and improve nighttime visibility through glare reduction. The following requirements will be incorporated into the site lighting design:
- Use of pole lights with maximum height of 25'; no building wall packs on the north building elevations (this excludes any architectural lighting which is not for site lighting purposes).
 - Fixtures and/or cut-off shields will be specified where appropriate, which mitigate direct view of the site lighting source from the adjacent residential neighborhoods.
 - LEED Sustainable Site Credit 8: Light Pollution – LZ2 Standard: Design exterior lighting so that all site and building mounted luminaries produce a maximum initial illuminance value no greater than 0.10 horizontal and vertical footcandles at the site boundary. Document that no more than 2% of the total initial design fixture lumens are emitted at an angle of 90 degrees or higher from nadir (straight down).
10. Noise: The project shall not cause an increase in ambient noise levels in excess of those allowed in AMC. Prior to the issuance of building permits and prior to any future change in building use, the applicant shall submit an acoustical noise analysis demonstrating compliance with these Standards. The Community Development Director, or his or her designee, may require noise monitoring and additional project modifications if appropriate. An acoustical analysis meeting the requirements of Condition No. 60 of Resolution No. 1203 shall be submitted with the building permit applications.
11. Truck Noise: Per Alameda Municipal Code (AMC) Section 4-10.5 (Noise Control), loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to cause a noise disturbance across a residential real property line is prohibited.
12. Mechanical Equipment: Any noise-making mechanical equipment located on the ground, which generates noise exceeding ambient noise levels (prior to installation of the equipment) at the common property line with adjacent residential development, shall be enclosed in a sound blocking enclosure meeting the standards established by the Alameda Municipal Code for noise. The sound blocking enclosure must be built to the following minimum standards:

- The barrier can be any thickness so long as its weight is 4 lbs/ft² or greater.
 - The barrier must be nonporous, with a solid door.
 - The barrier must enclose the equipment on all sides. The building wall may serve as one or more of the sides.
 - The wall height should be a minimum of three feet (3') greater than the tallest piece of equipment
13. Fencing: The existing perimeter fence shall be fully repaired or replaced with a new chain link fence with redwood slats, as needed. The fence and slats shall be properly maintained by the applicant. Onsite storage or equipment enclosures, as required by the planned development guidelines for the Business Park, or sport courts, must include 8' high decorative black or dark green vinyl coated chain link fencing, with lockable gates, intended to blend the enclosure with the landscaping.
14. Signage: Any temporary or permanent signage is subject to a sign permit approval. All signage shall be consistent with the requirements of the approved signage program for Harbor Bay Business Park.
15. FAA Compliance: Prior to issuance of building permits, the applicant shall submit to the Federal Aviation Administration (FAA) a Form (currently designated 7460 although FAA may designate a substitute form), completed to FAA satisfaction, which describes the electronic and light emissions and reflections from the facility toward Port of Oakland runways and related information. The FAA Form 7460 or the equivalent regulates both building external elements and construction elements including temporary use of cranes. The applicant shall conform to FAA requirements in the Form 7460 or FAA-approved equivalent process. The applicant shall conform to any process of the Alameda County Airport Land Use Commission and shall provide verification to the Community Development Director of compliance efforts.
16. Outdoor Storage: There shall be no outdoor storage unless approved by the Community Development Director, and any outdoor storage permitted shall be temporary for in-transit materials.
17. Bicycle Parking: Locations for indoor and outdoor bicycle parking consistent with the AMC bicycle requirements shall be shown on the project plans. The bicycle facility should be located in a secure and safe location and accessible from high pedestrian/bicycle traffic areas, near the front door, to the satisfaction of the Community Development Director.

PUBLIC WORKS

Engineering

18. The applicant/developer shall submit construction improvement plans for all on- and off-site improvements. The plans shall be prepared, signed and stamped as approved by a registered civil engineer licensed in the State of California. The engineer shall also assume responsibility for inspection of the on-site construction work, including but not

limited to parking lots, pathways, storm facilities and, sewer facilities, 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.

19. The landscape and irrigation plans for improvements in the public right of way shall be prepared, signed and stamped as approved by a licensed landscape architect and shall be consistent with the City's Bay Friendly Landscaping requirements, the Master Street Tree Plan, the AMC, conditions of approval by the Planning Board, and other regional jurisdictions requirements, as applicable. Final landscape plans should 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. As appropriate, integrated pest management (IPM) principles and techniques shall be incorporated into the landscaping design and specifications. Where feasible, landscaping shall be designed and operated to treat storm water runoff by incorporating elements that collect, detain and infiltrate runoff. Plant placement within the site landscape design shall not interfere with the design function of any of the stormwater treatment measures. For example, trees planted in or near a biotreatment swale shall not adversely interfere with the design flow of the swale. The plans shall be reviewed and approved by the Public Works Department prior to approval of the improvements plans. The landscape 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.

20. The landscape and irrigation plans for improvements in the public right of way shall be prepared, and signed and stamped as approved, by a licensed landscape architect. The plans shall be in accordance with the most recent version of the "Bay-Friendly Landscape Guidelines" developed by StopWaste.Org and the Bay Friendly Coalition, the Master Street Tree Plan, the AMC, conditions of approval by the Planning Board, and other regional jurisdictions requirements, as applicable.

- a. In addition, the final landscape plans shall ensure that all landscaping and bioswales are compatible with the stormwater treatment measures designed to minimize irrigation and runoff; promote surface infiltration, where appropriate; and minimize the use of fertilizers and pesticides that can contribute to storm water pollution. Also, integrated pest management (IPM) principles and techniques shall be incorporated into the landscaping design and specifications. Where feasible, landscaping shall be designed and operated to treat storm water runoff by incorporating elements that collect, detain, and infiltrate runoff. Plant placement within the site landscape design shall not interfere with the design function of any of the stormwater treatment measures. For example, trees planted in or near a biotreatment swale shall not adversely interfere with the design flow capacity of the swale. The plans shall be reviewed and approved by the Public Works Department prior to approval of the improvements plans or

the building permit, whichever comes first. 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.

21. To guarantee completion of the off-site improvements, if any, the 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.
22. A sanitary sewage flow analysis 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 City will provide this data to an independent consultant who will assess the impact of the proposed development on the City's sanitary sewer system using a hydraulic model and determine the required improvements, if any, to ensure sufficient sewage capacity for this project. The developer will pay for the cost of the modeling study and a fair share of any off-site improvements implemented by the City. The developer will include the recommended on-site improvements into the project's improvement plans prior to approval of the improvement plans.
23. A sanitary sewage treatment capacity analysis for wet weather flows shall be prepared by a registered civil engineer licensed in the State of California and submitted as part of the construction improvement plans. The plan shall identify and mitigate any increase in wet weather flow treatment capacities associated with the development when compared to existing conditions. The developer will include the recommended improvements into the project's improvement plans prior to approval of the improvement plans.
24. A storm drainage hydrology analysis 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 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 developer will pay for the cost of the modeling study. The developer will include the recommended improvements into the project's improvement plans prior to approval of the improvement plans.
25. The applicant/developer shall submit a soils investigation and geotechnical report, prepared by a registered geotechnical engineer licensed in the State of California. The report shall address the structural and environmental analysis of existing soils and groundwater. The improvement plans shall incorporate all design and construction criteria specified in the report. The geotechnical engineer shall sign and stamp the improvement plans as approved and as conforming to their recommendations prior to approval of the improvement plans. The geotechnical engineer shall also assume responsibility for inspection of the work and shall certify to the City, prior to acceptance of the work or

establishment of the use, whichever comes first, that the work performed is adequate and complies with their recommendations.

26. 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.
27. New street trees along North Loop Road shall maintain clearances from utilities follows:
a) Fire hydrant – 6 feet; b) top of driveway wing – 5'; c) stop signs – 15'; d) street/pathway lights and utility poles – 25'; e) storm drain, sanitary mains, gas, water, telephone, electrical lines – 5'; f) front of electrical pad-mounted equipment – 10'. Verify minimum clearance distances of street trees/shrubs from electrical transformers with City of Alameda Municipal Power (AMP).
28. 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.
29. 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.
30. Fire sprinkler system test water discharges shall be directed to the sanitary sewer system or to appropriately-sized onsite vegetated area(s).

Clean Water Program

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

31. The applicant/developer shall submit a finalized stormwater quality management plan and finalized, stamped, signed City of Alameda C3 certification form from a qualified independent civil engineer with stormwater treatment facility design experience, licensed in the State of California, and acceptable to Public Works Engineering that indicates the LID and treatment measure designs of the finalized improvement plans and stormwater quality management plan meet the established sizing design criteria for stormwater treatment measures. City qualification standards are listed below. These will be at the 100% complete level.
32. The Civil Improvement Plans shall be consistent with the finalized stormwater quality management Plan submittal. Plan sheets shall include detail and cross-sectional drawings of the stormwater quality design and treatment measures, as relevant, consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual and Provisions C.3.c and C.3.d of the City's Municipal NPDES storm water permit.

33. The improvement plans shall indicate the structural stormwater trash capture measure(s) being installed on the project site to ensure that the entirety of stormwater drainage from the project site is subject to full trash capture consistent with City's municipal stormwater permit definition of a full trash capture device. A full trash capture system or device is any single device or series of devices that traps all particles retained by a 5mm mesh screen and has a design treatment capacity of not less than the peak flow rate Q resulting from a one-year, one-hour storm in the sub-drainage area. Plan sheets shall include detail and cross-sectional drawings of any stormwater full trash capture device(s).
34. Finalized landscaping plans for all landscape-based stormwater treatment measures shall be consistent with the civil engineering designs and functional intent of these treatment measures. The stormwater treatment landscapes 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.
35. Provide the Public Works Department Clean Water Program, a copy of both the WDID# issued to the project site by the State Water Resources Control Board (SWRCB) and the required Storm Water Pollution Prevention Plan (SWPPP). These documents shall provide verification to the City that the project site is in compliance with SWRCB Order No. 2009-0009-DWQ prior to the initiation of construction activity. Information on this State Order is available at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml
36. The SWPPP shall be reviewed and accepted by the Public Works Clean Water Program for conformance with the City's erosion and sediment control standards.
37. In compliance with the SWPPP, the applicant/developer shall be responsible for ensuring that all contractors and sub-contractors install and regularly maintain all control measure elements required in the project SWPPP during any and all construction activities in order to prevent any pollutants entering directly or indirectly the storm water system or waters of the State. The Improvement Plans shall list the City's erosion and sediment control standards and provide detail drawings and installation specifications for all SWPPP structural control measures. The applicant/developer shall pay for any required cleanup, testing, and City administrative costs resulting from consequence of construction materials entering the storm water system and/or waters of the State.
38. The applicant/developer shall submit for review and approval by Public Works Engineering a Stormwater C3-LID Measures Operations and Maintenance (O&M) Plan that provides a thorough discussion of the inspection, operations and maintenance requirements of all of the stormwater treatment and LID design measures at the site. This O&M Plan shall be consistent with the City of Alameda's C3-LID Measures O&M Plan Checklist.
39. The Improvement Plans shall indicate that all new storm drain inlets within the public right-of-way shall be clearly marked with the words "No Dumping! Drains to Bay," or

equivalent, as approved by the City Public Works Department. Permanently affixed thermoplastic, metallic or plastic laminate style markers are examples of acceptable forms.

40. Improvement Plan design of all external enclosures for solid waste, recycling and organics shall be approved by the Public Works Department. 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.

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

41. The applicant/developer shall submit a certification report (Report) prepared by a registered civil engineer, licensed in the State of California, affirming that all project site stormwater treatment measures have been constructed per the City approved plans and specifications. As appropriate, the Report shall include, but not be limited to, assurances that: imported materials used for the treatment measure(s) are certified by the supplier; installation of these materials is per approved plans and specifications and meets the intent of the design engineer; required on-site testing results conform with approved plans and specifications; treatment measures conform to dimensions, grades and slopes on approved plans and specifications; all structural features of the treatment measures comply with plan specifications; the irrigation system is installed and functions as designed; healthy vegetation/ground cover is installed as shown on plans. The Report shall be submitted in a form acceptable to Public Works Engineering.
42. The property owner shall execute a C3-LID Treatment Measures Maintenance Agreement (Agreement) with the City, complete with an approved O&M Plan and annual reporting template.

Traffic and Transportation

43. As a member of the Harbor Bay Business Park Owner's Association, the applicant and its tenant will participate in the Transportation Management Program implemented by the Harbor Bay Business Park Association that includes TDM strategies in accordance with the provision stipulated in Section 11.2.h of the Covenants, Conditions, and Restrictions (CC&RS) of the Harbor Bay Park Association.
44. Prior to the issuance of the Building Permit, the applicant shall provide the following in the improvement plans and/or as submittals as appropriate for the approval of the Public Works Department and in accordance with the City design standards:
 - a. Ensure that all pedestrian access points throughout the project area are ADA compliant.
 - b. Provide adequate pedestrian and vehicular lighting at all intersections of project driveways along North Loop Road. The lighting shall meet with Alameda Municipal Power standards for crosswalks, sidewalks, and intersections.

45. The applicant/developer shall submit a traffic striping and signage plan for all on- and off-site improvements, including all crosswalks, bus stops, turn lanes, merge lanes, acceleration lanes, lane drops, etc., as part of the construction improvement plan submittal. The plans shall be prepared by a registered civil engineer or traffic engineer licensed in the State of California. The engineer shall sign and stamp the plans as approved. The plans shall be reviewed and approved by the Public Works Department prior to approval of the improvement plans.
46. The applicant/developer shall submit the improvement plans for any on-site parking facilities to the Public Works Department for review and approval. A registered civil engineer licensed in the State of California shall prepare the plans and signed and stamped them as approved.
47. 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.
48. Applicant/developer shall replace any damaged curb, gutter, sidewalk and utility boxes along street frontages to the satisfaction of the Public Works Department, in accordance with the Public Works Department's Standard Plans and Specifications prior to acceptance of the project or issuance of an occupancy permit.

Environmental

49. Design of all external enclosures for solid waste, recycling, and organics shall be approved by the Public Works Department prior to approval of the improvement plans. These facilities are to be designed to prevent water run-on to the area, runoff from the area, and to contain litter, trash, and other pollutants, so that these materials are not dispersed by the wind or discharged to the storm drain system. External enclosures are to be roofed and/or enclosed. Any enclosures containing food waste shall have floor drains connected to the sanitary sewer system. If the enclosures are attached to buildings they shall have fire sprinklers. Internal collection and storage area(s) and the individual bins and containers provided, shall be adequate in capacity, number, and distribution to serve the anticipated demand for trash, recycling, and organics as determined by the Public Works Department.
50. 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.
51. Applicant must comply with the following minimum storage requirements for solid waste and recyclable materials:

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

Building Size (square feet)	Solid waste (square feet)	Recyclables (square feet)	Total Area (square feet)
0-5,000	12	12	24
5,001-10,000	24	24	48
10,001-25,000	48	48	96
25,001-50,000	96	96	192
50,001-75,000	144	144	288
75,001-100,000	192	192	384
100,001+	Every additional 25,000 square feet shall require an additional 48 square feet for solid waste and 48 square feet for recyclables.		

52. Exterior solid waste and recyclable material storage shall be adjacent or combined and may only be located on the outside of a structure, in a designated interior courtyard with appropriate access, or in rear or side yards. External storage area(s) shall not be located in any required front yard, street side yard, required parking, landscaped, or open space, or any areas required by the AMC to be maintained as unencumbered. The storage area(s) shall be accessible to employees.
53. 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.
54. The design and construction of the storage area(s) shall:
- Be compatible with the surrounding structures and land uses; and
 - 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
 - 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
 - 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
 - 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
 - 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.
55. 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.

56. 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.
57. 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.

FIRE DEPARTMENT

58. The applicant shall be responsible for a water main extension to serve the project, whose design shall be shown on the improvement plans to the satisfaction of the East Bay Municipal Utilities District, the Public Works Director, and the Fire Chief.
59. Prior to approval of the improvement plans, the applicant shall submit revised 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. Fire hydrant flow shall be a minimum of 1,500 G.P.M. from any one hydrant;
 - b. Provide adequate turn-around space or acceptable emergency vehicle through access for any street greater than 150 feet in length; and
 - c. Ensure that all roads have an adequate turning radii for fire apparatus (inside turning radius of 28" and outside turning radius of 44'8"); and
 - d. Minimum fire lane width shall be 20', and 26' for buildings over 30' in height for aerial apparatus. Aerial apparatus fire lane shall be no closer than 15' and a maximum of 30' from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire access road is positioned shall be approved by the fire code official.
60. All fire lanes within the development shall be marked as fire access roads to the satisfaction of the Fire Chief.
61. A key box (Knox Box) shall be installed at a location approved by the fire code official. Key box to contain keys to enter the building for immediate access for life-saving or fire-fighting purposes. Keys to be placed within the box are to include the exterior door key(s), electrical room key, elevator equipment room key, elevator operations key, fire alarm control panel room key, fire alarm control panel key, and the fire sprinkler riser room key.

ALAMEDA MUNICIPAL POWER (AMP)

62. The applicant shall comply to AMP's Rules and Regulations as stated in Article X and AMP's "Material and Installation Criteria for Underground Electrical Systems" (both available www.alamedamp.com) and provide completed "Service Planning Sheets" for AMP's review prior to submitting plans for building permits.
63. The applicant shall provide information on the location of transformers and total load in kilowatts or kilowatt/volts (KVA) to Alameda Municipal Power (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.
64. HOLD HARMLESS. The Applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda City Planning Board and their respective agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Alameda, Alameda City Planning Board, and their respective agents, officers, or employees to attack, set aside, void or annul, an approval by the City of Alameda, the Community Development Department, Alameda City Planning Board, the City of or City Council related 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. 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
65. All Time and Material charges for this application shall be paid in full prior to the approval of Building Permits for the Project.

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 protect these fees and other exactions, pursuant to Government Code section 66-2-(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.

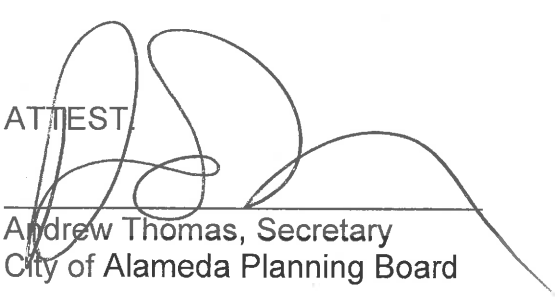
I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 12th day of February, 2018, by the following vote to wit:

AYES: (7) Mitchell, Burton, Cavanaugh, Curtis, Köster, Sullivan and Teague

NOES: (0)

ABSENT: (0)

ATTEST.



Andrew Thomas, Secretary
City of Alameda Planning Board

* * * * *

CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-18-02

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA RECOMMENDING THE CITY COUNCIL APPROVE PARCEL MAP 10782 AND APPROVING FINAL DEVELOPMENT PLAN AND DESIGN REVIEW FOR PLN17-0614 AT 1955 NORTH LOOP ROAD.

WHEREAS, an application was made on December 21, 2017, by North Loop 3, LLC for a Parcel Map, Final Development Plan, and Design Review; and

WHEREAS, the subject property is designated *Business Park* on the General Plan Diagram; and

WHEREAS, the subject property is located within the C-M PD (Commercial Manufacturing with a Planned Development overlay) zoning district; and

WHEREAS, the Planned Development for the Harbor Bay Business Park was approved by PD-81-2, and subsequently amended by PDA-85-4, PDA-87-7, and PDA05-0003; and

WHEREAS, Condition #2 of Resolution No. 1203 which approved the Business Park requires that for each development proposal within the Business Park a Final Development Plan be reviewed by Community Development Department staff for compliance with the standards and conditions of the Business Park Final Development Plan and then be brought before the Planning Board.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board made the following findings regarding the California Environmental Quality Act (CEQA):

1. The City of Alameda reviewed and approved an Environmental Impact Report (amended 1989) for the development of the Harbor Bay Business Park and this property.
2. As documented in the February 12, 2018 staff report to the Planning Board, approval of the project would not result in any new significant impacts relating to traffic, noise, air navigation, air quality, or water quality. A trip generation and access review analysis conducted by Abrams Associates shows that the project would not be expected to result in any traffic operational issues. The project site has no value as habitat for endangered, rare or threatened species as documented by a recent biological survey for the proposed development. A burrowing owl survey was conducted by ESA at the project site on January 4, 2018, and no evidence of the presence of burrowing owls were observed on the site.

3. Conditions of approval ensure that the project would not result in any new noise or air safety concerns as the result of proximity to the Oakland International Airport. The project also received an approval letter from the Alameda County Airport Land Use Commission in regards to compliance with the safety, noise, and height development requirement of the adjacent Oakland Airport.

BE IT FURTHER RESOLVED, the Planning Board finds the subject Parcel Map is exempt from environmental review pursuant to CEQA Guidelines Section 15315, which categorically exempts minor land divisions where:

1. The project is located in an urbanized area zoned for commercial or industrial use; and
2. The project will divide the project site into four or fewer parcels; and
3. The division is in conformance with the General Plan and zoning, and no variances or exceptions are required; and
4. All services and access to the proposed parcels to local standards are available; and
5. The project site was not involved in a division of a larger parcel within the previous 2 years; and
6. The parcel does not have an average slope greater than 20 percent.

BE IT FURTHER RESOLVED, the Planning Board finds the subject Parcel Map, Final Development Plan and Design Review are consistent with the Harbor Bay Business Park Development Plan, applicable zoning requirements and the General Plan; and

BE IT FURTHER RESOLVED, the Planning Board held a public hearing on this Parcel Map, Final Development Plan and Design Review application on February 12, 2018, and has examined pertinent maps, drawings and documents; and

BE IT FURTHER RESOLVED, pursuant to AMC Section 30-78.5, the Planning Board has made the following findings relative to the proposed Parcel Map Application PLN17-0614:

- A. **The proposed subdivision is in conformance with the General Plan and Zoning for this site.** The Parcel Map is consistent with the Business Park General Plan designation and C-M-PD zoning regulations for the property. The project would allow the subdivision of an existing 8.96-acre project site currently divided into three

individual parcels to create four new parcels on which each new development will be situated.

- B. **The site is physically suitable for the proposed commercial development in the General Plan.** The proposed subdivision is designed to conform to the Harbor Bay Business Park Development Plan standards and requirements adopted to ensure that the project would be compatible with adjacent uses.
- C. **The site is physically suitable for the density of the development.** The proposed subdivision is consistent with density standards of the General Plan and Zoning Ordinance. The project would permit four new office buildings ranging in size from 29,400 square feet to 38,000 square feet on parcels ranging in size from 1.94 acres to 2.57 acres. This would result in an average density within that is permitted by the General Plan. This is consistent with development standards for the C-M-PD zoning district and the Business Park designation of the General Plan.
- D. **The proposed design of the subdivision and improvements, as conditioned, will not cause environmental damage or substantially and avoidably injure fish or wildlife or their habitat.** The development of the site will not introduce hazards that are inconsistent with standard commercial development within the C-M-PD zoning district and the Business Park General Plan designation. Conditions of approval ensure that no unintended environmental damage or exposure of future occupants to environmental dangers could occur.
- E. **The design of the subdivision will not conflict with easements acquired by the public at large for access through or use of property within the subdivision.** All required easements are to be retained and additional, necessary easements are to be provided as conditions of approval.
- F. **The design of the subdivision and its improvements will not cause serious public health problems.** The project includes conditions that assure the property is free of hazardous materials and would not adversely affect public health. Easements for surface drainage runoff and utilities are required as conditions of the Parcel Map.

BE IT FURTHER RESOLVED that the Board finds that the Final Development Plan complies with all the development standards contained in Resolution No. 1203, as amended by PDA-85-4, PDA-87-7, and PDA05-0003 and the findings required by AMC Section 30-4.13.f.3

- 1. **The development is an effective use of the site.** The Development Plan provides for a subdivision and four new office/manufacturing/flex buildings that include landscaping and open spaces, and pedestrian and bicycle facilities. The Development Plan utilizes landscaping, building placement and orientation to create an effective and successful commercial development that creates a

compatible interface with the adjacent properties and uses, and provides strategies for the conservation of natural resources and sustainable landscaping design.

2. **The proposed use relates favorably to the General Plan.** The proposed development supports General Plan policies for the development of Harbor Bay Business Park and General Plan policies to increase complementary business opportunities in Alameda. The project also generates jobs consistent with General Plan goals.
3. **The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity and will not have substantial deleterious effects on existing business districts or the local economy.** The proposed Development Plan is consistent with the Harbor Bay Business Park Development Plan. The proposed Development Plan is designed to be compatible with adjacent commercial uses by providing attractive improvements and pedestrian and bicycle amenities, and by supporting the business park shuttle service.
4. **The location of the proposed use is compatible with other land uses in the general neighborhood area, and the project design and size is architecturally, aesthetically, and operationally harmonious with the community and surrounding development.** The proposed development qualifies as a commercial development pursuant to the C-M-PD Commercial Manufacturing - Planned Development Zoning District, and satisfies the purposes of the C-M-PD district regulations. The project site plan is designed to conform to the Harbor Bay Business Park Development Plan objectives and requirements adopted to ensure that the project would be compatible with the adjacent airport environment and commercial development. The Development Plan will provide for adequate landscaping, including Bay Friendly-compatible native landscaping, as required by City standards.
5. **The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.** The Development Plan is designed in a manner compatible with existing and potential contiguous uses. The project plans provide for well-designed pedestrian facilities, bicycle access, and vehicular access to nearby transit amenities including a ferry terminal and shuttle service to BART.

BE IT FURTHER RESOLVED, that the Board makes the following findings relative to the Design Review approval, as required by AMC 30-37.5:

1. **As conditioned, the proposed design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual.**
The project meets the development regulations of the C-M Zoning District, and the development regulations established for the Harbor Bay Business Park by

Resolution 1203 as amended by PDA-85-4, PDA-87-7, and PDA05-0003. The project is consistent with General Plan Guiding Policy 2.8 to support development of the Harbor Bay Business Park consistent with existing approvals and agreements. The quality and size of this project enable it to make a major contribution to the identity of Alameda and to the economic health of the East Bay.

2. **As conditioned, the proposed design is appropriate for the site, is compatible with adjacent or neighboring buildings or surroundings, and promotes harmonious transitions in scale and character in areas between different designated land uses.**

The project is compatible with the adjacent residential development because it provides adequate setbacks for parking and buildings from the residential properties on the opposite side of Catalina Avenue to north of the project, and the project provides adequate landscaping and fencing to screen on-site parking; and

3. **As conditioned, the proposed design of the structures and exterior materials and landscaping are visually compatible with the surrounding development, and design elements have been incorporated to ensure the compatibility of the structure with the character and uses of adjacent development.**

The new construction is compatible in design and use of materials with the adjacent Phases 1 and 2 of the North Loop office/industrial development. Exterior materials include painted concrete panels, ribbed infill panels, and aluminum shading devices at main and secondary entries, which is consistent with previously developed phases of the business park along North Loop Rd.

BE IT FURTHER RESOLVED that the Board makes the following findings relative to the specific design guidelines for the Business Park contained in Resolution No. 1203:

1. The preliminary landscape plan is consistent with the required landscaping requirements of the Business Park.
2. As conditioned, the project will be consistent with the City's Design Review Guidelines, because the design has an appropriate sense of scale for the site, and the building is well proportioned, and well located on the site. The building is designed to project a low horizontal profile which reduces the apparent bulk of the building as required by the Architectural Guidelines contained in Resolution No. 1203. The building and parking area are set back and screened from residences.

BE IT FURTHER RESOLVED, that the Planning Board hereby approves file no. PLN17-0614 for Final Development Plan and Design Review, and recommends the City

Council approve the tentative Parcel Map 10782 application, subject to the following conditions:

COMMUNITY DEVELOPMENT DEPARTMENT

1. Conditions relating to Planning Board Resolution No. 1203 are incorporated by reference.
2. These conditions shall be printed on the first page of all building plans and improvement plans.
3. Building Permit Plans: The plans submitted for the Building Permit shall be in compliance with the plans prepared by Forge Architects, dated January 25, 2018, on file in the office of the City of Alameda Community Development Department.
4. This Final Development Plan and Design Review approval shall expire and become void unless actual construction under valid permits has commenced within two years after this approval. A one-time extension for an additional two years may be granted upon written request.
5. If valid building permits have not been issued prior to the expiration of the Development Agreement (Document No. 89-110709), the applicant/developer shall satisfy all standard development requirements outside of the Development Agreement prior to the issuance of permits, including but not limited to development impact fees, public art fees, and Affordable Housing Impact fees.
6. Prior to issuance of building permits, the developer/applicant shall submit a complete Landscape Document Package for review and approval by the Community Development Director. The planting and irrigation plans submitted with the Landscape Document Package shall be amended to reflect the addition of vertical landscaping elements on the rear of the building(s), such as vines, tall shrubs, or additional trees, for review and approval by the Community Development Director.
7. The plans submitted for building permit shall be consistent with the Final Development Plan and shall show details of the following for review and approval by the Community Development Director or his or her designee:
 - a. Compliance with the City's Standard Landscaping Conditions of Approval;
 - b. Final window and door details;
 - c. Required roof screening for mechanical and electrical equipment;

- d. Sample color and material selections; and
 - e. Lighting Plan, including fixtures.
8. Dust Control: During construction, the applicant 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 roadways. 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 or Sunday. Design specifications shall incorporate Waste Management and Recycling elements for building and site demolition debris.
9. Site Lighting: At the common property line with the adjacent residential properties, the Project will meet the LEED standard for light pollution reduction in residential areas (LZ2 described below). The intent is to minimize light trespass from the site and improve nighttime visibility through glare reduction. The following requirements will be incorporated into the site lighting design:
- a. Use of pole lights with maximum height of 25'; no building wall packs on the east and north building elevations (this excludes any architectural lighting which is not for site lighting purposes).
 - b. Fixtures and/or cut-off shields will be specified where appropriate, which mitigate direct view of the site lighting source from the adjacent residential neighborhoods.
 - c. LEED Sustainable Site Credit 8: Light Pollution – LZ2 Standard: Design exterior lighting so that all site and building mounted luminaries produce a maximum initial illuminance value no greater than 0.10 horizontal and vertical footcandles at the site boundary. Document that no more than 2% of the total initial design fixture lumens are emitted at an angle of 90 degrees or higher from nadir (straight down).
10. Noise: The project shall not cause an increase in ambient noise levels in excess of those allowed in AMC. Prior to the issuance of building permits and prior to any future change in building use, the applicant shall submit an acoustical noise analysis demonstrating compliance with these Standards. The Community Development Director, or his or her designee, may require noise monitoring and additional project modifications if appropriate. An acoustical analysis meeting the requirements of Condition No. 60 of Resolution No. 1203 shall be submitted with the building permit applications.
11. Truck Noise: Per Alameda Municipal Code (AMC) Section 4-10.5 (Noise Control), loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects between the

hours of 10:00 p.m. and 7:00 a.m. in such a manner as to cause a noise disturbance across a residential real property line is prohibited.

12. Mechanical Equipment: Any noise-making mechanical equipment located on the ground, which generates noise exceeding ambient noise levels (prior to installation of the equipment) at the common property line with adjacent residential development, shall be enclosed in a sound blocking enclosure meeting the standards established by the Alameda Municipal Code for noise. The sound blocking enclosure must be built to the following minimum standards:
 - a. The barrier can be any thickness so long as its weight is 4 lbs/ft² or greater.
 - b. The barrier must be nonporous, with a solid door.
 - c. The barrier must enclose the equipment on all sides. The building wall may serve as one or more of the sides.
 - d. The wall height should be a minimum of three feet (3') greater than the tallest piece of equipment
13. Fencing: The existing perimeter fence shall be repaired or replaced with a new chain link fence with redwood slat, as needed. The fence and slats shall be properly maintained by the applicant. Onsite storage or equipment enclosures, as required by the planned development guidelines for the Business Park, or sport courts, must include 8' high decorative black or dark green vinyl coated chain link fencing, with lockable gates, intended to blend the enclosure with the landscaping.
14. Signage: Any temporary or permanent signage is subject to a sign permit approval. All signage shall be consistent with the requirements of the approved signage program for Harbor Bay Business Park.
15. FAA Compliance: Prior to issuance of building permits, the applicant shall submit to the Federal Aviation Administration (FAA) a Form (currently designated 7460 although FAA may designate a substitute form), completed to FAA satisfaction, which describes the electronic and light emissions and reflections from the facility toward Port of Oakland runways and related information. The FAA Form 7460 or the equivalent regulates both building external elements and construction elements including temporary use of cranes. The applicant shall conform to FAA requirements in the Form 7460 or FAA-approved equivalent process. The applicant shall conform to any process of the Alameda County Airport Land Use Commission and shall provide verification to the Community Development Director of compliance efforts.
16. Outdoor Storage: There shall be no outdoor storage unless approved by the Community Development Director, and any outdoor storage permitted shall be temporary for in-transit materials.

17. Bicycle Parking: Locations for indoor and outdoor bicycle parking consistent with the AMC bicycle requirements shall be shown on the project plans. The bicycle facility should be located in a secure and safe location and accessible from high pedestrian/bicycle traffic areas, near the front door, to the satisfaction of the Community Development Director.

PUBLIC WORKS

Engineering

18. The applicant/developer shall submit construction improvement plans for all on- and off-site improvements. The plans shall be prepared, signed and stamped as approved by a registered civil engineer licensed in the State of California. The engineer shall also assume responsibility for inspection of the on-site construction work, including but not limited to parking lots, pathways, storm facilities and, sewer facilities, 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.
19. The landscape and irrigation plans for improvements in the public right of way shall be prepared, signed and stamped as approved by a licensed landscape architect and shall be consistent with the City's Bay Friendly Landscaping requirements, the Master Street Tree Plan, the AMC, conditions of approval by the Planning Board, and other regional jurisdictions requirements, as applicable. Final landscape plans should 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. As appropriate, integrated pest management (IPM) principles and techniques shall be incorporated into the landscaping design and specifications. Where feasible, landscaping shall be designed and operated to treat storm water runoff by incorporating elements that collect, detain and infiltrate runoff. Plant placement within the site landscape design shall not interfere with the design function of any of the stormwater treatment measures. For example, trees planted in or near a biotreatment swale shall not adversely interfere with the design flow of the swale. The plans shall be reviewed and approved by the Public Works Department prior to approval of the improvements plans. The landscape 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.

20. The landscape and irrigation plans for improvements in the public right of way shall be prepared, and signed and stamped as approved, by a licensed landscape architect. The plans shall be in accordance with the most recent version of the "Bay-Friendly Landscape Guidelines" developed by StopWaste.Org and the Bay Friendly Coalition, the Master Street Tree Plan, the AMC, conditions of approval by the Planning Board, and other regional jurisdictions requirements, as applicable.
- a. In addition, the final landscape plans shall ensure that all landscaping and bioswales are compatible with the stormwater treatment measures designed to minimize irrigation and runoff; promote surface infiltration, where appropriate; and minimize the use of fertilizers and pesticides that can contribute to storm water pollution. Also, integrated pest management (IPM) principles and techniques shall be incorporated into the landscaping design and specifications. Where feasible, landscaping shall be designed and operated to treat storm water runoff by incorporating elements that collect, detain, and infiltrate runoff. Plant placement within the site landscape design shall not interfere with the design function of any of the stormwater treatment measures. For example, trees planted in or near a biotreatment swale shall not adversely interfere with the design flow capacity of the swale. The plans shall be reviewed and approved by the Public Works Department prior to approval of the improvements plans or the building permit, whichever comes first. 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.
21. To guarantee completion of the off-site improvements, if any, the 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.
22. A sanitary sewage flow analysis 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 City will provide this data to an independent consultant who will assess the impact of the proposed development on the City's sanitary sewer system using a hydraulic model and determine the required improvements, if any, to ensure sufficient sewage capacity for this project. The developer will pay for the cost of the modeling study and a fair share of any off-site improvements implemented by the City. The developer will include the recommended on-site improvements into the project's improvement plans prior to approval of the improvement plans.

23. A sanitary sewage treatment capacity analysis for wet weather flows shall be prepared by a registered civil engineer licensed in the State of California and submitted as part of the construction improvement plans. The plan shall identify and mitigate any increase in wet weather flow treatment capacities associated with the development when compared to existing conditions. The developer will include the recommended improvements into the project's improvement plans prior to approval of the improvement plans.
24. A storm drainage hydrology analysis 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 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 developer will pay for the cost of the modeling study. The developer will include the recommended improvements into the project's improvement plans prior to approval of the improvement plans.
25. The applicant/developer shall submit a soils investigation and geotechnical report, prepared by a registered geotechnical engineer licensed in the State of California. The report shall address the structural and environmental analysis of existing soils and groundwater. The improvement plans shall incorporate all design and construction criteria specified in the report. The geotechnical engineer shall sign and stamp the improvement plans as approved and as conforming to their recommendations prior to approval of the improvement plans. The geotechnical engineer shall also assume responsibility for inspection of the work and shall certify to the City, prior to acceptance of the work or establishment of the use, whichever comes first, that the work performed is adequate and complies with their recommendations.
26. 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.
27. New street trees along North Loop Road shall maintain clearances from utilities as follows:
- a. Fire hydrant – 6 feet;
 - b. Top of driveway wing – 5 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 – 5 feet;

f. Front of electrical pad-mounted equipment – 10 feet.

28. 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.
29. 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.
30. Fire sprinkler system test water discharges shall be directed to the sanitary sewer system or to appropriately-sized onsite vegetated area(s).

Clean Water Program

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

31. The applicant/developer shall submit a finalized stormwater quality management plan and finalized, stamped, signed City of Alameda C3 certification form from a qualified independent civil engineer with stormwater treatment facility design experience, licensed in the State of California, and acceptable to Public Works Engineering that indicates the LID and treatment measure designs of the finalized improvement plans and stormwater quality management plan meet the established sizing design criteria for stormwater treatment measures. City qualification standards are listed below. These will be at the 100% complete level.
32. The Civil Improvement Plans shall be consistent with the finalized stormwater quality management Plan submittal. Plan sheets shall include detail and cross-sectional drawings of the stormwater quality design and treatment measures, as relevant, consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual and Provisions C.3.c and C.3.d of the City's Municipal NPDES storm water permit.
33. The improvement plans shall indicate the structural stormwater trash capture measure(s) being installed on the project site to ensure that the entirety of the stormwater drainage from the project site is subject to full trash capture consistent with City's municipal stormwater permit definition of a full trash capture device. A full trash capture system or device is any single device or series of devices that traps all particles retained by a 5mm mesh screen and has a design treatment capacity of not less than the peak flow rate Q resulting from a

one-year, one-hour storm in the sub-drainage area. Plan sheets shall include detail and cross-sectional drawings of any stormwater full trash capture device(s).

34. Finalized landscaping plans for all landscape-based stormwater treatment measures shall be consistent with the civil engineering designs and functional intent of these treatment measures. The stormwater treatment landscapes 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.
35. Provide the Public Works Department Clean Water Program, a copy of both the WDID# issued to the project site by the State Water Resources Control Board (SWRCB) and the required Storm Water Pollution Prevention Plan (SWPPP). These documents shall provide verification to the City that the project site is in compliance with SWRCB Order No. 2009-0009-DWQ prior to the initiation of construction activity. Information on this State Order is available at: http://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml
36. The SWPPP shall be reviewed and accepted by the Public Works Clean Water Program for conformance with the City's erosion and sediment control standards.
37. In compliance with the SWPPP, the applicant/developer shall be responsible for ensuring that all contractors and sub-contractors install and regularly maintain all control measure elements required in the project SWPPP during any and all construction activities in order to prevent any pollutants entering directly or indirectly the storm water system or waters of the State. The Improvement Plans shall list the City's erosion and sediment control standards and provide detail drawings and installation specifications for all SWPPP structural control measures. The applicant/developer shall pay for any required cleanup, testing, and City administrative costs resulting from consequence of construction materials entering the storm water system and/or waters of the State.
38. The applicant/developer shall submit for review and approval by Public Works Engineering a Stormwater C3-LID Measures Operations and Maintenance (O&M) Plan that provides a thorough discussion of the inspection, operations and maintenance requirements of all of the stormwater treatment and LID design measures at the site. This O&M Plan shall be consistent with the City of Alameda's C3-LID Measures O&M Plan Checklist.
39. The Improvement Plans shall indicate that all new storm drain inlets within the public right-of-way shall be clearly marked with the words "No Dumping! Drains

to Bay,” or equivalent, as approved by the City Public Works Department. Permanently affixed thermoplastic, metallic or plastic laminate style markers are examples of acceptable forms.

40. Improvement Plan design of all external enclosures for solid waste, recycling and organics shall be approved by the Public Works Department. 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.

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

41. The applicant/developer shall submit a certification report (Report) prepared by a registered civil engineer, licensed in the State of California, affirming that all project site stormwater treatment measures have been constructed per the City approved plans and specifications. As appropriate, the Report shall include, but not be limited to, assurances that: imported materials used for the treatment measure(s) are certified by the supplier; installation of these materials is per approved plans and specifications and meets the intent of the design engineer; required on-site testing results conform with approved plans and specifications; treatment measures conform to dimensions, grades and slopes on approved plans and specifications; all structural features of the treatment measures comply with plan specifications; the irrigation system is installed and functions as designed; healthy vegetation/ground cover is installed as shown on plans. The Report shall be submitted in a form acceptable to Public Works Engineering.
42. The property owner shall execute a C3-LID Treatment Measures Maintenance Agreement (Agreement) with the City, complete with an approved O&M Plan and annual reporting template.

Traffic and Transportation

43. As a member of the Harbor Bay Business Park Owner's Association, the applicant and its tenant will participate in the Transportation Management Program implemented by the Harbor Bay Business Park Association that includes TDM strategies in accordance with the provision stipulated in Section 11.2.h of the Covenants, Conditions, and Restrictions (CC&RS) of the Harbor Bay Park Association.
44. Prior to the issuance of the Building Permit, the applicant shall provide the following in the improvement plans and/or as submittals as appropriate for the approval of the Public Works Department and in accordance with the City design standards:

45. Ensure that all pedestrian access points throughout the project area are ADA compliant.
46. Provide adequate pedestrian and vehicular lighting at all intersections of project driveways along North Loop Road. The lighting shall meet with Alameda Municipal Power standards for crosswalks, sidewalks, and intersections.
47. The applicant/developer shall submit a traffic striping and signage plan for all on- and off-site improvements, including all crosswalks, bus stops, turn lanes, merge lanes, acceleration lanes, lane drops, etc., as part of the construction improvement plan submittal. The plans shall be prepared by a registered civil engineer or traffic engineer licensed in the State of California. The engineer shall sign and stamp the plans as approved. The plans shall be reviewed and approved by the Public Works Department prior to approval of the improvement plans.
48. The applicant/developer shall submit the improvement plans for any on-site parking facilities to the Public Works Department for review and approval. A registered civil engineer licensed in the State of California shall prepare the plans and signed and stamped them as approved.
49. 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.
50. Applicant/developer shall replace any damaged curb, gutter, sidewalk and utility boxes along street frontages to the satisfaction of the Public Works Department, in accordance with the Public Works Department's Standard Plans and Specifications prior to acceptance of the project or issuance of an occupancy permit.

Environmental

51. Design of all external enclosures for solid waste, recycling, and organics shall be approved by the Public Works Department prior to approval of the improvement plans. These facilities are to be designed to prevent water run-on to the area, runoff from the area, and to contain litter, trash, and other pollutants, so that these materials are not dispersed by the wind or discharged to the storm drain system. External enclosures are to be roofed and/or enclosed. Any enclosures containing food waste shall have floor drains connected to the sanitary sewer system. If the enclosures are attached to buildings they shall have fire

sprinklers. Internal collection and storage area(s) and the individual bins and containers provided, shall be adequate in capacity, number, and distribution to serve the anticipated demand for trash, recycling, and organics as determined by the Public Works Department.

52. 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.

53. Applicant must comply with the following minimum storage requirements for solid waste and recyclable materials:

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

Building Size (square feet)	Solid waste (square feet)	Recyclables (square feet)	Total Area (square feet)
0-5,000	12	12	24
5,001-10,000	24	24	48
10,001-25,000	48	48	96
25,001-50,000	96	96	192
50,001-75,000	144	144	288
75,001-100,000	192	192	384
100,001+	Every additional 25,000 square feet shall require an additional 48 square feet for solid waste and 48 square feet for recyclables.		

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

56. 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.

57. 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.

58. 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.

59. 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.

60. 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.

FIRE DEPARTMENT

61. The applicant shall be responsible for a water main extension to serve the project, whose design shall be shown on the improvement plans to the satisfaction of the East Bay Municipal Utilities District, the Public Works Director, and the Fire Chief.

62. Prior to approval of the improvement plans, the applicant shall submit revised 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. Fire hydrant flow shall be a minimum of 1,500 G.P.M. from any one hydrant;
- b. Provide adequate turn-around space or acceptable emergency vehicle through access for any street greater than 150 feet in length; and
- c. Ensure that all roads have an adequate turning radii for fire apparatus (inside turning radius of 28" and outside turning radius of 44'8"); and
- d. Minimum fire lane width shall be 20', and 26' for buildings over 30' in height for aerial apparatus. Aerial apparatus fire lane shall be no closer than 15' and a maximum of 30' from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire access road is positioned shall be approved by the fire code official.

63. All fire lanes within the development shall be marked as fire access roads to the satisfaction of the Fire Chief.

64. A key box (Knox Box) shall be installed at a location approved by the fire code official. Key box to contain keys to enter the building for immediate access for life-saving or fire-fighting purposes. Keys to be placed within the box are to include the exterior door key(s), electrical room key, elevator equipment room key, elevator operations key, fire alarm control panel room key, fire alarm control panel key, and the fire sprinkler riser room key.

ALAMEDA MUNICIPAL POWER (AMP)

65. The applicant shall comply to AMP's Rules and Regulations as stated in Article X and AMP's "Material and Installation Criteria for Underground Electrical Systems" (both available www.alamedamp.com) and provide completed "Service Planning Sheets" for AMP's review prior to submitting plans for building permits.

66. The applicant shall provide information on the location of transformers and total load in kilowatts or kilowatt/volts (KVA) to Alameda Municipal Power (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.

FINAL MAP

67. All maps filed pursuant to this approval shall be in substantial compliance with the map titled, "Parcel Map 10782" prepared by Kier & Wright Civil Engineers & Surveyors, Inc. date stamped received January 29, 2018, and on file in the office of the Alameda Community Development Department.
68. The Final Map shall be in substantial compliance with the tentative Map.
69. The subdivider shall record the Final Map within twenty-four (24) months of approval, or conditional approval of the Tentative Map by the City Council. An extension of time, not to exceed and additional twelve (12) months, for the filing of the Final Map may be granted by expiration of the approved or conditionally approved Tentative Map.
70. Prior to the City Council approval of the Final Map, the Applicant shall submit a Mylar copy and a CAD file of the Final Map.
71. Prior to the issuance of Building Permits the applicant/developer shall record reciprocal access easements between Parcel 1 and Parcel 2, between Parcel 2 and Parcel 3, and between Parcel 3 and Parcel 4, at the location of the proposed driveways.
72. **HOLD HARMLESS.** The Applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda City Planning Board and their respective agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Alameda, Alameda City Planning Board, and their respective agents, officers, or employees to attack, set aside, void or annul, an approval by the City of Alameda, the Community Development Department, Alameda City Planning Board, the City of or City Council related 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. 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
73. All Time and Material charges for this application shall be paid in full prior to the approval of Building Permits for the Project.

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 protect these fees and other exactions, pursuant to Government Code section 66-2-(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.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 12th day of February, 2018, by the following vote to wit:

AYES: (7) Mitchell, Burton, Cavanaugh, Curtis, Köster, Sullivan and Teague

NOES: (0)

ABSENT: (0)

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

* * * * *

**CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-18-03**

RECOMMENDING APPROVAL OF DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF ALAMEDA AND MIDPEN HOUSING CORPORATION, ALAMEDA POINT COLLABORATIVE, BUILDING FUTURES WITH WOMEN AND CHILDREN, AND OPERATION DIGNITY ("COLLABORATING PARTNERS") REGARDING 9.7 ACRES AT ALAMEDA POINT REFERED TO AS REBUILDING THE EXISTING SUPPORTING HOUSING AT ALAMEDA POINT (RESHAP)

WHEREAS, in order to strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic costs and risk of development, the Legislature of the State of California enacted Section 65864 et.seq. of the Government Code (the "Development Agreement Legislation") which authorizes a City and a developer having a legal or equitable interest in real property to enter into a binding, long-term development agreement, establishing certain development rights in the property; and

WHEREAS, pursuant to Government Code Section 65864, the City has adopted rules and regulations establishing procedures and requirements for consideration of development agreements, which procedures and requirements are contain in Alameda Municipal Code Chapter XXX, article vii, Code Sections 30-91 thru 30-95 (the "City Development Agreement Regulation"); and

WHEREAS, the City and MidPen Housing Corporation, a California nonprofit public benefit corporation ("MidPen"), Alameda Point Collaborative, a California nonprofit public benefit corporation ("APC"), Building Futures With Women and Children, a California nonprofit public benefit corporation ("Building Futures"), and Operation Dignity, a California nonprofit public benefit corporation ("Operation Dignity"). Each of APC, Building Futures and Operation Dignity is referred to herein as a "Collaborating Partner", and collectively, "Collaborating Partners" have entered into a Disposition and Development Agreement dated _____, 2018 approved by the City Council by Ordinance No. _____ ("DDA"), whereby the City intends to convey to Collaborating Partners a 9.7 acre portion of the former naval Air Station Alameda ("NAS Alameda") ("the Property"); and

WHEREAS, in accordance with the Development Agreement Legislation and the City Development Agreement Regulations, the Developer filed an application requesting the approval of a development agreement was prepared and submitted as, attached hereto; and

WHEREAS, the City is desirous of advancing the socioeconomic interests of City and its residents by promoting the productive use of the former NAS Alameda consistent with the NAS Alameda Community Reuse Plan (the "Reuse Plan") adopted by the Alameda Reuse and Redevelopment Authority in 1996 and subsequently amended in

1997, and by encouraging quality development and economic growth, thereby enhancing employment opportunities for residents and expanding City's property tax base; and

WHEREAS, the Project, as more fully described in the Development Plan, which was approved by the Planning Board on September 25, 2017, and subject to the Development Agreement, including the following components:

- a. Two-Hundred (200) replacement residential units in newly constructed buildings replacing the 200 units currently located in the Existing Structures (the "Replacement Units");
- b. Sixty-Seven (67) new residential units in newly constructed buildings ("New Residential Units and with the Replacement Units, collectively, the "Residential Units");
- c. Approximately 40,000 square feet of permitted and conditionally permitted community serving commercial spaces;

WHEREAS, the development of the Project would be required to comply with the Transportation Demand Management Plan for Alameda Point ("TDM Plan"), the Reuse Plan, General Plan amendments, Zoning Ordinance amendments, including the creation of the Alameda Point District (Alameda Municipal Code 30-4.24), and a Master Infrastructure Plan ("MIP"), Main Street Plan, (collectively, the "Planning Documents"); and

WHEREAS, after hearing all qualified and interested persons and receiving and considering all relevant evidence, the Planning Board finds and determines as follows:

- a. The notice of the public hearing was given for the time and in the manner as prescribed by law.
- b. As proposed, the DA will not be detrimental to the health, safety and general welfare and is consistent with the objectives, policies, general land uses, and programs specified in the Reuse Plan, the General Plan, the Main Street Plan and the Alameda Point Zoning Ordinance and will promote the redevelopment and revitalization of the Property.
- c. The DA is consistent with the General Plan and the other land use regulations because it ensures that the Development Plan for RESHAP is implemented and completed in appropriate phases over time.

WHEREAS, the terms and conditions of this Development Agreement have undergone extensive review by the City, the Developer and their respective legal counsel. The Planning Board at publicly noticed meetings found the Development Agreement to be in conformance with the General Plan, the Development Agreement Legislation, and the City Development Agreement Regulations; and

WHEREAS, the Planning Board finds that the economic interests of the City's residents and the public health, safety and welfare will be best served by entering into this Development Agreement; and

WHEREAS, by Resolution No. 14891 the City Council previously certified the Final Alameda Point Environmental Impact Report (FEIR) (State Clearinghouse No. 201312043) under the California Environmental Quality Act ("CEQA"), California Public Resources Code Section 2100 et seq. and adopted written findings and a Mitigation Monitoring and Reporting Program ("MMRP") on February 4, 2014 for the Alameda Point Project, which contains the project site; and

WHEREAS, the City and Developer for reasons cited herein have determined that the Project is a transit-oriented destination development for which this Development Agreement is appropriate. This Development Agreement will eliminate uncertainty regarding Project Approvals for the 10-year term thereby encouraging planning for, investment in and commitment to use and development of the Property; and

WHEREAS, continued use and development of the Property in accordance with this Development Agreement is anticipated to, in turn, provide substantial benefits and contribute to the provision of needed infrastructure for area grown, thereby achieving the goals and purposes for which the Development Agreement Statute was enacted; and

WHEREAS, on March 26, 2018, the Alameda Planning Board conducted a public hearing on this Development Agreement in accordance with Government Code section 65867 and the City Development Agreement Regulations; and

NOW, THEREFORE, BE IT RESOLVED, the Planning Board finds that:

The proposed development agreement will not be detrimental to the health, safety and general welfare and is consistent with the objectives, policies, general land uses, and programs specified in the Reuse Plan, the General Plan, the Main Street Plan and the Alameda Point Zoning Ordinance and will promote the redevelopment and revitalization of the Property.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Planning Board finds that:

The proposed conveyance of the from the City of Alameda to the Collaborative Partners for the intended uses described in the Development Plan and Development Agreement are consistent with, and implements, the Alameda Point General Plan Element, the Main Street Specific Plan for Alameda Point and the Alameda Point zoning regulations.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 26th day of March, 2018, by the following vote to wit:

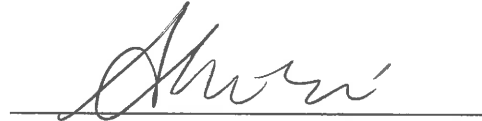
March 26, 2018
Planning Board Meeting

AYES: (7) Mitchell, Burton, Cavanaugh, Curtis, Köster, Sullivan and
Teague

NOES: (0)

ABSENT: (0)

ATTEST:

A handwritten signature in black ink, appearing to read 'Allen Tai', is written over a horizontal line.

Allen Tai, Secretary
City of Alameda Planning Board

* * * * *

CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-18-04

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA GRANTING DESIGN REVIEW APPROVAL FOR CONSTRUCTION OF THE SEAPLANE LAGOON FERRY TERMINAL WATERSIDE IMPROVEMENTS (PLN16-0314) WITHIN AND ADJACENT TO THE NAS ALAMEDA HISTORIC DISTRICT.

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

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

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

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

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

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

WHEREAS, the Planning Board and Historical Advisory Board held a special joint public hearing on April 18, 2018 for this application, and examined pertinent maps, drawings, and documents.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board approves Design Review for the Seaplane Lagoon Ferry Terminal Project, specifically the float, gangway, and fixed pier, based on the following findings:

1. The proposed design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual. A new ferry service creates a transit hub at the heart of Alameda Point, which maximizes opportunities for Alameda Point residents and employers/employees to be transit users. This minimizes potential traffic impacts and

significantly increases the possibility of attracting major commercial users to Alameda Point, which is consistent with the General Plan Alameda Point Element for de-emphasizing automobile use and promoting alternative modes of transportation. The Alameda Point Element calls out use of water transportation as one of these alternatives. The project is also consistent with the Alameda Point zoning as a ferry terminal is a permitted use in the AP-WTC, Alameda Point Waterfront Town Center zoning district.

2. The proposed design is appropriate for the site, is compatible with adjacent or neighboring buildings or surroundings, and promotes harmonious transitions in scale and character in areas between different designated land uses. The proposed project would construct a new pier in Seaplane Lagoon to be used by passenger ferries. This use differs slightly from the historic use of Seaplane Lagoon, which was the take-off and landing area for patrol, rescue, and transport seaplanes. However, this new use is still a maritime use and it would require no physical changes to Seaplane Lagoon. The ferry terminal structures are small relative to the size and scale of the Seaplane Lagoon and would not be a disruptive addition to the Seaplane Lagoon environment. Instead, the ferry terminal would reinforce the maritime theme and support harmonious transitions between the water and landside waterfront improvements. The proposed ferry terminal and supporting landside amenities for pedestrian/bike and ferry parking are compatible uses and appropriate for this waterfront setting.
3. The proposed design of the structure(s) and exterior materials and landscaping are visually compatible with the surrounding development, and design elements have been incorporated to ensure the compatibility of the structure with the character and uses of adjacent development. The proposed ferry terminal includes a new pier, dock, and float, which are all low-profile structures, with metal handrails, ramps, and platforms that are only as high as required by health and safety codes. Collectively, they would occupy a very small percentage of the 110-acre lagoon, with little visual impact to the surrounding environment. The proposed canopy over the fixed pier is a minimalist fabric canopy design that provides an attractive weather-proofing function for the ferry riders. The triangular shapes of the canopy design provides visual interest and evokes a nautical theme that is appropriate and compatible at the Seaplane Lagoon. The gangway and float are typical marine utility structures with no distinctive architectural design elements. Meanwhile, the landside improvements including the ferry terminal parking lot, access road, and landscape work are all surface-level features that replaces the existing unfinished concrete surface for new public waterfront access.

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

1. The City of Alameda as lead agency under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.), prepared the Final Environmental Impact Report for the Alameda Point Project (FEIR) (State Clearinghouse No. 201312043) ("Final EIR"); and

2. On February 4, 2014, the City Council certified, the Final EIR for the Alameda Point Project, including the Town Center Plan area which contains the project site; and
3. After certification of the Final EIR for the Alameda Point Project, the City developed project-specific plans for the new Seaplane Lagoon Ferry Terminal and adjacent landside improvements ("Project"); and
4. The City caused to be prepared and Addendum to the Final EIR ("Addendum") pursuant to CEQA Guidelines Section 15164; and
5. Whereas, the City Council adopted the Addendum and approved the Project on April 5, 2016; and
6. The Seaplane Lagoon Ferry Terminal design, specifically the float, gangway, and fixed pier are consistent with the General Plan, Zoning Ordinance, and Town Center Plan; and
7. This Design Review approval will implement the approved project analyzed in the Final EIR and Addendum; and
8. Approval of the Design Review would not involve substantial changes in the Project or circumstances under which the Project is to be undertaken that would result in new or substantially more severe significant environmental effects requiring major revisions to the Final EIR, and there is no new information of substantial importance that involves new or substantially more severe significant environmental effects that would require major revisions to the Final EIR; therefore, no further environmental review is required pursuant to Public Resources Code Section 21166 and CEQA Guideline Sections 15162 and 15163..

BE IT FURTHER RESOLVED that the Planning Board approves the Design Review for the Seaplane Lagoon Ferry Terminal Project waterside improvements, specifically the Float, Gangway and Fixed Pier, subject to the following conditions:

- (1) This Design Review approval is specifically for the waterside improvements, which include the float, gangway, and fixed pier.
- (2) The details for the canopy design, glass wall, benches, lighting, and security gate on the pier and landside improvements shall require subsequent Planning Board Final Design Review approval.
- (3) This Design Review shall expire two (2) years after the date of approval, unless construction on the Project has begun under valid City permits. The Community Development Director may grant a two-year extension prior to the date of expiration.
- (4) The plans submitted for the Building Permit shall be in substantial compliance with plans prepared by Marcy Wong Donn Logan Architects, on file in the office of the City of Alameda Planning Division, subject to the conditions specified in this resolution.

NOTICE. The decision of the Planning Board shall be final unless appealed to the City Council, in writing and within ten (10) days of the decision, by Notice of Appeal stating the

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

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

NOTICE. The conditions of project approval set forth herein include certain fees and other exactions. Pursuant to Government Code Section 66020 (d) (1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and exactions. The applicant 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.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Special Joint Meeting of the Planning Board and Historical Advisory Board on the 18th day of April, 2018, by the following vote to wit:

AYES: (6) Burton, Cavanaugh, Curtis, Köster, Sullivan and Teague

NOES: (0)

ABSENT: (1) Mitchell

ATTEST



Andrew Thomas, Secretary
City of Alameda Planning Board

* * * * *

CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-18-05

DECLARING A STATEMENT OF COMPLIANCE UNDER PERIODIC REVIEW FOR A DEVELOPMENT AGREEMENT FOR THE DEL MONTE PROJECT, FOR THE PERIOD FROM JANUARY 2017 THROUGH DECEMBER 2017

WHEREAS, TL Partners I, LP has initiated a Periodic Review of a Development Agreement with the City of Alameda, as required under Zoning Ordinance Section 30-95.1; and

WHEREAS, the Board held a public hearing on this request on April 23, 2018, and examined pertinent documents; and

WHEREAS, the Board finds that TL Partners I, LP has complied with the terms and conditions of the Development Agreement for the Del Monte Project, for the period from January 2017 through December 2017, as summarized in the Annual Report Letter submitted by TL Partners I, LP dated April 11, 2018, and has demonstrated a continuing good faith effort to implement the terms and conditions as set forth in said Development Agreement.

WHEREAS, the Annual Review and reporting is exempt from the California Environmental Quality Act.

THEREFORE BE IT RESOLVED that the Planning Board of the City of Alameda hereby declares that TL Partners I, LP has demonstrated good faith compliance with the terms and conditions of the Del Monte Development Agreement.

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 or decision on any appeal plus extensions authorized by California Code of Civil Procedure Section 1094.6.

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 Planning and Building Department a written notice of appeal stating the basis of appeal and paying the required fees.

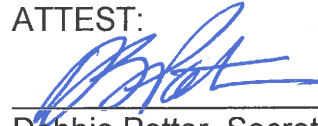
I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 23rd day of April, 2018, by the following vote to wit:

AYES: (6) Mitchell, Burton, Curtis, Köster, Sullivan and Teague

NOES: (0)

ABSENT: (1) Cavanaugh

ATTEST:



Debbie Potter, Secretary
City of Alameda Planning Board

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CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-18-06

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA FINDING THE ACQUISITION AND DISPOSITION OF CERTAIN REAL PROPERTY TO IMPLEMENT (1) THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ALAMEDA AND CP VI ADMIRALS COVE, LLC REGARDING NORTH HOUSING INFRASTRUCTURE OBLIGATIONS AND (2) THE AMENDED AND RESTATED LEGALLY BINDING AGREEMENT AMONG CITY OF ALAMEDA AND HOUSING AUTHORITY OF THE CITY OF ALAMEDA, ALAMEDA POINT COLLABORATIVE, INC., AND BUILDING FUTURES WITH WOMEN AND CHILDREN TO BE IN CONFORMANCE WITH THE ALAMEDA GENERAL PLAN (PLN17-0544)

WHEREAS, in 2009, the Alameda Reuse and Redevelopment Authority adopted an Amendment to the Naval Air Station Alameda Community Reuse Plan ("Reuse Plan Amendment") to establish guidelines for the conveyance, reuse, and redevelopment of an approximately 42-acre area of former Alameda Naval Air Station land known as the North Housing Site; and

WHEREAS, the Reuse Plan Amendment assumed residential redevelopment of up to 435 residential units, including 90 units for formerly homeless individuals and families and 30 units of self-help housing; and

WHEREAS, in 2012, the City of Alameda ("City"), Housing Authority of the City of Alameda ("Housing Authority"), Alameda Point Collaborative, Inc., and Building Futures with Women and Children entered into an Amended and Restated Legally Binding Agreement ("LBA") to provide for the transfer of a 12.3-acre, ninety-unit homeless accommodation on the North Housing Site; and

WHEREAS, development of the North Housing Site is governed by and consistent with the Alameda General Plan, the Alameda Municipal Code, and the Reuse Plan Amendment; and

WHEREAS, in 2012, the City Council of the City of Alameda designated the North Housing Site as a housing opportunity site in the Housing Element and adopted a Multi-family Residential Combining Zone (MF District) overlay for the property; and

WHEREAS, in 2017, the General Services Administration on behalf of United States Navy ("Navy") issued an Invitation for Bids for an approximately 14-acre certain real property located within the North Housing Site, and CP VI Admirals Cove, LLC ("Carmel") was selected as the successful bidder and is in contract with the Navy to purchase that property; and

WHEREAS, on January 2, 2018, the City Council authorized the City Manager to negotiate and execute a Memorandum of Understanding with Carmel for construction of infrastructure at the North Housing Site ("MOU"); and

WHEREAS, the MOU, dated as of March 30, 2018, supports the goals of the City related to the reuse of the North Housing Site and is in conformance with the Reuse Plan Amendment; and

WHEREAS, the LBA contemplated the City's acquisition of an approximately 12-acre site and adjacent roadway from the United States Navy ("Navy"), and the City's subsequent conveyance of a portion thereof to the Housing Authority; and

WHEREAS, the MOU contemplated the following transfers of real property: (1) the City's acquisition of approximately 12,750 square feet of real property from Carmel to complete the Singleton Avenue extension in exchange for the City's conveyance of an approximately .67-acre easement to Carmel for softscape improvements within the adjacent roadway, and (2) the City's conveyance of approximately 11,507 square feet of real property to Carmel as consideration for demolition of the existing improvements on the future Singleton Avenue extension.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds this action would not result in any new environmental impacts or more severe environmental impacts than those previously identified with the adoption of the Community Reuse Plan Environmental Impact Report ("EIR") 2009 Addendum and the Housing Element EIR 2012 Addendum; and

BE IT FURTHER RESOLVED, in accordance with Government Code section 65402(a), the Planning Board finds that the location, purpose, and extent of the above-described transfers of real property to implement both the MOU and the LBA are in conformity with the Alameda General Plan.

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.

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.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 23rd day of April, 2018, by the following vote to wit:

AYES: (5) Mitchell, Curtis, Köster, Sullivan and Teague

NOES: (0)

ABSENT: (1) Cavanaugh

ABSTAIN: (1) Burton

ATTEST:



Debbie Potter, Secretary
City of Alameda Planning Board

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**CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-18-07**

DECLARING A STATEMENT OF COMPLIANCE UNDER PERIODIC REVIEW FOR DEVELOPMENT AGREEMENT, DA-89-1, FOR THE PERIOD APRIL 5, 2017 THROUGH APRIL 4, 2018

WHEREAS, Harbor Bay Village Four Associates (HBV4), Harbor Bay Village Five Associates (HBV5) and Harbor Bay Isle Associates (HBIA) have initiated a Periodic Review of a Development Agreement between the City of Alameda and said Harbor Bay Entities, as required under Zoning Ordinance Section 30-95.1; and

WHEREAS, the Board held a public hearing on this request May 14, 2018, and examined pertinent documents.

NOW THEREFORE BE IT RESOLVED THAT, the Board has made the following finding:

1. The Harbor Bay Entities has complied with the terms and conditions of the Development Agreement, DA-89-1, through the April 4, 2018 review period, as summarized in the Annual Report submitted by the Harbor Bay Entities and has demonstrated a continuing good faith effort to implement the terms and conditions as set forth in the Development Agreement, DA-89-1.

NOW THEREFORE BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby declares that Harbor Bay Entities is in compliance with the terms and conditions of Development Agreement, DA-89-1, through April 4, 2018.

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 or decision on any appeal plus extensions authorized by California Code of Civil Procedure Section 1094.6.

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.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 14th day of May, 2018, by the following vote to wit:

AYES: (6) Mitchell, Burton, Cavanaugh, Curtis, Sullivan and Teague

NOES: (0)

ABSENT: (0)

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-18-08

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA GRANTING DESIGN REVIEW APPROVAL FOR THE SEAPLANE LAGOON FERRY TERMINAL CANOPY, LIGHTING, GLASS WALL, BENCHES, AND SECURITY GATES (PLN16-0314).

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

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

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

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

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

WHEREAS, the Town Center Plan requires that the Planning Board review and approve Design Review for the proposed Seaplane Lagoon Ferry Terminal; and

WHEREAS, the Planning Board and Historical Advisory Board and held a special joint public hearing on April 18, 2018 for this application, and examined pertinent maps, drawings, and documents, and

WHEREAS, on April 18, 2018, the Planning Board approved the waterside improvements for the Project, except landside improvements, while also requiring subsequent review of the pier canopy design and details of canopy lighting, glass wall, benches, and security gates; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board approves Design Review for the Seaplane Lagoon Ferry Terminal Project canopy, lighting, glass wall, benches, and security gates based on the following findings:

1. **The proposed design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual.** A new ferry service creates a transit hub at the heart of Alameda Point, which maximizes opportunities for Alameda Point residents

and employers/employees to be transit users. This minimizes potential traffic impacts and significantly increases the possibility of attracting major commercial users to Alameda Point, which is consistent with the General Plan Alameda Point Element for de-emphasizing automobile use and promoting alternative modes of transportation. The Alameda Point Element calls out use of water transportation as one of these alternatives. The project is also consistent with the Alameda Point zoning as a ferry terminal is a permitted use in the AP-WTC, Alameda Point Waterfront Town Center zoning district. The proposed canopy design, lighting, glass wall, benches, and security doors are appropriate for the ferry terminal and its setting, and are therefore consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual.

2. **The proposed design is appropriate for the site, is compatible with adjacent or neighboring buildings or surroundings, and promotes harmonious transitions in scale and character in areas between different designated land uses.** The proposed project would construct a new pier in Seaplane Lagoon to be used by passenger ferries. This use differs slightly from the historic use of Seaplane Lagoon, which was the take-off and landing area for patrol, rescue, and transport seaplanes. However, this new use is still a maritime use and it would require no physical changes to Seaplane Lagoon. The ferry terminal structures are small relative to the size and scale of the Seaplane Lagoon and would not be a disruptive addition to the Seaplane Lagoon environment. Instead, the ferry terminal would reinforce the maritime theme and support harmonious transitions between the water and landside waterfront improvements. The proposed ferry terminal is a compatible use and appropriate for this waterfront setting. The proposed canopy design, lighting, glass wall, benches, and security doors are appropriate for the ferry terminal and its setting and promotes harmonious transitions in scale and character between the Seaplane Lagoon and its surrounding environment.
3. **The proposed design of the structure(s) and exterior materials and landscaping are visually compatible with the surrounding development, and design elements have been incorporated to ensure the compatibility of the structure with the character and uses of adjacent development.** The proposed ferry terminal includes a new pier, dock, and float, which are all low-profile structures, with metal handrails, ramps, and platforms that are only as high as required by health and safety codes. Collectively, they would occupy a very small percentage of the 110-acre lagoon, with little visual impact to the surrounding environment. The proposed canopy over the fixed pier is a minimalist fabric canopy design that provides an attractive weather-proofing function for the ferry riders. The shape of the canopy design provides visual interest and evokes a nautical theme that is appropriate and compatible at the Seaplane Lagoon. Other supporting architectural features, including lighting, glass wall, benches, and security gates complement the overall terminal design.

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

1. The City of Alameda as lead agency under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.), prepared the Final

Environmental Impact Report for the Alameda Point Project (FEIR) (State Clearinghouse No. 201312043) ("Final EIR").

2. On February 4, 2014, the City Council certified the Final EIR for the Alameda Point Project, including the Town Center Plan area which contains the project site.
3. After certification of the Final EIR for the Alameda Point Project, the City developed project-specific plans for the new Seaplane Lagoon Ferry Terminal and adjacent landside improvements ("Project").
4. The City caused to be prepared an Addendum to the Final EIR ("Addendum") pursuant to CEQA Guidelines Section 15164.
5. The City Council adopted the Addendum and approved the Project on April 5, 2016.
6. The Seaplane Lagoon Ferry Terminal project, overall, is consistent with the General Plan, Zoning Ordinance, and Town Center Plan.
7. This Design Review approval for the canopy, lighting, glass wall, benches, and security gates, will implement the approved project analyzed in the Final EIR and Addendum.
8. Approval of Design Review for the Seaplane Lagoon Ferry Terminal would not involve substantial changes in the Project or circumstances under which the Project is to be undertaken that would result in new or substantially more severe significant environmental effects requiring major revisions to the Final EIR, and there is no new information of substantial importance that involves new or substantially more severe significant environmental effects that would require major revisions to the Final EIR; therefore, no further environmental review is required pursuant to Public Resources Code Section 21166 and CEQA Guideline Sections 15162 and 15163.

BE IT FURTHER RESOLVED that the Planning Board approves Design Review for the Seaplane Lagoon Ferry Terminal Project, specifically the canopy design, lighting, glass wall, benches, and security gates subject to the following conditions:

- (1) This Design Review approval is specifically for the canopy design, lighting, glass wall, benches, and security gates, but excluding the ground lighting adjacent to the Ferry Terminal sign shown on the plans. The landside improvements shall require subsequent Planning Board approval.
- (2) This Design Review approval shall expire two (2) years after the date of approval, unless actual construction has begun under valid City permits or the applicant applies for and is granted a two-year extension by the Community Development Director prior to the date of expiration.
- (3) The plans submitted for the Building Permit shall be in substantial compliance with plans prepared by Marcy Wong Donn Logan Architects, dated April 26, 2018 on file in the office of the City of Alameda Planning Division, subject to the conditions specified in this resolution.
- (4) Final plans submitted for building permits shall reflect the following:

- i Handrail Design: Omit the handrail to avoid detracting from the streamline, transparent design of the glass wall.
 - ii Glass Panel Gaps: Provide a space gap between the glass panels to maintain full transparency instead of using caulking between the glass panels.
 - iii Glass Wall Height: Maintain a minimum 5-foot glass wall.
- (5) **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, 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.

NOTICE. The decision of the Planning Board shall be final unless appealed to the City Council, in writing and within ten (10) days of the decision, by Notice of Appeal stating the appellant claims that either the Board's decision is not supported by its findings or its findings are not supported by the evidence in the record.

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

NOTICE. The conditions of project approval set forth herein include certain fees and other exactions. Pursuant to Government Code Section 66020 (d) (1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and exactions. The applicant 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.

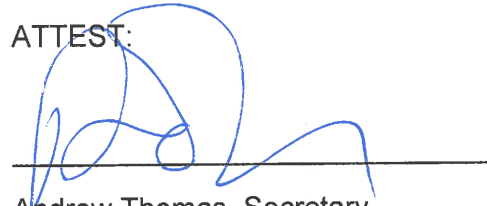
I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 14th day of May, 2018, by the following vote to wit:

AYES: (6) Mitchell, Burton, Cavanaugh, Curtis, Sullivan and Teague

NOES: (0)

ABSENT: (0)

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-18-09

APPROVING DESIGN REVIEW APPLICATION PLN17-0484 FOR A 562 SQUARE FOOT ONE-STORY REAR ADDITION TO AN EXISTING SINGLE FAMILY RESIDENCE AT 1123 VERSAILLES AVENUE.

WHEREAS, on September 20, 2017 Shirley Xie submitted an application for design review (application no. PLN17-0484) for a two-story rear addition to an existing split-level single family residence; and

WHEREAS, on March 19, 2018, staff approved the design review application with conditions of approval; and

WHEREAS, on March 26, 2018 the decision was called for review by the Planning Board; and

WHEREAS, the project site is designated as Low Density Residential in the General Plan; and

WHEREAS, the project site is located within the R-1, One-Family Residence Zoning District; and

WHEREAS, the project site is listed on the City's Historic Building Study List with a "B" designation; and

WHEREAS, the applicant submitted a new design for the addition that reduced the size of the addition to 562 square feet and one story; and

WHEREAS, the Planning Board held a public hearing on May 14, 2018 and reviewed the redesigned application for design review PLN17-0484 and all applicable material including public comments.

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

1. The proposed design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual.

The proposed new construction is compatible in design and use of materials with the existing building and surrounding neighborhood. The proposed addition meets all of the applicable development regulations within the Alameda Municipal Code, including the setbacks from property lines and maximum overall building height.

2. The proposed design is appropriate for the site, is compatible with adjacent or neighboring buildings or surroundings, and promotes harmonious transitions in

scale and character in areas between different designated land uses.

The project is consistent with the Guide to Residential Design. The reduced size of the addition is consistent with the size and massing of other residences within the surrounding neighborhood. The proposed addition has been set at the rear of the structure to preserve the single story character of the residence at the street level.

- 3. The proposed design of the structure(s) and exterior materials and landscaping are visually compatible with the surrounding development, and design elements have been incorporated to ensure the compatibility of the structure with the character and uses of adjacent development.**

The proposed addition is designed to match the existing building and it will utilize the same materials of the building which are also compatible with the design elements found on residential buildings in the neighborhood. The existing cedar shingles, waterline and stucco siding will continue, uninterrupted, through the addition.

- 4. The project complies with the Secretary of the Interior's Standards for the Treatment of Historic Properties in that all rehabilitation and exterior modifications are consistent and compatible with the historic building's architectural style.**

The proposed changes do not alter the use, character and profile of the existing structure, and maintain the original style and materials of the building that make it eligible for the City's Historic Building Study List as a background resource. The proposed addition has been designed and located to differentiate itself from the original structure by being offset from the original structure. The structure will continue to serve as a background resource for other historic structures in the neighborhood that have National or State designations.

BE IT FURTHER RESOLVED, this project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(c) - Existing Facilities, which involves the expansion of existing structures involving negligible or no expansion of use. This exemption applies to this project because the addition is less than 10,000 square feet, the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan, and the area in which it is located is not environmentally sensitive.

BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby approves Design Review **PLN17-0484**, subject to the following conditions:

1. The plans submitted for Building Permits shall be in substantial compliance with the plans prepared by Scott Cibotti, dated received April 25, 2018, on file in the office of the City of Alameda Community Development Department.
2. This approval is limited to the scope of the project defined in the project description and does not represent a recognition and/or approval of any work completed without required City permits. Any additional exterior changes shall be submitted to the Community

Development Department for review and approval prior to construction.

3. This approval is valid for two years and will expire on May 14, 2020, unless construction has commenced under valid permits.
4. The final plans submitted for Building Permit plans shall incorporate the approved window schedule.
5. New exterior lighting fixtures shall be low intensity, directed downward and shielded to minimize offsite glare.
6. The final plans submitted for Building Permit approval shall conform to all applicable codes and guidelines.
7. A site inspection to determine compliance with this Design Review Approval is required prior to the final building inspection and/or to the issuance of a Certificate of Occupancy. The applicant shall notify the Community Development Department at least four days prior to the requested Planning Inspection dates.
8. Indemnification: The applicant, or its successors in interest, 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 against the City of Alameda, Alameda City Planning Board and their respective agents, officers or employees to attack, set aside, void or annul, any approval or related decision to this project. This indemnification shall include, but is not limited to, all damages, costs, expenses, attorney fees or expert witness fees arising out of or in connection with the 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.

HOLD HARMLESS. The applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda City Planning Board and their respective agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Alameda, Alameda City Planning Board and their respective agents, officers or employees to attack, set aside, void or annul, an approval by the City of Alameda, the Community Development Department, Alameda City Planning Board, the City of Alameda City Council relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.

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

1094.6.

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

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

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 14th day of May, 2018, by the following vote to wit:

AYES: (5) Burton, Cavanaugh, Curtis, Sullivan and Teague

NOES: (0)

ABSENT: (0)

ABSTAIN: (1) Mitchell

ATTEST.



Andrew Thomas, Secretary
City of Alameda Planning Board

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**CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-18-10**

DECLARING A STATEMENT OF COMPLIANCE UNDER PERIODIC REVIEW FOR A DEVELOPMENT AGREEMENT FOR THE ALAMEDA POINT SITE A PROJECT, FOR THE PERIOD FROM AUGUST 31, 2016 THROUGH APRIL 15, 2018

WHEREAS, Alameda Point Partners, LLC (APP) has initiated a Periodic Review of a Development Agreement with the City of Alameda, as required under Zoning Ordinance Section 30-95.1; and

WHEREAS, the Planning Board held a public hearing on this request on May 29, 2018, and examined pertinent documents; and

WHEREAS, the Planning Board finds that APP has complied with the terms and conditions of the Development Agreement for the Site A Development Project, for the period from August 31, 2016 through April 15, 2018, as summarized in the Annual Report Letter submitted by APP for Planning Board review, and has demonstrated a continuing good faith effort to implement the terms and conditions as set forth in said Development Agreement; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds this action is not a project under the California Environmental Quality Act.

THEREFORE BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby declares that APP has demonstrated good faith compliance with the terms and conditions of the Development Agreement.

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 or decision on any appeal plus extensions authorized by California Code of Civil Procedure Section 1094.6.

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 Planning and Building Department a written notice of appeal stating the basis of appeal and paying the required fees.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 29th day of May, 2018, by the following vote to wit:

AYES: (6) Mitchell, Burton, Cavanaugh, Curtis, Sullivan and Teague

NOES: (0)

ABSENT: (0)

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-18-11

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA FINDING THE DISPOSITION OF CERTAIN REAL PROPERTY AT 1703 GRAND STREET TO BE IN CONFORMANCE WITH THE ALAMEDA GENERAL PLAN

WHEREAS, on August 17, 2017, the Alameda City Council authorized the sale of a surplus fire house property at 1703 Grand Street; and

WHEREAS, on April 2, 2018, the City received six offers to purchase the property; and

WHEREAS, on April 24, 2018, the City accepted an offer from the highest bidder, who seeks to purchase the property for residential use; and

WHEREAS, the property at 1703 Grand Street is designated Medium Density Residential in the Alameda General Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds this action is exempt from review under the California Environmental Quality Act pursuant to CEQA Guidelines sections 15312 (surplus government property sale) and 15301 (existing facilities); and

BE IT FURTHER RESOLVED, in accordance with Government Code section 65402(a), the Planning Board finds that the location, purpose, and extent of the disposition of real property at 1703 Grand Street is in conformity with the Alameda General Plan.

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.

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.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 29th day of May, 2018, by the following vote to wit:

AYES: (6) Mitchell, Burton, Cavanaugh, Curtis, Sullivan and Teague

NOES: (0)

ABSENT: (0)

ATTEST



Andrew Thomas, Secretary
City of Alameda Planning Board

**CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-18-12**

A RESOLUTION OF THE CITY OF ALAMEDA PLANNING BOARD RECOMMENDING THAT THE CITY COUNCIL CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT, ADOPT FINDINGS AND A STATEMENT OF OVERRIDING CONSIDERATIONS, MITIGATION MEASURES, AND A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE ALAMEDA MARINA PROJECT (PLN16-0363)

WHEREAS, Pacific Shops, Inc. (Developer) owns approximately 27.08 acres of land and water and leases an additional 17.06 acres of land and water from the City at a property located at 1815 Clement Avenue and commonly known as Alameda Marina; and

WHEREAS, the Developer proposes to redevelop the Alameda Marina site and construct several new structures on the site; and

WHEREAS, the proposed project would include a combination of residential, maritime and commercial uses that would be housed in existing structures to be rehabilitated or new structures to be built on the site, including up to 779 housing units, up to 250,000 square feet of maritime and commercial space, approximately 3.59 acres of open space, and up to 530 marina berths (collectively, the "Project"); and

WHEREAS, the City prepared an Environmental Impact Report (EIR) evaluating the potential effects of the proposed development of the Alameda Marina Project; and

WHEREAS, the EIR was circulated for comment on January 1, 2018; and

WHEREAS, the Planning Board held a duly noticed public hearing to receive public testimony on the EIR on February 12, 2018, examined pertinent maps and documents, and considered the testimony and written comments received; and

WHEREAS, following the close of the public review period, the final FEIR (Final EIR) was prepared, which responds to the written and oral comments received during the public review period and makes revisions to the EIR; and

WHEREAS, the Final EIR, which consists of the EIR and the EIR Appendices, and a Responses to Comments on the EIR volume that contains comments on the EIR, responses to those comments, and revisions to the EIR, was published on May 17, 2018; and

WHEREAS, the Planning Board held a duly noticed public hearing to receive public testimony on the Final EIR on May 29, 2018, examined pertinent maps and documents, and considered the testimony and written comments received and recommended that the City Council certify the Final EIR; and

WHEREAS, the Final EIR has been presented to and independently reviewed and considered by the City Council.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board recommends that the City Council take the following actions:

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May 29, 2018
Planning Board Meeting

1. Certify that the Final EIR for the Alameda Marina Project has been completed in compliance with CEQA, Public Resources Code sections 21000 *et seq.*, the State CEQA Guidelines, California Code of Regulations, title 14, sections 15000 *et seq.*, and all applicable state and local guidelines, and reflects the independent judgment of the City.
2. Adopt Findings for the Project, including a Statement of Overriding Considerations, attached hereto as Exhibit A, and adopt and incorporate into the Project all of the mitigation measures within the responsibility and jurisdiction of the City of Alameda which are identified in the Findings.
3. Adopt the Mitigation Monitoring and Reporting Program for the Project, attached hereto as Exhibit B.
4. Include and adopt additional factual information regarding Public Safety response times, Bay Farm Island Bridge traffic, and high school enrollment impacts that were previously included in staff reports and presentations on the subject project.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 29th day of May, 2018, by the following vote to wit:

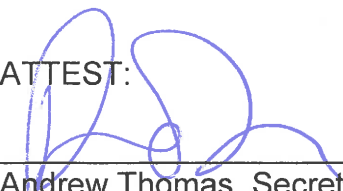
AYES: (5) Mitchell, Cavanaugh, Curtis, Sullivan and Teague

NOES: (0)

ABSENT: (0)

ABSTAIN: (1) Burton

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

* * * * *

EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE ALAMEDA MARINA PROJECT

I. INTRODUCTION

The City of Alameda (“City”), as lead agency under the California Environmental Quality Act (“CEQA”), Public Resources Code Section 21000 *et seq.*, has prepared the Final Environmental Impact report for the Alameda Marina Project (State Clearinghouse No. 2016102064) (“Final EIR”). The Final EIR is a project-level EIR pursuant to Section 15161 of the Guidelines for implementation of CEQA (“State CEQA Guidelines”).¹ The Final EIR consists of the January 2018 Public Review Draft Alameda Marina Master Plan Environmental Impact Report (“EIR”), the May 2018 Response to Comments on the EIR (“Response to Comments document”), and revisions to the EIR contained in the Response to Comments document.

In determining to approve the Alameda Marina Master Plan (“Project”), which is described in more detail in Section II, below, the City makes and adopts the following findings of fact and statement of overriding considerations, and adopts and incorporates into the Project all of the mitigation measures identified in the Final EIR, all based on substantial evidence in the whole record of this proceeding (“administrative record”). Pursuant to Section 15090(a) of the State CEQA Guidelines, the Final EIR was presented to the City, and the City reviewed and considered the information contained in the Final EIR prior to making the findings in Sections IV through XIV, below. The conclusions presented in these findings are based on the Final EIR and other evidence in the administrative record.

II. PROJECT DESCRIPTION

The Project, as fully described in Chapter 3 of the EIR, involves the redevelopment of approximately 44 acres of land and water located at 1815 Clement Avenue in the north-central portion of the City of Alameda. The project site encompasses approximately 27.08 acres of private land, including privately-owned submerged land, and 17.06 acres of State tidelands that are held in trust by the City of Alameda and leased to Pacific Shops, Inc. The proposed Project would demolish most existing structures on the Project site and allow for development of up to 779 new housing units, a marina with up to 530 boat slips and a harbormaster’s office, approximately 250,000 square feet of maritime and commercial uses, and about 3.59 acres of waterfront-related public open space and parks.

¹ The State CEQA Guidelines are found at California Code of Regulations, Title 14, Sections 15000 *et seq.*

The residential unit types proposed include: townhomes, three to four story multifamily stacked flat buildings, and four to five story wrap buildings. A range of commercial and maritime uses are permitted and could include a maritime workplace with maritime and craftsman work spaces, business and professional offices, work/live studios, and kayak and bicycle rental shops. Other proposed improvements include establishing locations for launching kayaks and other small watercraft, provisions for a future public water taxi/water shuttle, a new internal roadway system and utility infrastructure, and parking throughout the site. A shoreline public promenade, offering views of the Oakland skyline and hills, the Oakland Estuary and Coast Guard Island would encircle the proposed residential mixed-use community. The shoreline infrastructure will also be repaired or replaced, and will include the repair and replacement of approximately 4,000 linear feet of seawalls and bulkheads, upgrades for utilities to support the existing marina, marina dredging associated with the seawall construction and operation of the marina, sub surface debris removal associated with the prior history of the Project site, and repair of the graving dock.

As set forth in Chapter 3 of the Draft EIR, the project objectives are as follows:

Improve and Enhance the Maritime Commercial Marina

- Maintain Alameda Marina as a working waterfront and retain and/or promote Alameda Marina's maritime uses by creating a Maritime Commercial Core that utilizes the maritime footprint more efficiently.
- Encourage the retention and development of waterfront and maritime-related job and business opportunities that relate to the area's waterfront location.
- Upgrade and rehabilitate facilities, unique buildings, as feasible, and provide land for existing maritime businesses, boat berthing and maintenance, boat storage, and waterfront commercial recreation businesses.
- Provide sea level rise protection and other infrastructure upgrades to bring Alameda Marina up to date to make it a safe and accessible place.

Activate and Reconnect the Community to the Waterfront

- Reconnect the community to the waterfront by extending the existing city grid into the site to allow for additional view corridors and access points through the site to the shoreline edge.
- Create public amenities and opportunities for gathering spaces for existing and future community members by developing new open space areas within and along the shoreline edge with a Bay Trail component.

Create a Dynamic New Neighborhood for Everyone

- Provide housing of various types to fulfill the goals of the City's Housing Element and help meet the City's Regional Housing Need Allocation.

- Provide options for housing that meet the need of a wide demographic that includes universally designed units, affordable, rental, work force market-rate and market-rate units.
- Integrate Alameda Marina's core maritime uses, including those governed by the Tidelands Lease, with renovated and new compatible uses, including various types of housing.
- Develop a mixed-use project that allows for a mix of compatible uses at the site.
- Provide opportunities for the improvement of the existing boat Marina and shoreline infrastructure; maintain and generate new jobs; and create better and new open space and recreational areas.

Provide Financially Sound Development

- Develop an economically sustainable and financially sound new development that can fund the construction of the public facilities and services that are needed to serve the plan area and achieve General Plan objectives, while avoiding any financial impact on the City's ability to provide services to the rest of the City.
- Fulfill the project sponsor's obligations under the Tidelands and Marina Lease.

III. ENVIRONMENTAL REVIEW PROCESS

On October 27, 2016, the City issued a Notice of Preparation ("NOP") of the EIR. The NOP requested that agencies with regulatory authority over any aspect of the project describe that authority and identify the relevant environmental issues that should be addressed in the EIR. Interested members of the public were also invited to comment. The NOP was circulated for comment by responsible and trustee agencies and the public for a total of 34 days from October 27, 2016, through November 30, 2016, during which time the City held a public scoping meeting on November 14, 2016. Based on input from the public, and following further consultation with the City, a revised Master Plan was submitted in May 2017, and a revised NOP was released on July 13, 2017. Comments on the NOP and the revised NOP were received by the City and considered during preparation of the EIR.

The EIR was made available for public review on January 1, 2018, and distributed to responsible and trustee agencies and the public. It was circulated for public review through February 15, 2018, for a total of 45 days, during which time the City held a public hearing on the EIR on February 12, 2018.

The Response to Comments document was issued on May 17, 2018. On May 29, 2018, at a duly noticed public hearing, the Planning Board recommended that the City Council certify the Final EIR.

The Planning Board recommended that the findings, recommendations, and statement of overriding considerations set forth below (the "Findings") be made and adopted by the City Council regarding the Project's significant environmental effects ("significant impacts"), mitigation measures, alternatives to the Project, and the overriding considerations that support approval of the Project despite any remaining significant impacts it may have.

IV. FINDINGS

These findings summarize the environmental determinations of the Final EIR about project impacts before and after mitigation, and do not attempt to repeat the full analysis of each significant impact contained in the Final EIR. Instead, these findings provide a summary description of and basis for each impact conclusion identified in the Final EIR, describe the applicable mitigation measures identified in the Final EIR, and state the City's findings and rationale about the significance of each significant impact following the adoption and incorporation of mitigation measures into the Project. A full explanation of these environmental findings and conclusions can be found in the Final EIR, and these findings hereby incorporate by reference the discussion and analysis in the Final EIR supporting the Final EIR's determinations regarding mitigation measures and the Project's impacts.

In adopting mitigation measures below, the City intends to adopt each of the mitigation measures identified in the Final EIR. Accordingly, in the event a mitigation measure identified in the Final EIR has been inadvertently omitted from these findings, such mitigation measure is hereby adopted and incorporated into the Project in the findings below by reference. In addition, in the event the language of a mitigation measure set forth below fails to accurately reflect the mitigation measure in the Final EIR due to a clerical error, the language of the mitigation measure as set forth in the Final EIR shall control unless the language of the mitigation measure has been specifically and expressly modified by these findings.

Sections V through VIII, below, provide brief descriptions of the impacts that the Final EIR identifies as either significant and unavoidable, less than significant with adopted mitigation, or less than significant without mitigation. These descriptions also reproduce the full text of the mitigation measures identified in the Final EIR for each significant impact.

V. SIGNIFICANT OR POTENTIALLY SIGNIFICANT IMPACTS THAT CANNOT BE AVOIDED OR MITIGATED TO A LESS-THAN-SIGNIFICANT LEVEL

The Final EIR identifies the following significant and unavoidable adverse impacts associated with the approval of the Project, some of which can be reduced, although not to a less-than-significant level, through implementation of mitigation measures identified in the Final EIR. In addition, the City cannot require adoption or implementation of mitigation measures for some impacts because they are within the responsibility and jurisdiction of other public agencies. Pub. Resources Code § 21081(a)(2). Therefore, as explained below, some impacts will remain significant and unavoidable notwithstanding adoption of feasible mitigation measures. To the extent that these mitigation measures will not mitigate or avoid all significant effects on the environment, and because the City cannot require mitigation measures that are within the responsibility and jurisdiction of other public agencies to be adopted or implemented by those agencies, it is hereby determined that any remaining significant and unavoidable adverse impacts are acceptable for the reasons specified in Section XIII, below. Pub. Resources Code § 21081(a)(3). As explained in Section X, below, the findings in this Section V are based on the Final EIR, the discussion and analysis in which is hereby incorporated in full by this reference.

A. Impact CUL-1: Project implementation would cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5.

The Alameda Marina Project, as proposed, would include the demolition of 26 of the 37 buildings in the Project area. Of the 17 contributing buildings and one structure in the Alameda Marina Historic District, 11 would be demolished (Buildings 1, 4, 6, 12, 22, 28, 29, 31, 32, 33, and 34). Buildings 13, 14, 16, 17, 18, 19, 21, 25, 26, and 27 would remain. All three buildings deemed individually eligible for the National Register (16, 19, and 27) would be retained. The demolition of many of the District's contributing buildings, which have been determined to be historical resources, is considered a significant impact under CEQA.

This impact cannot be reduced to a less-than-significant level; however, implementation of the Mitigation Measure CUL-1a (Treatment of Historic Properties), Mitigation Measure CUL-1b (Documentation), and Mitigation Measure CUL-1c (Interpretive Display) set forth below, which are hereby adopted and incorporated into the Project, would reduce impacts, to the extent feasible, to historical resources by documenting the resource and preserving the history of the site and buildings. Overall, the proposed Project would cause a substantial adverse change in the significance of a historical resource, and this impact would be significant and unavoidable with mitigation.

Mitigation Measure CUL-1a: Treatment of Historic Properties (Buildings 16 19 and 27). Alterations, to the exteriors of Buildings 16, 19 and 27, shall conform to the Secretary of the Interior's Standards for the Treatment of Historic Properties and Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, if feasible (NPS, 1995) and PRC 5024.5.

Mitigation Measure CUL-1b: Documentation. The project proponent shall prepare a treatment plan including but not limited to photo documentation and public interpretation of the Alameda Marina Historic District (Buildings 1, 4, 6, 12, 15, 16, 17, 19, 21, 22, 27, 28, 29, 31, 32, 33, 34, and the graving dock). Photo documentation will be overseen by a Secretary of the Interior-qualified architectural historian, documenting the affected historical resource in accordance with the National Park Service's Historic American Buildings Survey (HABS) and/or Historic American Engineering Record (HAER) standards. Such standards typically include large-format photography using (4x5) negatives, written data, and copies of original plans if available. The HABS/HAER documentation packages will be archived at local libraries and historical repositories, as well as the Northwest Information Center of the California Historical Resources Information System.

Mitigation Measure CUL-1c: Interpretive Display. Public interpretation of historical resources shall be provided and could include a plaque, kiosk, or other method of describing the Alameda Marina Historic District's historic or architectural importance to the general public. The design and placement of the display(s) shall be reviewed and approved by the City of Alameda Historic Advisory Board.

B. Impact CUL-4: Project construction could cause a substantial adverse change in the significance of a Tribal Cultural Resource as defined in Public Resources Code Section 21074.

Based on background research, there is an extensive prehistoric archaeological site with human burials (CA-ALA-11) present in a portion of the Project area. The site is recommended as eligible for listing in the California Register and for the purposes of CEQA is considered a tribal cultural resource. In the event that construction activities disturb archaeological sites that are considered tribal cultural resources, damage would be considered a significant impact.

Implementation of Mitigation Measure CUL-2a (Archaeological Research Design and Treatment Plan) and Mitigation Measure CUL-4 (Tribal Cultural Resources Interpretive Program) set forth below, which are hereby adopted and incorporated into the Project, would reduce these impacts, but not to a less-than-significant level.

Mitigation Measure CUL-2a: Archaeological Resources Management Plan. During the preliminary design for development within the project area, and prior to submittal of a building permit or grading application to the City of Alameda, the project applicant shall undertake the following:

- **Preservation in Place.** A qualified archaeologist, in consultation with the City of Alameda, the project applicant, and the appropriate Native American representative(s) shall determine whether preservation in place of site CA-ALA-11 is feasible. Consistent with CEQA Guidelines Section 15126.4(b)(3), this may be accomplished through planning construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; or deeding the site into a permanent conservation easement.

If it is determined that preservation in place is not feasible for the resource and another type of mitigation would better serve the interests protected by CEQA, mitigation shall include testing and data recovery through archaeological investigations and the project applicant shall undertake the following:

- **Archaeological Resources Management Plan.** Because a significant archaeological resource (CA-ALA-11) has been previously identified in the project area, the project proponent shall retain a Secretary of the Interior-qualified archaeologist, in consultation with a Native American representative(s), to prepare and implement an Archaeological Resources Management Plan (ARMP). The ARMP shall include a preliminary testing program to identify the types of expected archaeological materials, the testing methods to be used to define site boundaries and constituents, and the locations recommended for testing. The purpose of the testing program will be to determine to the extent possible the presence or absence of archaeological materials in the proposed areas of disturbance for the project and to determine whether those materials contribute to the significance of site CA-ALA-11. If a significant contributing element to the site is in the project area, the project proponent shall conduct a data recovery program as outlined in the ARMP. The ARMP will include how the data recovery program would preserve

the significant information the archaeological resource is expected to contain. Treatment would consist of (but would not be not limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim of targeting the recovery of important scientific data contained in the portion(s) of the significant resource to be impacted by the project. The ARMP shall include provisions for analysis of data in a regional context; reporting of results within a timely manner and subject to review and comments by the appropriate Native American representative, before being finalized; curation of artifacts and data at a local facility acceptable to the City and appropriate Native American representative; and dissemination of final confidential reports to the appropriate Native American representative, the Northwest Information Center of the California Historical Resources Information System and the City.

Mitigation Measure CUL-4: Tribal Cultural Resources Interpretive Program. In consultation with the affiliated Native American tribal representatives, the proposed project shall be redesigned so as to avoid any adverse effect on the significant tribal cultural resource, if feasible. If preservation in place of the tribal cultural resource is not a sufficient or feasible option, the project applicant shall implement an interpretive program of the tribal cultural resource in consultation with affiliated tribal representatives. The plan shall identify, as appropriate, proposed locations for installations or displays, the proposed content and materials of those displays or installation, the producers or artists of the displays or installation, and a long term maintenance program. The interpretive program may include artist installations, preferably by local Native American artists, oral histories with local Native Americans, artifacts displays and interpretation, and educational panels or other informational displays.

C. Impact C-CUL-1: The project, in combination with past, present, and probable future projects, would substantially contribute to cumulative adverse historic architectural resources impacts.

The potential impacts of the Project when considered together with similar impacts from other probable future projects in the vicinity could result in a significant cumulative impact on historic architectural resources. The proposed Project's contribution to this impact could be cumulatively considerable, as documented above under Impact CUL-1, especially due to the unique nature of the site and its ties to both World War I and World War II. Many World War II-era shipyards in the Bay Area were demolished in the 1950s or 1960s, but, so far, the Alameda Marina has remained, albeit with a substantial loss of integrity as all water-side elements of the former shipyard were removed several decades ago.

Implementation of Mitigation Measures CUL-1a, CUL-1b, and CUL-1c, set forth above, would reduce these impacts, but not to a less-than-significant level.

D. Impact C-CUL-3: The project, in combination with past, present, and probable future projects, could result in cumulative adverse impacts on tribal cultural resources.

The geographic scope for cumulative effects on tribal cultural resources includes projects in Alameda that would also involve disturbance in locations with tribal cultural resources, as defined by PRC Section 21074. Cumulative projects that would potentially impact tribal cultural resources would be a potentially significant impact. Unless a tribal cultural resource can be avoided and preserved in place according to the provisions set forth by PRC Section 21084.3, impacts to tribal cultural resources would not be reduced to a less-than-significant level, even with implementation of Mitigation Measure CUL-4 set forth above, and the cumulative impact would be significant and unavoidable.

E. Impact TRA-2: The proposed project would increase traffic volumes such that traffic conditions at the Park Street/Blanding Avenue and Park Street/Clement Avenue intersections would either deteriorate from LOS D to LOS F or the proposed project would increase traffic volumes by three percent or more.

The proposed Project would cause a significant impact at the following intersections:

- Park Street/Blanding Avenue (#7) intersection under Existing Plus Project conditions – The proposed Project would increase traffic volumes such that the intersection would deteriorate from LOS D to LOS F in the PM peak hour.
- Park Street/Blanding Avenue (#7) intersection under Cumulative (2040) Plus Project conditions - The proposed Project would increase traffic volumes by three percent or more at the intersection which would operate at LOS F during the AM peak hour, and increase traffic volumes such that the intersection would deteriorate from LOS D to LOS F during the PM peak hour.
- Park Street/Clement Avenue (#8) intersection under Cumulative (2040) Plus Project conditions - The proposed Project would increase traffic volumes by three percent or more at the intersection which would operate at LOS F during both AM and PM peak hours regardless of the Project.

Implementation of Mitigation Measure TRA-2, set forth below, which is hereby adopted and incorporated into the Project, would reduce these impacts, but not to a less-than-significant level.

Mitigation Measure TRA-2: Implement Mitigation Measure TRA-1, which would consist of implementing a TDM program at the project site.

Mitigation Measure TRA-1: To reduce the amount of VMT generated by the project, as well as the number of automobile trips generated by the project and to reduce automobile LOS impacts, the project shall prepare a Transportation Demand Management (TDM) Plan and funding program for Planning Board review and approval. The TDM plan shall include the following measures to reduce VMT and vehicle trips, particularly single-occupant vehicle trips, by project residents, workers, and visitors:

- All residents and employers at Alameda Marina will pay annual fees to support

supplemental transit services and trip reduction services for the residents and employees.

- All residents and employees will be provided with AC Transit Easy Passes, which will provide access to all of AC Transit's services including the San Francisco express commuter buses. The cost of the passes will be included in the mandatory assessments on each unit, which dis-incentivizes future residents who prefer to drive alone and do not want to use transit.
- Residents of the non-townhome units, who wish to have cars, will be required to lease parking spaces on a monthly basis in a shared parking lot or structure. The cost of the parking will be "unbundled" from the cost of the residential unit, which provides a financial incentive for residents to reduce car ownership and take advantage of the AC Transit passes, which are "bundled" into the cost of their residential units. (The 162 townhomes will have private parking.)
- The project residents will be members of the Alameda Transportation Management Agency, which will provide transportation information services to all of the residents through a TMA website and through annual surveys of resident transportation needs.
- The project will provide access to car share and guaranteed ride home services to make it easier for residents and employees to reduce their dependence on a private automobile and increase use of project-provided transit services.
- Resident annual assessments in the Northern Waterfront area currently fund supplemental commute hour service on the AC Transit Line 19, which provides direct service to Fruitvale and 12th Street BART stations. Future assessments received from project residents and employers will allow for additional transit services and future water shuttle services designed to serve the waterfront developments along the Estuary in Alameda and Oakland and connect the project sites to the regional ferry services provided from Jack London Square in Oakland and the Main Street Terminal in Alameda.

F. Impact TRA-3: In the event that the planned Clement Avenue extension is not completed prior to project opening, the proposed project could increase traffic volumes at intersections on Buena Vista Avenue such that traffic operations could deteriorate to substandard conditions.

Clement Avenue is an east/west Regional Arterial along the northern Alameda waterfront between Grand Street in the west and Broadway in the east. The roadway currently terminates at Grand Street and the Shell Oil Facility, but then begins again to the west of the Shell Oil Facility, where it provides an important means of access and circulation to the recently-completed Marina Cove and Marina Shores residential developments west of the Alameda Marina Project site. Improvement to Clement Avenue was a required mitigation for both of those projects, and those improvements have been completed between Hibbard Street and Entrance Road. The future extension of Clement Avenue westwards from Entrance Road to Atlantic Avenue is also a required mitigation for the approved Del Monte Warehouse project, and is also a conditional mitigation requirement for the proposed Encinal Terminals project in the event that the Del Monte

project's contribution does not materialize prior to the Encinal Terminals project coming online.

The timeline for the completion of the Clement Avenue extension is uncertain, and it is possible that if the Alameda Marina Master Plan Project is approved and constructed, it could come online before the extension is completed. In that event, significant traffic impacts could occur at locations along Buena Vista Avenue, specifically at its intersection with Entrance Road.

Implementation of Mitigation Measure TRA-3, set forth below, which is hereby adopted and incorporated into the Project, would reduce these impacts, but not to a less-than-significant level.

Mitigation Measure TRA-3 (revised): The project shall pay a fair share contribution to the cost of the Clement Avenue extension from Atlantic Avenue to Grand Street. The fair share contribution shall be calculated based upon a traffic study to calculate the fair share contribution of each Northern Waterfront development project including the Del Monte Warehouse Project, the Encinal Terminals Project, the Windriver fifth building project, and Alameda Marina, which will contribute traffic trips to the Clement Avenue Extension. The City shall require all developers to contribute their fair share as determined by the traffic study. The Alameda Marina fair share contribution shall be paid on a pro-rata basis for each residential phase of the Alameda Marina project (number of units in phase divided by total number of units in project multiplied by the fair share contribution). Each portion of the fair share contribution shall be paid prior to issuance of the first building permit for the current residential phase if work on the Clement Avenue extension has been initiated by another developer of a Northern Waterfront development project. If the work has not been initiated by another developer prior to issuance of the first building permit for Alameda Marina, the contribution shall be made prior to issuance of the first residential Certificate of Occupancy on the property.

VI. SIGNIFICANT OR POTENTIALLY SIGNIFICANT IMPACTS THAT CAN BE AVOIDED OR MITIGATED TO A LESS-THAN-SIGNIFICANT LEVEL BY MITIGATION MEASURES INCORPORATED INTO THE PROJECT.

The Final EIR identifies the following significant or potentially significant impacts associated with the Project. These impacts are eliminated or reduced to a less-than-significant level by mitigation measures identified in the Final EIR. It is hereby determined that the impacts addressed by these mitigation measures will be mitigated to a less-than-significant level or avoided by incorporation of these mitigation measures into the Project. Pub. Resources Code § 21081(a)(1). As explained in Section X, below, the findings in this Section are based on the Final EIR, the discussion and analysis in which is hereby incorporated in full by this reference.

A. Impact AQ/CC-1: The proposed project would not result in localized construction dust-related air quality impacts; generate construction emissions that would result in a substantial increase of criteria pollutants and precursors for which the air basin is in nonattainment under an applicable federal or state ambient air quality standard; or expose sensitive receptors to substantial concentrations of toxic air contaminants or respirable particulate matter (PM2.5).

The Final EIR finds that Project related demolition, soil transport, remediation, grading and other construction activities at the Project site may cause wind-blown dust that could release particulate matter into the atmosphere. Project-related construction would generate air emissions through the use of heavy-duty construction equipment, from vehicle trips hauling materials, and from construction workers traveling to and from the Project site. These emissions would be temporary and limited to the immediate area surrounding the construction site. Based on default assumptions from CalEEMod, construction emissions associated with the Project would be less than significant. The BAAQMD requires implementation of Best Management Practices to reduce construction dust impacts to a less than-significant level. Mitigation Measure AQ/CC-1, set forth below, which is hereby adopted and incorporated into the Project, would reduce impacts to less than significant levels.

Mitigation Measure AQ/CC-1: Implementation of Dust Abatement Programs. The project applicant shall be required to demonstrate compliance with all applicable City regulations and operating procedures prior to issuance of building or grading permits, including standard dust control measures. The effective implementation of dust abatement programs, incorporating all of the following dust control measures, would reduce the temporary air quality impact associated with construction dust.

- All active construction areas shall be watered two times daily using equipment and staff provided by the project applicant or prime contractor, as needed, to avoid visible dust plumes. Appropriate non-toxic dust palliative or suppressant, added to water before application, may be used.
- All trucks hauling soil, sand and other loose materials shall be covered.
- All unpaved access roads, parking areas and construction staging areas shall be either paved, watered as necessary to avoid visible dust plumes, or subject to the application of (non-toxic) soil stabilizers.
- All paved access roads, parking areas and staging areas at the construction site shall be swept daily with water sweepers. The use of dry power sweeping is prohibited.
- If visible soil material is carried onto adjacent public streets, these streets shall be swept daily with water sweepers. The use of dry power sweeping is prohibited.

- All stockpiles of debris, soil, sand or other materials that can be blown by the wind shall either be covered or watered as necessary to avoid visible dust plumes.
- An off-pavement speed limit of 15 miles per hour for all construction vehicles shall be incorporated into the construction contract and enforced by the prime contractor.
- All inactive portions of the project site (those areas which have been previously graded, but inactive for a period of ten days or more) shall be watered with an appropriate dust suppressant, covered or seeded.
- All earth-moving or other dust-producing activities shall be suspended when the above dust control measures prove ineffective in avoiding visible dust plumes during periods of high winds. The wind speed at which this suspension of activity will be required may vary, depending on the moisture conditions at the project site, but suspension of such activities shall be required in any case when the wind speed exceeds 25 miles per hour.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the City of Alameda regarding dust complaints. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

B. Impact AQ/CC-5: The proposed project would not conflict with or obstruct the implementation of the applicable air quality plan.

The Final EIR finds that the Project could result in an increase in emissions of criteria pollutants during operations. Therefore, the Project could potentially conflict with or obstruct implementation of the most recently adopted air quality plan, which is BAAQMD's *2017 Clean Air Plan*. Consistency with the Clean Air Plan can be determined if the Project meets the following criteria: 1) supports the goals of the Clean Air Plan; 2) includes applicable control measures from the Clean Air Plan; and 3) would not disrupt or hinder implementation of any control measures from the Clean Air Plan.

The Project would not exceed the BAAQMD's significance criteria for air pollutant emissions and would, therefore, be consistent with the first of the criteria for consistency with the Clean Air Plan. The Final EIR finds that with elements identified as part of the proposed Project and with implementation of Mitigation Measure AQ/CC-3, the proposed Project would be consistent with applicable control measures of the Clean Air Plan. The proposed Project

meets the third criteria for consistency with the Clean Air Plan by incorporating applicable control measures, including a TDM program, creation of new bicycle and pedestrian facilities that connect to the City's existing network, and implementation of Mitigation Measure AQ/CC-3.

With Mitigation Measure AQ/CC-3, set forth below, which is hereby adopted and incorporated into the Project, the Project would not substantially conflict with or obstruct implementation of the 2017 Clean Air Plan, and the impact would be less than significant.

Mitigation Measure AQ/CC-3: The City shall require that the following measures be implemented, either by the City or the project applicant, or both in combination, to encourage the use of low- and zero-emission vehicles in travel to and from the project site and construction meeting LEED Silver or equivalent sustainable design standards:

- Promote use of clean fuel-efficient vehicles through preferential parking and/or installation of charging stations.
- Require LEED Silver certification or equivalent for all new residential structures.
- Promote zero-emission vehicles by providing a neighborhood electric vehicle program to reduce the need to have a car or second car as an element of the TDM program.

C. Impact C-AQ/CC-2: The proposed project would not generate greenhouse gas (GHG) emissions, either directly or indirectly, that would have a significant impact on the environment.

The Final EIR finds that construction activities would produce combustion emissions from various sources, but that implementation of the construction emission control measures in Mitigation Measure AQ/CC-1, set forth above, would further reduce GHG emissions during Project construction.

During operations, the Final EIR also finds that the proposed Project would generate 5,783 metric tons of CO₂e per year, which is above the BAAQMD's screening threshold of 1,100 metric tons of CO₂e per year. The Project would develop up to 779 residential units which would accommodate a service population of 1,932 people. Therefore, the Project's GHG emissions would result in a GHG efficiency of 2.9 metric tons per service population per year which is below the BAAQMD's threshold of 4.6 metric tons per service population per year for year 2020. According to the BAAQMD, a project would have less-than-significant GHG emissions if it would meet one or more of the criteria. Therefore, because the Project results in emissions below the 4.6 metric tons CO₂e per service, the Project would not have a significant effect on the environment related to greenhouse gas emissions with respect to the GHG reduction goals for year 2020.

For year 2030, a new interim goal of a further 40 percent reduction below 1990 levels has been adopted by CARB pursuant to Senate Bill 32. Applying these further needed reductions to the service population threshold results in an operational-related greenhouse gas emissions threshold of 2.8 metric tons of CO₂e per service population as sufficient to achieve the goals for year 2030 (Vintze, 2016). As currently proposed, the Project would just exceed this year 2030 threshold by 0.1 metric ton of CO₂e per year. However, implementation of Mitigation Measure AQ/CC-3 identified above, which is hereby adopted and incorporated into the Project, for consistency with the 2017 Clean Air Plan would require the applicant to obtain LEED silver certification or its equivalent for proposed residential structures as well as other measures that would reduce Project-related GHG emissions.

D. Impact BIO-1: The proposed project would not have a substantial adverse effect, either directly or through habitat modifications, on species identified as candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the United States Fish and Wildlife Service.

The Final EIR finds that sensitive aquatic communities, special-status fish, and marine mammals that occur in Alaska Basin and the Oakland-Alameda Estuary could be adversely impacted by Project activities requiring in-water work associated with rehabilitation of pilings and docks in the marina. Special-status and migratory bird species have the potential to be at or in the vicinity of the Project site and could be adversely impacted by construction activities associated with the demolition of existing buildings which could disrupt occupied avian nests. The Oakland-Alameda Estuary and Alaska Basin waters could be used by harbor seals and sea lions for foraging and thus, there is a potential for noise from proposed pile driving activities to significantly affect these marine mammals.

Implementation of noise reduction measures to protect fish and marine mammals in Mitigation Measure BIO-1a, BIO-1b, and BIO- 1c, set forth below, which are hereby adopted and incorporated into the Project, would reduce the impacts to a less than significant level.

Increased artificial illumination of Bay waters at night can alter normal swimming and foraging behavior of fish, marine mammals, and seabirds. The potential for impacts on special-status species from artificial night lighting on marina and future water shuttle facilities would be potentially significant. Implementation of Mitigation Measure BIO-1d, as set forth below, is hereby adopted and incorporated into the Project, would reduce impacts to a less than significant level.

Construction disturbance from building demolition or vegetation and tree removal during breeding bird season in support of the proposed Project could result in incidental loss of fertile

eggs or nestlings, or otherwise lead to nest abandonment of active nests within Project structures or in trees or buildings in the vicinity of the proposed Project site. Equipment staging and construction activities may result in indirect impacts to protected breeding birds resulting from construction noise and activity, even when the physical nest is unaffected. Implementation of Mitigation Measure BIO-1e, set forth below, which is hereby adopted and incorporated into the Project, would reduce impacts on breeding birds from Project activities to less than significant.

Dredging operations can directly impact birds during foraging in several ways. Noise caused by dredging can cause partial or complete avoidance of usual foraging locations, requiring birds to expend more energy finding new foraging locations. Dredging operations can increase normally occurring anthropogenic and natural levels of turbidity in the Bay. Increased turbidity may decrease foraging success by decreasing prey abundance or making it more difficult for piscivorous birds to detect prey. According to the 2001 *Long-Term Management (LTMS) Strategy for the Placement of Dredged Material in the San Francisco Bay Region Management Plan*, the LTMS specifies that dredging activities within this potential impact area within the one mile coastline from Berkeley Marina south through San Lorenzo Creek should not occur during the period in which (and just prior to which) least terns might be nesting in the San Francisco Bay area (March 16–July 31). Because the proposed Project and associated in-water components are located within this area where potential foraging effects may occur, the project applicant would be required by Section 10 and/or Section 404 permitting conditions to limit dredging to occur outside of this sensitive period. With respect to pile driving activities associated with in-water work, implementation of Mitigation Measures BIO-1a, BIO-1b, BIO-1c and BIO-1d, as set forth below, would minimize potential impacts on fish and, consequently, the foraging birds that depend on them.

Mitigation Measure BIO-1a: Prior to the start of in-water construction and maintenance that would require pile driving, the project applicant shall prepare a NMFS-approved sound attenuation monitoring plan to protect fish and marine mammals, if impact pile driving is required for project implementation. This plan shall provide detail on the sound attenuation system, detail methods used to monitor and verify sound levels during pile driving activities, and describe management practices to be taken to reduce impact hammer pile-driving sound in the marine environment to an intensity level of less than 183 dB. The sound monitoring results shall be made available to the NMFS. The plan shall incorporate, but not be limited to, the following best management practices (BMPs) to meet the 183 dB performance standard:

- To the extent feasible, all pilings shall be installed and removed with vibratory pile drivers only. If feasible, vibratory pile driving will be conducted following the Corps' *"Proposed Procedures for Permitting Projects that will Not Adversely Affect Selected Listed Species in California"*. USFWS and NOAA completed Section 7 consultation on this document, which establishes general procedures for minimizing impacts to natural resources associated with projects in or adjacent to jurisdictional waters.
- An impact pile driver may only be used where necessary to complete installation of larger steel pilings in accordance with seismic safety or other engineering criteria.

- If necessary, the hammer shall be cushioned using a 12-inch thick wood cushion block during all impact hammer pile driving operations.
- All piling installation using impact hammers shall be conducted between June 1 and November 30, when the likelihood of sensitive fish species being present in the work area is minimal.
- If pile installation using impact hammers must occur at times other than the approved work window, the project applicant shall obtain incidental take authorization from NMFS and CDFW, as necessary, to address potential impacts on steelhead trout, chinook salmon, and Pacific herring and implement all requested actions to avoid impacts.
- The project applicant shall monitor and verify sound levels during pile driving activities. The sound monitoring results will be made available to NMFS and the City.
- In the event that exceedance of noise thresholds established and approved by NMFS occurs, a contingency plan involving the use of bubble curtains or air barrier shall be implemented to attenuate sound levels to below thresholds.

Mitigation Measure BIO-1b: During the project permitting phase, any activities requiring in-water work will either proceed under one of the programmatic consultations for federally listed species described above or a project-level BO would be required. Alternatively, the project will obtain Incidental Harassment Authorization for marine mammals for dredging or pile driving activities. The project applicant shall also consult with CDFW regarding project impacts on State listed special-status fish species and the potential need for an incidental take permit (ITP). The project applicant shall submit to the City copies of any IHA and/or ITP received or, alternatively, copies of correspondence confirming that an IHA and/or ITP is not required for the project in question.

Mitigation Measure BIO-1c: As part of the NMFS-approved sound attenuation monitoring plan required for pile driving in Mitigation Measure BIO-1a, the City shall ensure that the project applicant implements these additional actions to reduce the effect of underwater noise transmission on marine mammals. These actions shall include at a minimum:

- Establishment of a 1,600-foot (500-meter) safety zone that shall be maintained around the sound source, for the protection of marine mammals in the event that sound levels are unknown or cannot be adequately predicted.
- Work activities shall be halted when a marine mammal enters the 1,600-feet (500-meter) safety zone and resume only after the animal has been gone from the area for a minimum of 15 minutes.
- A “soft start” technique shall be employed in all pile driving to give marine mammals an opportunity to vacate the area.
- Maintain in-air sound levels at the noise source below 90 dBA when pinnipeds (seals and sea lions) are present.
- A NMFS-approved biological monitor will conduct daily surveys before and during

impact hammer pile driving to inspect the work zone and adjacent Bay waters for marine mammals. The monitor will be present as specified by NMFS during the impact pile-driving phases of construction.

Mitigation Measure BIO-1d: Through the Design Review application process, the City shall ensure that the project applicant installs dock lighting on all floating docks and adjacent areas that minimizes artificial lighting of Bay waters by using shielded, low-mounted, and low light-intensity fixtures and bulbs.

Mitigation Measure BIO-1e: To the extent practicable, construction activities including building renovation, demolition, vegetation and tree removal, and new site construction shall be performed between September 1 and January 31 in order to avoid breeding and nesting season for birds. If these activities cannot be performed during this period, a preconstruction survey for nesting birds shall be conducted by a qualified biologist.

In coordination with the City, surveys shall be performed during breeding bird season (February 1 – August 31) no more than 14 days prior to construction activities listed above in order to locate any active passerine nests within 250 feet of the project site and any active raptor nests within 500 feet of the project site. Building renovation, demolition, tree and vegetation removal, and new construction activities performed between September 1 and January 31 avoid the general nesting period for birds and therefore would not require pre-construction surveys.

If active nests are found on either the proposed construction site or within the 500-foot survey buffer surrounding the proposed construction site, no-work buffer zones shall be established around the nests in coordination with CDFW. No renovation, demolition, vegetation removal, or ground-disturbing activities shall occur within a buffer zone until young have fledged or the nest is otherwise abandoned as determined by the qualified biologist. If work during the nesting season stops for 14 days or more and then resumes, then nesting bird surveys shall be repeated, to ensure that no new birds have begun nesting in the area.

E. Impact BIO-2: Development facilitated by the proposed project would not have a substantial adverse effect on riparian habitat or other sensitive natural communities identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

There is no riparian habitat located within the Alameda Marina Project area; however, sensitive natural communities are present in the vicinity of the proposed Project that could be adversely impacted by Project development. Dredging and pile removal associated with rehabilitation or replacement of deteriorated wharf pilings could potentially affect submerged aquatic vegetation on the Bay floor or attached to wharf pilings, as well as affect native oysters or mussels. The greatest potential threat to the sensitive aquatic communities off Alameda could be from boaters unfamiliar with San Francisco Bay's sensitive habitats, their locations, and the importance of protecting these habitats. In addition, in-water work and increases in recreational boaters could result in the introduction and/or spread of invasive marine species. Potentially

significant adverse impacts on these sensitive aquatic communities resulting from in-water work and recreational boaters would be reduced to less-than-significant levels through implementation of Mitigation Measures BIO-2a, BIO-2b, and BIO-2c, set forth below, which are hereby adopted and incorporated into the Project.

Mitigation Measure BIO-2a: Prior to in-water work, the City shall ensure that the project applicant conducts a pre-construction survey to determine if native oysters, mussels, and eelgrass are present in the Oakland/Alameda Estuary to be affected by the project.

- The eelgrass survey shall be conducted according to the methods contained in the California Eelgrass Mitigation Policy and Implementing Guidelines (NMFS, 2014), with the exception that the survey shall be conducted within 120 days (rather than 60 days, as recommended in the CDEMP) prior to the desired construction start date, to allow sufficient time for modification of project plans (if feasible) and agency consultation.
- If eelgrass beds or native oysters are found within or immediately adjacent to the construction footprint, the project applicant shall first determine whether avoidance of the beds is feasible. If feasible, impacts to the oyster or eelgrass bed shall be avoided. If complete avoidance is not feasible, the applicant shall request guidance from the National Marine Fisheries Service (or other applicable agency) as to the need and/or feasibility to move affected beds. Any translocation of eelgrass beds shall be conducted consistent with the methods described in the CDEMP and/or those described in Eelgrass Conservation in San Francisco Bay: Opportunities and Constraints (Boyer and Wyllie-Echeverria, 2010). Translocation of oyster beds shall be consistent with methods and recommendations presented in Shellfish Conservation and Restoration in San Francisco Bay: Opportunities and Constraints (Zabin et al., 2010).
- If it is not possible to translocate oyster or eelgrass beds, then the City shall ensure that the project applicant provides compensatory mitigation consistent with the CDEMP for eelgrass (a ratio of 3.01:1 [transplant area to impact area]) and a minimum 1:1 ratio for oyster beds.
- The relocation or compensatory mitigation site for eelgrass or oyster beds shall be within San Francisco Bay.

Mitigation Measure BIO-2b: The Marina operators shall prepare educational information regarding sensitive biological resources in the project vicinity and within Bay waters. This information shall be disseminated to all boaters using the marina and shall include, but not be limited to, information educating boat owner/operators about sensitive habitats and species in the Bay and actions they are required to implement to avoid impacts to marine resources.

The educational information will be disseminated to visiting boaters through multiple methods including, but not limited to, brochures or pamphlets; marina and/or City websites; boating, cruising, and newspaper periodicals; and social media. The information shall be prepared soliciting input from, and in cooperation with, the National Marine Fisheries Service (NMFS), U.S. Coast Guard (USCG), California State Lands Commission, National Park Service (NPS),

California Department of Parks and Recreation (CDPR), Bay Conservation and Development Commission (BCDC), and local organizations active in protecting Bay marine resources, as appropriate.

Mitigation Measure BIO-2c: The City shall require that the project applicant develop and implement a Marine Invasive Species Control Plan prior to commencement of any in-water work including, but not limited to, construction of wharves and seawalls, dredging, pile driving, and construction of new stormwater outfalls. The plan shall be prepared in consultation with the United States Coast Guard (USCG), RWQCB, and other relevant state agencies. Provisions of the plan shall include but not be limited to the following:

- Environmental training of construction personnel involved in in-water work.
- Actions to be taken to prevent the release and spread of marine invasive species, especially algal species such as Undaria and Sargasso.
- Procedures for the safe removal and disposal of any invasive taxa observed on the removed structures prior to disposal or reuse of pilings, docks, wave attenuators, and other features.
- The onsite presence of qualified marine biologists to assist the contractor in the identification and proper handling of any invasive species on removed equipment or materials.
- A post-construction report identifying which, if any, invasive species were discovered attached to equipment and materials following removal from the water, and describing the treatment/handling of identified invasive species. Reports shall be submitted to the City, as well as the USCG and the RWQCB if requested by the agencies.

F. Impact BIO-3: Development facilitated by the proposed project would have a substantial adverse effect on federally protected wetlands, 'other waters', and navigable waters as defined by Sections 404 and 10 of the Clean Water Act and waters of the State through direct removal, filling, hydrological interruption, or other means.

The Final EIR finds that a number of activities associated with development of the Project could result in substantial adverse effects on waters of the United States, waters of the State, and waters and land under BCDC jurisdiction. Temporary disturbance of jurisdictional waters, degradation of water quality and aquatic habitat, degradation of tidal marsh habitat, and accidental discharge or site runoff of sediment or toxic materials into jurisdictional waters would be potentially significant impacts. Mitigation Measures BIO-3a and BIO-3b, set forth below, which are hereby adopted and incorporated into the Project, would reduce impacts to a less-than-significant level.

Mitigation Measure BIO-3a: All dredging and in-water construction activities shall be consistent with the standards and procedures set forth in the Long Term Management Strategy for dredging in the San Francisco Bay waters, a program developed by the U.S. Army Corps of Engineers (USACE), the Bay Conservation and Development Commission (BCDC), the Regional Water Quality Control Board (RWQCB), the U.S. Environmental Protection Agency, (EPA), and other agencies, to guide the disposal of dredge materials in an environmentally sound manner.

Mitigation Measure BIO-3b: During project construction, best management practices (BMPs) would be applied to prevent potential pollutants from entering the storm drain system directly, reducing sediment or potentially hazardous runoff from entering receiving waters. Examples of these measures include covering trash receptacles and car wash areas, regular sweeping of paved surfaces, stenciling of storm drain inlets, and installation of full trash capture devices.

G. Impact BIO-4: Development facilitated by the proposed project would not interfere with the movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

The Final EIR finds that development facilitated by the Project has the potential to interfere with the movement or migratory corridors of native resident or migratory avian species, and could adversely impact the movement of fish and marine mammals within Project area waters. Implementation of Mitigation Measure BIO-1e, as described above, in addition to Mitigation Measure BIO-3, described below, would reduce these potential Project-related impacts to a less-than-significant level.

Project activities would potentially expose special-status and sensitive fish and marine mammals moving through the Golden Gate to and from the Central Bay and South Bay to the following types of impacts: increased noise from in-water pile driving and increased vessel traffic; increased resuspension of sediments from dredging, pile removal, anchor placement and removal; and increased potential for collisions and harassment of marine mammals through increased vessel traffic locally. Potential increases in noise and marine mammal collisions from vessel traffic would be minimized by implementation of Mitigation Measures BIO-1a, BIO-1b, and BIO-1c, as described above.

Development facilitated by the Project has the potential to impact migratory and resident birds through new building construction and increases in night lighting, which could lead to increases in bird strikes and potential disorientation of night migrating birds. Implementation of Mitigation Measure BIO-4, set forth below, which is hereby adopted and incorporated into the Project, would reduce these impacts to less-than-significant levels.

Implement Mitigation Measures BIO-1a, BIO-1b, and BIO-1c.

Mitigation Measure BIO-4: The City shall require that the project applicant retain a qualified biologist experienced with bird strike issues to review and approve the design of the building to ensure that it sufficiently minimizes the potential for bird strikes. The City may also consult with resource agencies such as the California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, or others, as it determines to be appropriate during this review.

The project applicant shall provide to the City a written description of the measures and features of the building design that are intended to address potential impacts on birds. The design shall include some of the following measures or measures that are equivalent to, but not necessarily identical to, those listed below, as new, more effective technology for addressing bird strikes may become available in the future:

- Employ design techniques that create “visual noise” via cladding or other design features that make it easy for birds to identify buildings as such and not mistake buildings for open sky or trees;
- Decrease continuity of reflective surfaces using “visual marker” design techniques, which techniques may include:
 - Patterned or fritted glass, with patterns at most 28 centimeters apart,
 - One-way films installed on glass, with any picture or pattern or arrangement that can be seen from the outside by birds but appear transparent from the inside,
 - Geometric fenestration patterns that effectively divide a window into smaller panes of at most 28 centimeters, and/or
 - Decals with patterned or abstract designs, with the maximum clear spaces at most 28 centimeters square.
- Up to 60 feet high on building facades facing the shoreline, decrease reflectivity of glass, using design techniques such as plastic or metal screens, light-colored blinds or curtains, frosting of glass, angling glass towards the ground, UV-A glass, or awnings and overhangs;
- Eliminate the use of clear glass on opposing or immediately adjacent faces of the building without intervening interior obstacles such that a bird could perceive its flight path through the glass to be unobstructed;
- Mute reflections in glass using strategies such as angled glass, shades, internal screens, and overhangs; and
- Place new vegetation sufficiently away from glazed building facades so that no reflection occurs. Alternatively, if planting of landscapes near a glazed building façade is desirable, situate trees and shrubs immediately adjacent to the exterior glass walls, at a distance of

less than three feet from the glass. Such close proximity will obscure habitat reflections and will minimize fatal collisions by reducing birds' flight momentum.

Lighting. The project applicant shall ensure that the design and specifications for buildings implement design elements to reduce lighting usage, change light direction, and contain light. These include, but are not limited to, the following general considerations that should be applied wherever feasible throughout the proposed project to reduce night lighting impacts on avian species:

- Avoid installation of lighting in areas where not required for public safety.
- Examine and adopt alternatives to bright, all-night, floor-wide lighting when interior lights would be visible from the exterior or exterior lights must be left on at night, including:
 - Installing motion-sensitive lighting
 - Installing task lighting
 - Installing programmable timers
 - Installing fixtures that use lower-wattage, sodium, and yellow-red spectrum lighting.
- Install strobe or flashing lights in place of continuously burning lights for any obstruction lighting.
- Where exterior lights are to be left on at night, install fully shielded lights to contain and direct light away from the sky.

Antennae, Monopole Structures, and Rooftop Elements. The City shall ensure, as a condition of approval for every building permit, that buildings minimize the number of and co-locate rooftop-antennas and other rooftop equipment, and that monopole structures or antennas on buildings, in open areas, and at sports and playing fields and facilities do not include guy wires.

Educating Residents and Occupants. The City shall ensure, as a condition of approval for every building permit, that the project applicant agrees to provide educational materials to building tenants, occupants, and residents encouraging them to minimize light transmission from windows, especially during peak spring and fall migratory periods, by turning off unnecessary lighting and/or closing window coverings at night. The City shall review and approve the educational materials prior to building occupancy.

Documentation. The project applicant and/or City shall document undertaking the activities described in this mitigation measure and maintain records that include, among others, the written descriptions provided by the building developer of the measures and features of the design for each building that are intended to address potential impacts on birds, and the

recommendations and memoranda prepared by the qualified biologist experienced with bird strikes who reviews and approves the design of any proposed projects to ensure that they sufficiently minimize the potential for bird strikes.

H. Impact BIO-5: Development facilitated by the proposed project would not conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

The Final EIR finds that development facilitated by the Project would not result in potentially significant impacts on biological resources due, in part, to the implementation of mitigation measures that avoid conflict with applicable local policies or ordinances protecting biological resources as summarized in Section 4.3.3 of the EIR. Development facilitated by the Project would be implemented in a manner intended to:

- Maintain and improve the quality of the bay, ocean, and shoreline areas;
- Promote the use and development of shoreline areas consistent with the City of Alameda General Plan and the San Francisco Bay Plan;
- Cooperate with and otherwise support regulatory programs of existing regional, state, and federal agencies concerned with San Francisco Bay Area biological resources; and
- Protect rare and endangered species as well as the habitats of known plant and animal species that require a relatively natural environment.

Therefore, with implementation of the measures described above, the potential for the Project to conflict with applicable local policies or ordinances protecting biological resources in the Project area is low and would represent a less-than-significant impact.

Implement Mitigation Measures as described in Section 4.3.3 for biological resources.

I. Impact BIO-6: Development facilitated by the proposed project would not conflict with an adopted local, regional, or State Habitat Conservation Plan.

The Final EIR finds that development facilitated by the Project could result in potentially significant impacts on biological resources, which could conflict with applicable policies of the CCMP and the Goals Project. However, implementation of Mitigation Measures BIO-1a through BIO-1e, BIO-2a through BIO-2c, and BIO-3, described above, would reduce potentially significant impacts on biological resources to ensure that the Project does not conflict with habitat conservation plans or natural community conservation plans, resulting in a less-than-significant impact.

Implement Mitigation Measures BIO-1a through BIO-1e, BIO-2a through BIO-2c, and BIO-3.

J. Impact BIO-7: The proposed project, in conjunction with other past, current, or foreseeable development in Alameda, could result in cumulative impacts on biological resources.

The Final EIR finds the geographic scope of potential cumulative impacts on biological resources encompasses the Project site as well as biologically linked areas sharing the Oakland-Alameda Estuary and greater San Francisco Bay. Past projects within this context, including the development of civic facilities, residences, commercial and industrial areas, and infrastructure, have already caused substantial adverse cumulative changes to biological resources in the Project area. Therefore, due to past projects, there has already been an adverse significant cumulative effect on biological resources. With the addition of current and other proposed projects, there is an existing significant cumulative impact *without* the Project.

While there is no sensitive habitat located on land within the Project site, the Project could disturb aquatic habitat in the Oakland-Alameda Estuary. Other potential projects are located along Alameda's waterfront, and some will involve in-water work, such as Encinal Terminals and Shipways at Marina Village, although all of these areas have limited habitat value for wildlife as they are already primarily or fully developed. However, the proximity of some projects to the waters of San Francisco Bay and the Oakland-Alameda Estuary could lead to potential cumulatively significant impacts on waterbirds and marine life and demolition of existing buildings or removal of existing vegetation could lead to significant cumulative impacts on nesting birds.

However, with the implementation of Mitigation Measures BIO-1a through BIO-1e (avoid and minimize impacts on special-status wildlife), Mitigation Measures BIO-2a through BIO-2c (avoid and minimize impacts to sensitive natural communities), and Mitigation Measure BIO-3 (avoid and minimize impacts to migratory and breeding wildlife) the Project would result in less-than-significant impacts on biological resources within and in the vicinity of the Project site. When considered within the existing condition of biological resources in the Project area and the greater Bay Area in the context of past, present and reasonably foreseeable similar projects, the Project would add only a minor, incremental contribution to habitat loss, degradation, and direct and indirect impacts to special-status species. The Project's contribution would not be considered cumulatively considerable; therefore, in combination with past, present, and reasonably foreseeable future projects, the proposed Project's cumulative effects on biological resources would be less than significant.

Implement Mitigation Measures BIO-1a through BIO-1e, BIO-2a through BIO-2c, and BIO-3.

K. Impact CUL-2: Project construction could cause a substantial adverse change in the significance of an archaeological resource, including those determined to be a historical resource defined in Section 15064.5 or a unique archaeological resource defined in PRC 21083.2.

The Final EIR finds that records at the NWIC indicate that an extensive archaeological site with human burials (CA-ALA-11) is located in a portion of the Project area. The site is recommended eligible for listing in the California Register. The disturbance of this resource would be a potentially significant impact. The significant impact could be an adverse effect to the scientific significance of the resource and/or an adverse effect to its significance to associated Native American tribal groups. Implementation of Mitigation Measure CUL-2a (Archaeological Resources Management Plan), set forth above, which is hereby adopted and incorporated into the Project, would reduce potential impacts to the scientific significance of the resource to a less-than-significant level by requiring an archaeological testing and data recovery program (as well as archaeological monitoring, if warranted) consistent with a professionally developed Archaeological Resources Management Plan.

In addition, during ground disturbance outside of the known site boundaries within the Project area, there is the potential to uncover previously unidentified archaeological resources. The disturbance of unknown archaeological resources would be a potentially significant impact. Implementation of Mitigation Measure CUL-2b (Inadvertent Discovery of Archaeological Resources), set forth below, which is hereby adopted and incorporated into the Project, would reduce potential impacts to a less-than-significant level by ensuring that work would halt in the vicinity of an unanticipated find so that a qualified archaeologist and Native American representative can make additional recommendations, if required.

Mitigation Measure CUL-2a: see discussion above.

Mitigation Measure CUL-2b: Inadvertent Discovery of Archaeological Resources.

During construction outside of known archaeological site boundaries, if prehistoric or historic-era cultural materials are encountered, all construction activities within 100 feet shall halt and the City shall be notified. Prehistoric archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil ("midden") containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-period materials might include stone, concrete, or adobe footings and walls; artifact filled wells or privies; and deposits of metal, glass, and/or ceramic refuse.

The project applicant shall ensure that a Secretary of the Interior-qualified archaeologist inspect the find within 24 hours of discovery. If the find is determined to be potentially significant, the archaeologist, shall follow the guidelines provided in Mitigation Measure CUL-2a above.

L. Impact CUL-3: Project construction could disturb human remains, including those interred outside of formal cemeteries.

The Final EIR finds that based on known conditions and previous archaeological research, human burials occur within and in the vicinity of the Project area and there is a high potential for the discovery of human remains during construction activities that involve ground disturbance. Disturbance of human remains would be a significant impact. Implementation of Mitigation Measure CUL-3 (Inadvertent Discovery of Human Remains), set forth below, which is hereby adopted and incorporated into the Project, would ensure that impacts to human remains would be less-than-significant.

Mitigation Measure CUL-3: Inadvertent Discovery of Human Remains. Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California, the project applicant shall ensure the following:

- Project construction personnel shall be informed of the potential of encountering human remains during construction, and the proper procedures to follow in the event of the discovery of human remains during construction.
- In the event of the discovery of human remains during construction, work shall stop in that area and within 100 feet of the find. The Alameda County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to their authority, they shall notify the Native American Heritage Commission who shall identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the project applicant shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further ground disturbance.

M. Impact C-CUL-2: The project, in combination with past, present, and probable future projects, could result in cumulative adverse impacts on archaeological resources and human remains.

The Final EIR finds that the geographic scope for cumulative effects on archaeological resources in Alameda includes projects in Alameda that would also involve excavation or similar ground disturbance in locations with previously recorded or as yet unknown archaeological resources, potentially with human remains. Cumulative projects in

the Project's vicinity could have a significant impact on both recorded and unrecorded archaeological resources (including CA-ALA-11), including human remains interred outside of formal cemeteries, given the amount of construction-related ground disturbance that could occur for many of the cumulative projects. The potential impacts of the Project when considered together with similar impacts from other probable future projects in the vicinity could result in a significant cumulative impact on archaeological resources and human remains. The proposed Project's contribution to this impact could be cumulatively considerable, as documented above under Impacts CUL-2 and CUL-3. With implementation of Mitigation Measures CUL-2a, CUL-2b, and CUL-3, as set forth above, which are hereby adopted and incorporated into the Project, the proposed Project's contribution to cumulative impacts to archaeological resources and human remains would not be considerable, and the impact would be less than significant with mitigation.

Implement Mitigation Measures CUL-2a, CUL-2b, and CUL-3.

N. Impact HAZ-1: Demolition of the existing structures on the project site which likely contain hazardous building materials—such as lead-based paint, asbestos, and PCBs—could potentially expose workers, the public, or the environment to hazardous materials from the transport, use, or disposal of these hazardous materials and waste.

The Final EIR finds that demolition of existing structures on the Project site may expose construction workers, the public, or the environment to hazardous materials such as LBP, ACMs, and PCBs. Implementation of Mitigation Measures HAZ-1a through HAZ-1e, set forth below, which are hereby adopted and incorporated into the Project, would reduce construction period impacts to less-than-significant levels.

Mitigation Measure HAZ-1a: Prior to issuance of any demolition permit, the project applicant shall submit to the Alameda County Department of Environmental Health a hazardous building material assessment prepared by qualified licensed contractors for any structure intended for demolition indicating whether ACMs, LBP or lead-based coatings, and/or PCB-containing equipment, are present.

Mitigation Measure HAZ-1b: If the assessment required by Mitigation Measure HAZ-1a indicates the presence of ACMs, LBP, and/or PCBs, the project applicant shall create and implement a health and safety plan in accordance with local, state, and federal requirements to protect demolition and construction workers and the public from risks associated with such hazardous materials during demolition or renovation of affected structures.

Mitigation Measure HAZ-1c: If the assessment required by Mitigation Measure HAZ-1a finds asbestos, the project applicant shall prepare an asbestos abatement plan and shall ensure that asbestos abatement is conducted by a licensed contractor prior to building demolition. Abatement of known or suspected ACMs shall occur prior to demolition or construction activities that would disturb those materials. Pursuant to an asbestos abatement plan developed by a state-certified asbestos consultant and approved by the City, all ACMs shall be removed and appropriately disposed of by a state certified asbestos contractor.

Mitigation Measure HAZ-1d: If the assessment required by Mitigation Measure HAZ-1a finds presence of LBP, the project applicant shall develop and implement a LBP removal plan. The plan shall specify, but not be limited to, the following elements for implementation:

1. Develop a removal specification approved by a Certified Lead Project Designer.
2. Ensure that all removal workers are properly trained.
3. Contain all work areas to prohibit off-site migration of paint chip debris.
4. Remove all peeling and stratified LBP on building and non-building surfaces to the degree necessary to safely and properly complete demolition activities according to recommendations of the survey. The demolition contractor shall be responsible for the proper containment and/or disposal of intact LBP on all materials to be cut and/or removed during the demolition.
5. Provide on-site personnel and area air monitoring during all removal activities to ensure that workers and the environment are adequately protected by the control measures used.
6. Clean up and/or vacuum paint chips with a high efficiency particulate air (HEPA) filter.
7. Collect, segregate, and profile waste for disposal determination.
8. Properly dispose of all waste.

Mitigation Measure HAZ-1e: If the assessment required by Mitigation Measure HAZ-1a finds presence of PCBs, the project applicant shall ensure that PCB abatement in compliance with applicable regulations is conducted prior to building demolition or renovation. PCBs shall be removed by a qualified contractor and transported in accordance with Caltrans requirements.

O. Impact HAZ-2: Construction at the project site could potentially disturb soil and groundwater impacted by historical hazardous material use, which could expose construction workers, the public, or the environment to adverse conditions related to the transport, use, or disposal of hazardous materials and waste.

The Final EIR finds that construction activities would include demolition of some existing buildings, excavation and trenching, which could potentially intercept and/or disturb or uncover impacted soil and/or groundwater. To reduce worker health risks associated with potentially contaminated soil, a detailed Site-Specific Environmental Health and Safety Plan (HASP) would be prepared by the selected site contractor as required by Mitigation Measure HAZ-2a. To reduce environmental risks associated with encountering contaminated soil discovered during grading and construction, the Site Management Plan (SMP), as required by Mitigation Measure HAZ-2b, would include protocols to isolate any suspected contaminated soil, notify the appropriate regulatory overseeing agency, sample for hazardous material content, and manage it in accordance with all applicable state, federal, and local laws and regulations. Implementation of Mitigation Measures HAZ-2a and HAZ-2b, set forth below, which are hereby adopted and incorporated into the Project, would reduce impacts to less than significant levels.

Mitigation Measure HAZ-2a: Prior to issuance of any demolition permit, the project applicant shall submit to the City a Site-Specific Environmental Health and Safety Plan (HASP). The HASP shall be consistent with State and federal OSHA standards for hazardous waste operations (California Code of Regulations, Title 8, Section 5192 and 29 Code of Federal Regulations 1910.120, respectively) and any other applicable health and safety standards. The HASP shall include descriptions of health and safety training requirements for onsite personnel and levels of personal protective equipment to be used, and any other applicable precautions to be undertaken to minimize direct contact with soil and to a lesser degree, groundwater if is encountered. The HASP shall be adhered to during construction and excavation activities. All workers onsite should read and understand the HASP and copies shall be maintained onsite during construction and excavation at all times.

Mitigation Measure HAZ-2b: Prior to issuance of a building or grading permit for any ground breaking activities within the Project site, the project applicant shall prepare a Site Management Plan (SMP) consistent with US EPA, DTSC, and Water Board standards for incorporation into construction specifications. The SMP shall be present on site at all times and readily available to site workers. The SMP shall specify protocols and requirements for excavation, stockpiling, and transport of soil and for disturbance of groundwater. At a minimum the SMP shall include the following components:

1. ***Dust control measures:*** Dust generation shall be minimized by any or all appropriate measures. These measures may include:
 - a. Misting or spraying water while performing excavation activities and loading transportation vehicles;
 - b. Limiting vehicle speeds onsite to 5 miles per hour;
 - c. Controlling excavation activities to minimize the generation of dust;
 - d. Minimizing drop heights while loading transportation vehicles; and
 - e. Covering any soil stockpiles generated as a result of excavating soil potentially impacted by contaminants of concern with plastic sheeting or tarps.
2. ***Decontamination measures:*** Decontamination methods shall include scraping,

brushing, and/or vacuuming to remove dirt on vehicle exteriors and wheels. In the event that these dry decontamination methods are not adequate, methods such as steam cleaning, high-pressure washing, and cleaning solutions shall be used, as necessary, to thoroughly remove accumulated dirt and other materials. Wash water resulting from decontamination activities shall be collected and managed in accordance with all applicable laws and regulations.

3. **Stormwater pollution control measures:** Should rainfall occur during construction on exposed soils at the site stormwater pollution controls shall be implemented to minimize stormwater runoff from exposed soil containing contaminants of concern at the site and to prevent sediment from leaving the site, in accordance with all laws and regulations. Stormwater pollution controls shall be based on BMPs to comply with State and local regulations. Sediment and erosion protection controls may include but are not limited to:
 - a. Constructing berms or erecting silt fences at entrances to the project site;
 - b. Placing straw bale barriers around catch basins and other entrances to the storm drains;
 - c. During significant rainfall events, covering with plastic sheeting or tarps any soil stockpiles generated as a result of excavating soil potentially impacted by contaminants of concern.
4. **Field screening of potential contaminated soil and suspect contamination discovery:** Potentially contaminated soil shall be either direct loaded using the profile data associated with Stellar Environmental Solutions' October 2015 report or stockpiled for additional sampling and analyses to define the contamination fate after the excavation stage. If more the one year elapses between the soil profiling and the excavation stage stockpiling, sampling may be required by a regulated landfill. Trained (with 40-hour hazwopper and associated updates) environmental personnel shall be onsite to do the stockpile sampling and be on-call to deal with any suspect contamination discovery. Personnel will monitor for potentially contaminated soils by visual screening, noting any contaminant odors, and utilizing a photoionization detector (PID) to field measure any VOCs during the excavation activity. Monitoring parameters shall be recorded at intervals of approximately 1 hour or less.

P. Impact HAZ-5: Development of the project would be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and could result in a safety hazard to the public or environment through exposure to previous contamination of soil or groundwater.

The Final EIR finds that the Project site has a history of maritime industrial use, and that releases of hazardous materials at the site have been well documented. Contamination of subsurface soils and groundwater can potentially expose workers, the public, or future occupants to legacy contaminants through direct exposure, from contact with contaminated soils through excavation or other ground disturbing activities. With implementation of Mitigation Measure HAZ-3 (Remedial Risk Management Plan), set forth below, which is hereby adopted and incorporated into the Project, the potential impact would be less than significant.

Mitigation Measure HAZ-3: Prior to issuance of a building or grading permit for any ground breaking activities within the project site, the project applicant shall prepare a Remedial Risk Management Plan (RRMP). The RRMP shall be developed and followed by current and future owners, tenants, and operators. The RRMP shall include the implementation of any needed corrective action remedies and engineering design.

Q. Impact HYD-4: Development of the proposed project would not substantially contribute to runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

The Final EIR finds that the proposed Project would include new landscaping as part of the 4.25 acres of parks and open space, which maintenance would require the use of fertilizers and pesticides. The Alameda Countywide Clean Water Program National Pollutant Discharge Elimination System (ACCWP NPDES) permit will require the City of Alameda as a permittee, to address pesticides, which have been found by the RWQCB to have a reasonable potential to cause or contribute to exceedances of water quality standards. Application of such chemicals as pesticides and fertilizers would require a management approach outlined in Mitigation Measure HYD-1, set forth below, which is hereby adopted and incorporated into the Project, which would reduce the impact to a less than significant level.

The proposed Project would install a newly designed stormwater system, which incorporates water treatment measures throughout the Project site. Compliance with the existing water quality protection requirements of the RWQCB and Alameda County, in addition to implementation of Mitigation Measure HYD-1, set forth below, which is hereby adopted and incorporated into the Project, would effectively reduce surface water pollutants and the potential water quality impact to a less-than-significant level.

Mitigation Measure HYD-1: The City shall ensure that future project applicants implement Integrated Pest Management measures to reduce fertilizer and pesticide contamination of receiving waters, as follows:

- Prepare and Implement an Integrated Pest Management Plan (IPM) for all common landscaped areas. The IPM shall be prepared by a qualified professional and shall recommend methods of pest prevention and turf grass management that use pesticides as a last resort in pest control. Types and rates of fertilizer and pesticide application shall be specified.
- The IPM shall specify methods of avoiding runoff of pesticides and nitrates into receiving storm drains and surface waters or leaching into the shallow groundwater

table. Pesticides shall be used only in response to a persistent pest problem that cannot be resolved by non-pesticide measures. Preventative chemical use shall not be employed.

- The IPM shall fully integrate considerations for cultural and biological resources into the IPM with an emphasis toward reducing pesticide application.

R. Impact NOI-1: Construction of proposed project elements could expose persons to or generate noise levels in excess of the City noise standards or result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

The Final EIR finds that construction noise would be temporarily elevate ambient noise levels in and around the Project area. The loudest source of noise during Project construction would be generated through use of an impact pile driver, which could be required for foundations proposed in the northern portion of the site based on a preliminary geotechnical investigation. In addition, the Project would result in a violation of the City's noise standards if construction activity would occur outside of the allowable daytime hours specified by the City noise ordinance. Implementation of Mitigation Measures NOISE-1a and NOISE-1b, set forth below, which are hereby adopted and incorporated into the Project, would reduce these impacts to less-than-significant levels.

Mitigation Measure NOISE-1a: The applicant shall create and implement development-specific noise and vibration reduction plans, which shall be enforced via contract specifications. Contractors may elect any combination of legal, non-polluting methods to maintain or reduce noise and vibration to threshold levels or lower, as long as those methods do not result in other significant environmental impacts or create a substantial public nuisance. In addition, the applicant shall require contractors to limit construction activities to daytime hours between 7:00 am and 7:00 pm Monday through Friday and 8:00 am to 5:00 pm on Saturdays. The plan for attenuating construction-related noises shall be implemented prior to the initiation of any work that triggers the need for such a plan.

Mitigation Measure NOISE-1b: To reduce pile driving noise, "vibratory" pile driving or drilled and cast-in-place piles should be used wherever feasible. The vibratory pile driving technique, despite its name, does not generate vibration levels higher than the standard pile driving technique. It does, however, generate lower, less-intrusive noise levels.

S. Impact NOI-3: Traffic and equipment operations facilitated by the proposed project could result in a substantial permanent increase in ambient noise levels in the vicinity or above levels existing without the project.

The Final EIR finds that non-transportation noise associated with the Project operations would include stationary sources (such as HVAC units), loading docks, etc. Implementation of Mitigation Measures NOISE-2a and NOISE-2b, set forth below, which are hereby adopted and incorporated into the Project, would reduce the impact to a less-than-significant level and would ensure that Project-related non-transportation sources of noise would comply with the City of Alameda Noise Ordinance and General Plan standards.

Most of the noise generated by the development facilitated by the proposed Project would be traffic-generated noise. All roadways analyzed are predicted to experience a traffic noise increase of less than 4 dBA. Therefore, the Project-level increase in traffic would be a less than significant impact.

The southern portion of the Project site area has an existing ambient noise environment greater than 60 dBA CNEL. Furthermore, traffic generated by the proposed Project on adjacent streets would result in greater noise exposure in the future than traffic under existing conditions, potentially exacerbating this existing condition. An exterior noise exposure of 60 dBA or greater is designated as “conditionally acceptable” for residential land uses and could result in potentially incompatible interior noise for new residential land uses. Implementation of Mitigation Measures NOISE-2a, NOISE-2b, and NOISE-3 would ensure compliance with the applicable noise insulation standards for residential uses and would reduce this impact to less than significant.

Mitigation Measure NOISE-2a: Acoustical studies, describing how the exterior and interior noise standards will be met, shall be required for all new residential or noise sensitive developments exposed to environmental noise greater than CNEL 60 dBA, or one-family dwellings not constructed as part of a subdivision requiring a final map exposed to environmental noise greater than CNEL 65 dBA. The studies should also satisfy the requirements set forth in Title 24, part 2, of the California Administrative Code, Noise Insulation Standards, for multiple-family uses, regulated by Title 24.

Mitigation Measure NOISE-2b: The applicant shall demonstrate through its acoustical studies that the proposed project will comply with maximum noise levels outlined in the City’s Noise Ordinance and the average sound level goals outlined in the City’s General Plan.

T. Impact C-NOI-1: The proposed project would result in exposure of people to cumulative increases in construction noise levels.

The Final EIR finds that the proposed Project may be constructed during the same time and duration as other cumulative projects that could contribute to construction noise levels in the Project’s vicinity. However, with implementation of Mitigation Measures NOISE-1a and NOISE-1b, noise levels generated during the construction would be reduced by requiring the applicant to adhere to the City’s allowed construction hours and create and implement a development-specific noise reduction plan.

Implement Mitigation Measures NOISE-1a and -1b.

U. Impact C-NOI-2: The proposed project would contribute to cumulative construction that could expose buildings and persons within the project vicinity to significant vibration impacts.

The Final EIR finds that if Project-related activities were to coincide with another development in close physical proximity, the combined effect could result in the exposure of sensitive land uses or buildings to higher vibration levels than what was predicted for the proposed Project due to the use of impact pile drivers. However, with implementation of Mitigation Measures NOISE-1a and NOISE-1b, noise levels generated during the construction would be reduced by requiring the applicant to create and implement a development-specific noise and vibration reduction plan.

Implement Mitigation Measures NOISE-1a and -1b.

V. Impact TRA-1: The proposed project would not exceed the regional VMT per capita minus 15 percent.

The Final EIR finds that the VMT per capita for the Project is estimated to be less than the region and citywide average VMT. However, the VMT per capita for the Project would exceed both the citywide VMT per capita minus 15 percent and the regional VMT per capita minus 15 percent. Therefore, the Project would have a significant impact on VMT. Implementation of Mitigation Measure TRA-1, set forth above, is hereby adopted and incorporated into the Project, and would reduce the impact to a less than significant level.

Mitigation Measure TRA-1: see discussion above.

W. Impact TRA-10: Development facilitated by the proposed project could potentially be inconsistent with adopted policies, plans, and programs supporting alternative transportation.

The Final EIR finds that the proposed Project would not modify existing pedestrian or bicycle facilities in the surrounding areas and would not adversely affect installation of most future facilities. However, the proposed Project does not include implementation of the Class I path along the Alameda Estuary waterfront and connections to the existing segments of the path, consistent with the City's Bicycle Master Plan. Implementation of Mitigation Measure TRA-4, set forth below, is hereby adopted and incorporated into the Project.

Mitigation Measure TRA-4: The project shall, consistent with the City of Alameda Bicycle

Master Plan, provide a Class I bicycle path along the northern waterfront of the project site and ensure that the path would connect to adjacent future bicycle facilities.

VII. LESS THAN SIGNIFICANT IMPACTS FOR WHICH MITIGATION MEASURES, THOUGH NOT REQUIRED, WILL BE INCORPORATED AS PART OF THE PROJECT

NONE.

VIII. GROWTH INDUCING IMPACTS

The CEQA Guidelines require that an EIR evaluate the growth-inducing impacts of a proposed action (Section 15126.2[d]). A growth-inducing impact is defined by CEQA Guidelines Section 15126.2(d) as:

[T]he ways in which the Project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth.... It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

A project can have direct and/or indirect growth-inducement potential. Direct growth inducement would result if a project involved construction of new housing that would result in new residents moving to the area. A project can have indirect growth-inducement potential if it would establish substantial new permanent employment opportunities (e.g., commercial, industrial or governmental enterprises) or if it would involve a substantial construction effort with substantial short-term employment opportunities and indirectly stimulate the need for additional housing and services to support the new employment demand. Similarly, under CEQA, a project would indirectly induce growth if it would remove an obstacle to additional growth and development, such as removing a constraint on a required public service. Increases in population could tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. The CEQA Guidelines also require analysis of the characteristics of projects that may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

The timing, magnitude, and location of land development and population growth are based on various interrelated land use and economic variables. Key variables include regional economic trends, market demand for residential and non-residential uses, land availability and cost, the availability and quality of transportation facilities and public services, proximity to employment centers, the supply and cost of housing, and regulatory policies or conditions. Because city and county general plans define the location, type and intensity of growth, they are the primary means of regulating development and growth in California.

Both the Alameda General Plan and the Bay Area's Sustainable Communities

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Strategies (Plan Bay Area), anticipate growth at Alameda Marina of essentially the same nature and density as the Project. Hence, the development of the Project has been anticipated by the City in its long-range planning as well as in the regionally forecast growth of the Bay Area. Thus, while the Project would not result in unplanned growth, it would accommodate an increase in both population and employment growth in Alameda as compared to the existing condition.

Under CEQA, a project is generally considered to be growth-inducing if it results in any one of the following:

1. Extension of urban services or infrastructure into a previously unserved area.

Although onsite infrastructure improvements would occur as part of the proposed Project, the site is within an urban setting, and the Project infrastructure would connect to existing City infrastructure and not require any major expansions of infrastructure other than on the site itself. The Project would not extend infrastructure to any other undeveloped areas. The Project would be infill and redevelopment of the site rather than a growth-inducing development.

2. Extension of a transportation corridor into an area that may be subsequently developed.

The proposed Project is surrounded by urban development and an adjacent street system. As an infill development, the Project would not extend transportation corridors into undeveloped areas resulting in growth inducing impacts.

3. Removal of obstacles to population growth (such as provision of major new public services to an area where those services are not currently available).

The Project involves the approval of a Master Plan, and other development approvals, for the Project site to accommodate the proposed development. These approvals would remove “obstacles to population growth” only for the Project site. The approvals would not facilitate population growth on any other property in the City or surrounding area.

While the proposed Project would improve infrastructure that serves the site, these improvements would allow for growth to occur only on the Project site and would not facilitate population growth on any other property.

The proposed Project would result in the development of up to 779 residential dwelling units, which could result in an increase in residential population of about 1,932 people. The population

growth resulting from the proposed Project is generally consistent with the population growth projections in the City's General Plan Housing Element, which are based on estimates provided by the Association of Bay Area Governments (ABAG)'s Regional Housing Needs Assessment. Therefore, the growth in housing units proposed by the Project, and thus population growth generated by the proposed Project, would be within the ABAG projections for the City of Alameda.

Further, because the Project site is included in *Plan Bay Area* within the Northern Waterfront Priority Development Area (PDA), from a regional standpoint, the Project is part of a coordinated strategy for managing land use patterns and transportation investments to accommodate projected population growth while also reducing emissions of greenhouse gases, consistent with the direction in SB 375. As Plan Bay Area's transportation projects are tied to the proposed land use development pattern and the region's population projections, they are inherently designed to focus growth primarily in PDAs, as opposed to other locations in the region. That is, the transportation projects in Plan Bay Area were selected to complement a certain type of land development (balanced and compact) and discourage imbalanced, sprawling, and greenfield development. As such, by specifically being included in the Plan Bay Area, the proposed Project is promoting focused infill growth rather than growth beyond targeted areas. By accommodating growth in a targeted urban area, the proposed Project would regionally contribute to reduced vehicle miles travels and greenhouse gas emissions, as required by SB 375 (see the *Land Use* discussion in Section 4.8 of the Draft EIR for further discussion of SB 375 and Plan Bay Area).

IX. ALTERNATIVES

The Final EIR analyzed four alternatives to the Project, examining the environmental impacts and feasibility of each alternative, as well as the ability of the alternatives to meet project objectives. The Project and the project objectives are described in detail in the Final EIR Chapter 3, Project Description, and the potential environmental effects of implementing the Project are analyzed in Chapter 4, Environmental Setting, Impacts, and Mitigation Measures, including discussion of significant impacts resulting from the Project and mitigation measures recommended to avoid these impacts.

Brief summaries of the alternatives, including the Environmentally Superior Alternative, are provided below. As explained in Section X, below, the findings in this Section are based on the Final EIR, the discussion and analysis in which is hereby incorporated in full by this reference. The City further finds that each of the reasons given for rejecting an alternative discussed below is a separate and independent basis for rejecting that alternative.

A. Preservation Alternative

Under this alternative, the Project site would be developed in such a manner as to not impact existing structures on the site that have been determined by the City's Historic Advisory Board (HAB) to be contributing elements to the HAB-designated Alameda Marina

Historic District. As the HAB also designated a cultural landscape boundary for the district, the alternative assumes that any new development would occur at both ends of the Project site, generally in the U-shaped area around the graving dock in the eastern quarter of the Project site, and in the existing parking/dry storage area in the western quarter. The central half of the Project site, as well as much of the frontage on Clement Avenue, would generally remain in its current state. Approximately 475 housing units would be built under the Preservation Alternative, and the commercial/industrial square-footage on the site would remain roughly the same.

The Preservation Alternative would result in less-than-significant aesthetics impacts similar to the proposed Project, but would not realize all of the aesthetic enhancements as the proposed Project. The Preservation Alternative would also have less-than-significant construction and operational impacts for air quality (with mitigation); biological resources impacts (with mitigation); geology, soils, and paleontological impacts (no mitigation required); hazards and hazardous materials impacts (with mitigation); hydrology and water quality impacts (with mitigation); land use and planning impacts (no mitigation required); construction and operational noise impacts (with mitigation); population, housing and employment (no mitigation required); public services and recreation (no mitigation required); utilities and service systems (with mitigation); all of which would be similar or the same as the proposed Project.

While the Preservation Alternative would also result in significant and unavoidable impacts to cultural resources, those impacts would be less severe than the proposed Project because the Preservation Alternative would retain all of the contributing buildings within the designated Alameda Marina Historic District and impacts to those structures would be fully avoided. However, impacts within the larger City-designated cultural landscape would still occur, as development would still be allowed to occur within the defined landscape boundaries. As with the proposed Project, this impact would remain significant and unavoidable.

Similar to the proposed Project, the Preservation Alternative would also result in significant and unavoidable impacts for transportation and traffic impacts, although the Preservation Alternative would have less development. [VMT per capita under both scenarios would still be estimated to be less than the region and citywide average VMT; VMT; however, the VMT per capita under both scenarios would exceed both the citywide VMT per capita minus 15 percent and the regional VMT per capita minus 15 percent thresholds. Therefore, the Preservation Alternative would have a significant and unavoidable impact on per capita VMT.] Impacts to area intersections identified for the proposed Project would be less severe under the Preservation Alternative, but would not result in a change to the significant and unavoidable impacts at the Park Street/Blanding Avenue intersection (both peak hours) nor the Park Street/Clement Avenue intersection (PM peak hour). With respect to Impact TRA-3, the uncertainty concerning the ultimate

extension of Clement Avenue would remain regardless of which alternative was selected, and would remain significant and unavoidable.

Although the Preservation Alternative would achieve more of the project objectives than the No Project Alternative, it would not achieve the project objectives as well as the proposed Project because it would not generate as many housing opportunities and would be less effective than the proposed Project with regard to fulfilling the goals of the City's Housing Element and helping to meet the City's Regional Housing Needs Allocation (RHNA). The State's Housing Accountability Act (HAA) applies to the Alameda Marina Master Plan and restricts the City's ability to deny, reduce the density of, or make infeasible the project when it is consistent with objective development standards, putting the burden of proof on the City to justify any action to deny, reduce the density of, or make such a housing project infeasible. Government Code § 65589.5(j)(1). From a regional perspective, limiting development of the property to 475 new housing units would increase pressures to allow future development to locate further from the urban centers, which would result in longer Bay Area commutes and increased greenhouse emissions from vehicles. The Preservation Alternative also would limit private reinvestment and redevelopment, and is less likely to attract sufficient private capital to fund the necessary public infrastructure improvements, build the planned open spaces, and rehabilitate the shoreline and marina infrastructure.

The Preservation Alternative would also prohibit the development of an aesthetically pleasing, cohesive and pedestrian-oriented development that would activate and reconnect the community to the waterfront because more than half the Project site would have to retain its historic commercial and industrial configuration. Existing spacing between the buildings, the size of the streets, and the orientation of the buildings do not allow the opportunity to create public amenities and opportunities for gathering spaces, or allow for the development of new open space areas for the public to access the shoreline edge. The Preservation Alternative would therefore be unable to meet the project objective of fulfilling the project sponsor's obligations under the Tidelands Lease, which requires the development of a new higher-value project, and expressly allows for the demolition of potentially all existing improvements on the project site. The City finds that the proposed Project would not result in a specific, adverse impact on public health and safety that cannot be mitigated in any other way.

B. Extensive Adapted Reuse Alternative

The Extensive Adapted Reuse Alternative would provide for retention of some of the existing contributing structures of the Alameda Marina Historic District, and new development within the eastern and western quarters of the Project site, similar to that of the Preservation Alternative. The Extensive Adapted Reuse Alternative differs from the Preservation Alternative because it would allow for adaptive reuse of the existing historic

structures on the site instead of utilizing them solely in their current commercial/industrial use. Under the Extensive Adapted Reuse Alternative, about 40 percent (100,000 square feet) of the existing structures in the central half of the site would be converted to residential uses, with about 60 percent (150,000 square feet) being retained in their existing commercial/industrial configuration. Such an alternative would provide a similar quantity of commercial/industrial uses as that provided under the proposed Project, while also providing for some expansion of residential uses within the historic core of the site, allowing for the construction of approximately 550 total residential units.

The Extensive Adapted Reuse Alternative would result in less-than-significant aesthetics impacts similar to the proposed Project, but would not realize all of the aesthetic enhancements as the proposed Project. The Extensive Adaptive Reuse Alternative would also have less-than-significant construction and operational impacts for air quality (with mitigation); biological resources impacts (with mitigation); geology, soils, and paleontological impacts (no mitigation required); hazards and hazardous materials impacts (with mitigation); hydrology and water quality impacts (with mitigation); land use and planning impacts (no mitigation required); construction and operational noise impacts (with mitigation); population, housing and employment (no mitigation required); public services and recreation (no mitigation required); utilities and service systems (with mitigation); all of which would be similar or the same as the proposed Project.

The Extensive Adapted Reuse Alternative would also result in fewer or less severe significant and unavoidable impacts to cultural resources than the proposed Project. The Extensive Adapted Reuse Alternative would demolish some of the contributing buildings within the designated Alameda Marina Historic District, and impacts within the larger City-designated cultural landscape would still occur, as development would still be allowed to occur within the defined landscape boundaries. As with the proposed Project, this impact would remain significant and unavoidable.

Similar to the proposed Project, the Extensive Adapted Reuse Alternative would also result in significant and unavoidable impacts for transportation and traffic impacts, although the alternative would have less development. VMT per capita under both scenarios would still be estimated to be less than the region and citywide average VMT; however, the VMT per capita under both scenarios would exceed both the citywide VMT per capita minus 15 percent and the regional VMT per capita minus 15 percent thresholds. Therefore, the Extensive Adapted Reuse Alternative would have a significant and unavoidable impact on per capita VMT. Impacts to area intersections identified for the proposed Project would be less severe under the Extensive Adapted Reuse Alternative, but would not result in a change to the significant and unavoidable impacts at the Park Street/Blanding Avenue intersection (both peak hours) nor the Park Street/Clement Avenue intersection (PM peak hour). With respect to Impact TRA-3, the uncertainty concerning the ultimate extension of Clement Avenue would remain regardless of which alternative was

selected, and would remain significant and unavoidable.

Similar to the Preservation Alternative, the Extensive Adapted Reuse Alternative would be able to achieve more of the project objectives than the No Project Alternative, but it would not achieve the project objectives as well as the proposed Project. The Extensive Adapted Reuse Alternative would still not generate as many housing opportunities as the proposed Project and would be less effective than the proposed Project in fulfilling the goals of the City's Housing Element and helping to meet the City's RHNA. The State's HAA applies to the Alameda Marina Master Plan and restricts the City's ability to deny, reduce the density of, or make infeasible the project when it is consistent with objective development standards, putting the burden of proof on the City to justify any action to deny, reduce the density of, or make such a housing project infeasible. Government Code § 65589.5(j)(1). One of the principal constraints associated with the Extensive Adapted Reuse Alternative is the lack of suitability of many of the existing historic structures for adaptive reuse, most of which are at the end of their useable lives. Rehabilitation of these structures would be cost prohibitive, as these additional costs would curtail the amount of private capital available to fund the necessary public infrastructure improvements, build the planned open spaces, and rehabilitate the deteriorated shoreline and marina infrastructure. It would also curtail the project sponsor's ability to meet its obligations under the Tidelands and Marina Lease to develop a higher and better use for the Project site. The City finds that the proposed Project would not result in a specific, adverse impact on public health and safety that cannot be mitigated in any other way.

C. Reduced Project Alternative

The Reduced Project Alternative assumes a mix of development across the Project site at a lower density than that of the proposed Project. Rather than a mix of multi-family structures and townhomes, this alternative would include a mix of townhomes and detached, single-family residences. The development of new residential uses could occur throughout the site, and would not necessarily preclude the demolition of existing historic structures to make room for new residential uses. Approximately 100 townhomes would be constructed, and 80 detached single-family residences. Approximately 150,000 square feet of commercial and industrial uses would remain at the site.

The Reduced Project Alternative would result in less-than-significant aesthetics impacts (no mitigation required); construction and operational impacts for air quality (with mitigation); biological resources impacts (with mitigation); geology, soils, and paleontological impacts (no mitigation required); hazards and hazardous materials impacts (with mitigation); hydrology and water quality impacts (with mitigation); land use and planning impacts (no mitigation required); construction and operational noise impacts (with mitigation); population, housing and employment (no mitigation required); public services and recreation (no mitigation required); utilities and service systems (with mitigation); all of

which would be similar or the same as the proposed Project.

Similar to the proposed Project, the Reduced Project Alternative would also result in significant and unavoidable impacts to cultural resources. The Reduced Project Alternative would demolish most of the contributing buildings within the designated Alameda Marina Historic District, and impacts within the larger City-designated cultural landscape would still occur, as development would still be allowed to occur within the defined landscape boundaries. As with the proposed Project, this impact would remain significant and unavoidable.

The Reduced Project Alternative would result in a significant and unavoidable (with mitigation) transportation and traffic impacts, but with fewer impacts than identified with the proposed Project. Since the alternative would have less development, it would generate fewer trips and therefore not result in significant impacts at two intersections. However, the Reduced Project Alternative would have a significant and unavoidable impact on per capita VMT. With respect to Impact TRA-3, the uncertainty concerning the ultimate extension of Clement Avenue would remain regardless of which alternative was selected, and would remain significant and unavoidable.

The Reduced Project Alternative would not meet the project's objective to fulfill the goals of the City's Housing Element and meet the City's RHNA for the site. The State's HAA applies to the Alameda Marina Master Plan and restricts the City's ability to deny, reduce the density of, or make infeasible the project when it is consistent with objective development standards, putting the burden of proof on the City to justify any action to deny, reduce the density of, or make such a housing project infeasible. Government Code § 65589.5(j)(1). The project sponsor has proposed to include the maximum residential density allowed by the City's zoning ordinance and the General Plan in order to comply with the stated policies and goals of the HAA, and to address the social factors relating to California's housing crisis. The City finds that the proposed Project would not result in a specific, adverse impact on public health and safety that cannot be mitigated in any other way.

D. No Project/No Development Alternative

CEQA requires consideration of a no project alternative. Consistent with State CEQA Guideline Section 15126.6(e), the No Project/No New Development Alternative assumes that the site would generally remain in its existing condition. Under the No Project/No Development Alternative, the Project would not be constructed, and the site would remain in the same state as its current condition, with the existing structures, parking areas, and existing marina and shoreline infrastructure remaining in place. Residential units would not be constructed at the site, the commercial core element would not be constructed, the proposed open space would

not be developed, and the new portion of the Bay Trail would not be constructed.

The No Project/No Development Alternative would not meet any of the objectives of the proposed Project: it would not transform the site into a new waterfront residential community with open space and public access improvements, nor would it help fulfill the City's planning goals and vision for the site. The site would not contribute to fulfilling the goals of the City's Housing Element or help meet the City's RHNA. This alternative also would not generate any capital investment in the aging marina and shoreline infrastructure; those facilities would continue to deteriorate, and without the injection of substantial funds from some other source, those facilities would eventually become unsafe and unusable. This alternative would, however, avoid all of the Project's impacts as identified in Chapter 4 of the EIR.

Under the No Project Alternative, there would no impacts to aesthetics, air quality and greenhouse gas emissions, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, population and housing, public services and recreation, transportation and traffic, and utilities and services. The No Project Alternative would also have no impact to land use, but it would not support the City's Regional Housing Needs Allocation or the City of Alameda's General Plan Housing Element goals and policies.

The Final EIR found that the environmentally superior alternative would be the No Project Alternative. The No Project Alternative would avoid most of the environmental impacts associated with the proposed Project, but would not meet any of the project objectives. As required by CEQA Guidelines Section 15126.6(e)(2), because the environmentally superior alternative is the No Project Alternative, this EIR identifies an environmentally superior alternative from among the other alternatives. Therefore, the Preservation Alternative would be the Environmentally Superior Alternative for the purpose of this analysis, even though it would still result in some of the significant and unavoidable impacts associated with the proposed Project.

X. INCORPORATION BY REFERENCE

These findings incorporate the text of the Final EIR for the Project, the Mitigation Monitoring and Reporting Program, City Staff Reports relating to the Project, and other documents relating to public hearing on the Project, by reference, in their entirety. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, Project and cumulative impacts, the basis for determining the significance of impacts, the comparison of the alternatives to the Project, the determination of the environmentally superior alternative, and the reasons for approving the Project.

XI. RECORD OF PROCEEDINGS

Various documents and other materials constitute the record of proceedings upon which the City bases its findings contained herein. The record of proceedings is located in the offices of the custodian for these documents and materials, which is the Office of the City Clerk of the City of Alameda, 2263 Santa Clara Avenue, Room 380, Alameda, CA, 94501

XII. RECIRCULATION NOT REQUIRED

State CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when “significant new information” is added to the EIR after public notice is given of the availability of the Draft EIR but before certification. Recirculation of the EIR is not required because no significant new information has been received which disclosed that a new significant environmental impact would result from the Project or from a new mitigation measure proposed to be implemented, that a substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance, that a feasible mitigation measure or alternative considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the Project but the City declines to adopt it, or that the Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

XIII. STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to CEQA Guideline Section 15093, the City has balanced the economic, legal, social, technological or other benefits of the Project, including region-wide or statewide environmental benefits, against its significant and unavoidable environmental impacts. The City finds that the Project’s benefits outweigh its unavoidable adverse environmental effects, and that the adverse environmental effects are therefore acceptable.

The following statement identifies the reasons why, in the City’s judgment, specific benefits of the Project outweigh the significant and unavoidable effects. The substantial evidence supporting the benefits of the Project can be found in the preceding sections of these Findings, in the Project itself, and in the record of proceedings as defined in Section XI, above. The City further finds that each of the Project benefits discussed below is a separate and independent basis for these findings. The reasons set forth below are based on the Final EIR and other information in the administrative record.

- A. Strengthen and Reconnect the Community to the Waterfront:** The Project will reconnect the community to the waterfront by extending the existing city grid into the Project site, and allow the public to access the shoreline edge by developing new open space areas and the Bay Trail.

- B. Improve and Enhance the Maritime Commercial Marina:** The Project will maintain Alameda Marina as a working waterfront and create a maritime and commercial use of approximately 250,000 square feet, which will help retain existing jobs and generate new jobs on the Project site. The Project will upgrade and rehabilitate existing facilities and some of the unique historic buildings to provide square footage for existing maritime businesses, boat berthing and maintenance, and other waterfront commercial recreational activities. Additional dry boat storage will also be provided on the Project site. The Project will also provide sea level rise protection and other infrastructure upgrades to the site.
- C. Reinvest in Infrastructure:** The Project will reinvest funds into improving the shoreline infrastructure, which includes upgrading utilities to support the existing marina, marina dredging with the seawall construction and operation of the marina, sub surface debris removal associated with the prior history of the site, and repairs to the graving dock. The Project will also provide additional horizontal off-site and on-site infrastructure improvements that includes improvements to Clement Avenue, and upgrades to utility connections between Clement Avenue and the water's edge. The Project site will be developed into an integrated, mixed-use community with an integrated network of public open spaces and streets.
- D. Increase Supply of a Range of Housing Types:** The Project will increase the City's housing supply, including affordable housing, for Alameda and the region. It will construct up to 779 residential units, including a mix of townhomes, stacked flats and low and midrise multifamily housing for a mix of household types and incomes. The Project will provide a diversity of housing types and pricing that attract the market segments most likely to use alternatives to the automobile, such as self-selective transit commuters and households with zero to low-automobile ownership.
- E. Promote Sustainable Development:** The Project will protect the local, regional, and global environment and facilitate sustainable reuse and redevelopment of Alameda Marina by creating opportunities for transit-oriented development consistent with SB 375 and the regional Sustainable Communities Strategy: Plan Bay Area. The Project will invest in improvements to adapt to sea-level rise and climate change over time, and the replacement and rehabilitation of substandard infrastructure systems that may contribute to regional water quality impacts. It will apply sustainability principles in the design and development of open spaces, recreation facilities, buildings, and infrastructure, including wastewater, storm water, electrical and transportation systems.
- F. Provide Transit-Oriented, Mixed-Use Development Opportunities:** The Project will provide transit-oriented, mixed-use development opportunities by ensuring that the site design reflects the established transit-oriented and mixed-use goals, policies, and objectives of the City of Alameda General Plan, as a whole. It will provide for mixed-use development within close proximity to existing and planned transit services and encourage the types of non-residential uses that serve the everyday needs of future Alameda Marina and existing nearby residents and employees and reduce the need to use an automobile to

obtain goods and services. The Project will promote use of alternative modes of transportation through preparation and implementation of a Transportation Demand Management (TDM) Program.

- G. Provide Open Space and Other Community Benefits:** The Project will produce tangible community benefits for the Alameda community as a whole by creating new waterfront amenities, including a promenade, plazas and parks, that will offer both passive and active recreational uses. The Project will enhance views of water and public access to the waterfront and creatively encourage the usage of the waterfront by providing a waterfront promenade, open space, and other public amenities, including an extension of the Bay Trail and the redevelopment of the graving dock as a public access amenity. It will create human-scale, tree-lined walkable streets and bicycle routes around the Project site and extend the street grid street pattern that is characteristic of the existing city neighborhoods.
- H. Ensure Predictable and Fiscally Sound Development Process:** The Project will provide for clear and orderly phasing, sizing, and financing of site infrastructure for both the circulation and utility network and provide for a predictable development process. It will address the impact of the site development on the City's operating budget to comply with City Council Policies adopted by Resolution 13643 related to fiscal neutrality.
- I. Provision of Jobs:** The Project will create thousands of hours of construction work and accommodate hundreds of permanent full-time jobs on completion.

Based on the entire record, including the Final EIR, the specific economic, social, and environmental benefits of the Project, as stated above, outweigh and override any significant unavoidable environmental effects that would result from future Project implementation. The Council has determined that any significant environmental effects caused by the Alameda Marina Project have been mitigated to the extent feasible through the mitigation measures identified herein and adopted and incorporated into the Project, and, where mitigation is not feasible, have been outweighed and counterbalanced by the economic, legal, social, technological and other benefits of the Project, including region-wide or statewide environmental benefits.

XIV. SUMMARY

- A.** Based on the foregoing Findings and the information contained in the record, the City has made one or more of the following Findings with respect to each of the significant environmental effects of the Project:

 - 1. Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects identified in the Final EIR.
 - 2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should

be, adopted by that other agency.

3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the alternatives identified in the environmental impact report.

B. Based on the foregoing Findings and the information contained in the record, it is determined that:

1. All significant effects on the environment due to the approval of the Project have been eliminated or substantially lessened where feasible.
2. Any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations in Section XIII, above.

Mitigation Monitoring and Reporting Program

Introduction

Section 15097 of the California Environmental Quality Act (CEQA) Guidelines requires public agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of either a “mitigated negative declaration” or specified environmental findings related to environmental impact reports.

The following is the Mitigation Monitoring and Reporting Program (MMRP) for the Alameda Marina Master Plan project. The intent of the MMRP is to prescribe and enforce a means for properly and successfully implementing the mitigation measures identified within the Draft Environmental Impact Report (Draft EIR) for this project.

Mitigation Measures

The table below lists all mitigation measures for the project. The MMRP describes the actions that must take place to implement each mitigation measure, the timing of those actions, and the entities responsible for implementing and monitoring the actions.

MMRP Components

The components of the attached table, which contains applicable mitigation measures, are addressed briefly, below.

Impact: This column summarizes the impact stated in the Draft EIR.

Mitigation Measure: All mitigation measures that were identified in the Draft EIR are presented, and numbered accordingly.

Action: For every mitigation measure, one or more actions are described. The actions delineate the means by which the mitigation measures will be implemented, and, in some instances, the criteria for determining whether a measure has been successfully implemented. Where mitigation measures are particularly detailed, the action may refer back to the measure.

Implementing Party: This item identifies the entity that will undertake the required action, typically the project applicant or its designee.

Timing: Implementation of the action must occur prior to or during some part of project approval, project design or construction or on an ongoing basis. The timing for each measure is identified.

Monitoring Party: The City of Alameda is primarily responsible for ensuring that mitigation measures are successfully implemented. Within the City, a number of departments and divisions would have responsibility for monitoring some aspect of the overall project.

**TABLE 4-1
ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM**

**TABLE 4-1
ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM**

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
Air Quality and Climate Change					
Impact AQ/CC-1: The proposed project would not result in localized construction dust-related air quality impacts; generate construction emissions that would result in a substantial increase of criteria pollutants and precursors for which the air basin is in nonattainment under an applicable federal or state ambient air quality standard; or expose sensitive receptors to substantial concentrations of toxic air contaminants or respirable particulate matter (PM _{2.5}).	Mitigation Measure AQ/CC-1: Implementation of Dust Abatement Programs. The project applicant shall be required to demonstrate compliance with all applicable City regulations and operating procedures prior to issuance of building or grading permits, including standard dust control measures. The effective implementation of dust abatement programs, incorporating all of the following dust control measures, would reduce the temporary air quality impact associated with construction dust. <ul style="list-style-type: none"> • All active construction areas shall be watered two times daily using equipment and staff provided by the project applicant or prime contractor, as needed, to avoid visible dust plumes. Appropriate non-toxic dust palliative or suppressant, added to water before application, may be used. • All trucks hauling soil, sand and other loose materials shall be covered. • All unpaved access roads, parking areas and construction staging areas shall be either paved, watered as necessary to avoid visible dust plumes, or subject to the application of (non-toxic) soil stabilizers. • All paved access roads, parking areas and staging areas at the construction site shall be swept daily with water sweepers. The use of dry power sweeping is prohibited. • If visible soil material is carried onto adjacent public streets, these streets shall be swept daily with water sweepers. The use of dry power sweeping is prohibited. • All stockpiles of debris, soil, sand or other materials that can be blown by the wind shall either be covered or watered as necessary to avoid visible dust plumes. • An off-pavement speed limit of 15 miles per hour for all construction vehicles shall be incorporated into the construction contract and enforced by the prime contractor. • All inactive portions of the project site (those areas which have been previously graded, but inactive for a period of ten days or more) shall be watered with an appropriate dust suppressant, covered or seeded. 	Provide Dust Abatement Plan that meets the requirements of the mitigation measure to the City Building Division for review and approval.	Project applicant or designee	Prior to issuance of demolition and/or building permits.	City of Alameda

**TABLE 4-1
ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM**

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Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
	<ul style="list-style-type: none"> All earth-moving or other dust-producing activities shall be suspended when the above dust control measures prove ineffective in avoiding visible dust plumes during periods of high winds. The wind speed at which this suspension of activity will be required may vary, depending on the moisture conditions at the project site, but suspension of such activities shall be required in any case when the wind speed exceeds 25 miles per hour. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. Post a publicly visible sign with the telephone number and person to contact at the City of Alameda regarding dust complaints. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. 				
	<p>Mitigation Measure AQ/CC-2:</p> <p>The project applicant shall ensure that construction contract specifications include a requirement that all off-road diesel-powered construction equipment used for project improvements shall be equipped with a Level 3 Verified Diesel Emissions Control (VDEC), which would reduce diesel particulate emissions by at least 85 percent.</p>	Provide construction specifications to City Building Division for review and approval.	Project applicant or designee	Prior to issuance of construction contracts and/or construction bid materials.	City of Alameda

TABLE 4-1
ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 4-1 (CONTINUED)
ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
Impact AQ/CC-5: The proposed project would not conflict with or obstruct the implementation of the applicable air quality plan.	Mitigation Measure AQ/CC-3: The City shall require that the following measures be implemented, either by the City or the project applicant, or both in combination, to encourage the use of low- and zero-emission vehicles in travel to and from the project site and construction meeting LEED Silver or equivalent sustainable design standards: <ul style="list-style-type: none"> Promote use of clean fuel-efficient vehicles through preferential parking and/or installation of charging stations. Require LEED Silver certification or equivalent for all new residential structures. Promote zero-emission vehicles by providing a neighborhood electric vehicle program to reduce the need to have a car or second car as an element of the TDM program. 	Provide design and construction specifications to City Building Division for review and approval.	Project applicant or designee	Prior to issuance of construction contracts and/or construction bid materials.	City of Alameda
Biological Resources					
Impact BIO-1: The proposed project would not have a substantial adverse effect, either directly or through habitat modifications, on species identified as candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the United States Fish and Wildlife Service.	Mitigation Measure BIO-1a: Prior to the start of in-water construction and maintenance that would require pile driving, the project applicant shall prepare a NMFS-approved sound attenuation monitoring plan to protect fish and marine mammals, if impact pile driving is required for project implementation. This plan shall provide detail on the sound attenuation system, detail methods used to monitor and verify sound levels during pile driving activities, and describe management practices to be taken to reduce impact hammer pile-driving sound in the marine environment to an intensity level of less than 183 dB. The sound monitoring results shall be made available to the NMFS. The plan shall incorporate one or more of the following best management practices (BMPs) to meet the 183 dB performance standard): <ul style="list-style-type: none"> To the extent feasible, all pilings shall be installed and removed with vibratory pile drivers only. If feasible, vibratory pile driving shall be conducted following the Corps' "Proposed Procedures for Permitting Projects that will Not Adversely Affect Selected Listed Species in California". USFWS and NOAA completed Section 7 consultation on this document, which establishes general procedures for minimizing impacts to natural resources associated with projects in or adjacent to jurisdictional waters. 	Pre-construction: Provide NMFS-approved sound attenuation and monitoring plan to the City Planning Division. During construction: Provide monitoring reports as specified in agreement with NMFS.	Project applicant or designee	Pre-construction: Prior to issuance of demolition/building permits in affected areas. During construction: Ongoing per terms of agreement with NMFS.	City of Alameda

**TABLE 4-1
ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM**

**TABLE 4-1 (CONTINUED)
ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM**

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
	<ul style="list-style-type: none"> An impact pile driver may only be used where necessary to complete installation of larger steel pilings in accordance with seismic safety or other engineering criteria If necessary, the hammer shall be cushioned using a 12-inch thick wood cushion block during all impact hammer pile driving operations. All piling installation using impact hammers shall be conducted between June 1 and November 30, when the likelihood of sensitive fish species being present in the work area is minimal. If pile installation using impact hammers must occur at times other than the approved work window, the project applicant shall obtain incidental take authorization from NMFS and CDFW, as necessary, to address potential impacts on steelhead trout, chinook salmon, and Pacific herring and implement all requested actions to avoid impacts. The project applicant shall monitor and verify sound levels during pile driving activities. The sound monitoring results will be made available to NMFS and the City. In the event that exceedance of noise thresholds established and approved by NMFS occurs, a contingency plan involving the use of bubble curtains or air barrier shall be implemented to attenuate sound levels to below threshold levels. 				
	<p>Mitigation Measure BIO-1b:</p> <p>During the project permitting phase, any activities requiring in-water work will either proceed under one of the programmatic consultations for federally listed species described above or a project-level BO would be required. Alternatively, the project will obtain Incidental Harassment Authorization (IHA) for marine mammals for dredging or pile driving activities. The project applicant shall also consult with CDFW regarding project impacts on State listed special-status fish species and the potential need for an incidental take permit (ITP). The project applicant shall submit to the City copies of any IHA and/or ITP received or, alternatively, copies of correspondence confirming that an IHA and/or ITP is not required for the project in question.</p>	Provide evidence of regulatory compliance to the City Building Division and/or the City Planning Division as specified in the measure.	Project applicant or designee	Prior to issuance of demolition/building permits in affected areas.	City of Alameda

TABLE 4-1
ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 4-1 (CONTINUED)
ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
	<p>Mitigation Measure BIO-1c:</p> <p>As part of the NMFS-approved sound attenuation monitoring plan required for pile driving in Mitigation Measure BIO-1a, the City shall ensure that the project applicant implements these additional actions to reduce the effect of underwater noise transmission on marine mammals. These actions shall include at a minimum:</p> <ul style="list-style-type: none"> Establishment of a 1,600-foot (500-meter) safety zone that shall be maintained around the sound source, for the protection of marine mammals in the event that sound levels are unknown or cannot be adequately predicted. Work activities shall be halted when a marine mammal enters the 1,600-foot (500-meter) safety zone and resume only after the animal has been gone from the area for a minimum of 15 minutes. A “soft start” technique shall be employed in all pile driving to give marine mammals an opportunity to vacate the area. Maintain in-air sound levels at the noise source below 90 dBA when pinnipeds (seals and sea lions) are present. A NMFS-approved biological monitor will conduct daily surveys before and during impact hammer pile driving to inspect the work zone and adjacent Bay waters for marine mammals. The monitor will be present as specified by NMFS during the impact pile-driving phases of construction. 	<p>Pre-construction: Provide NMFS-approved sound attenuation and monitoring plan to the City Planning Division.</p> <p>During construction: Provide monitoring reports as specified in agreement with NMFS.</p>	Project applicant or designee	Prior to issuance of demolition/building permits in affected areas.	City of Alameda
	<p>Mitigation Measure BIO-1d:</p> <p>Through the Design Review application process, the City shall ensure that the project applicant installs dock lighting on all floating docks and adjacent areas that minimizes artificial lighting of Bay waters by using shielded, low-mounted, and low light-intensity fixtures and bulbs.</p>	<p>Pre-construction: Provide lighting plans to City Building Division for review and approval showing compliance with measure. Post-construction: Demonstrate compliance with measure to satisfaction of the City Building Division.</p>	Project applicant or designee	<p>Pre-construction: Prior to issuance of building permits for affected water-side areas. Post-construction: Prior to issuance of occupancy permits.</p>	City of Alameda
	<p>Mitigation Measure BIO-1e:</p> <p>To the extent practicable, construction activities including building renovation, demolition, vegetation and tree removal, and new site construction shall be performed between September 1 and January 31 in order to avoid breeding and nesting season for birds. If these activities cannot be performed during this period, a</p>	Conduct pre-construction surveys for nesting birds if construction is proposed during specified times; provide results of surveys to City Building Division and/or City Planning	Project applicant or designee	Prior to issuance of demolition/building permits.	City of Alameda

TABLE 4-1
ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 4-1 (CONTINUED)
ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
	<p>preconstruction survey for nesting birds shall be conducted by a qualified biologist.</p> <p>In coordination with the City, surveys shall be performed during breeding bird season (February 1 – August 31) no more than 14 days prior to construction activities listed above in order to locate any active passerine nests within 250 feet of the project site and any active raptor nests within 500 feet of the project site. Building renovation, demolition, tree and vegetation removal, and new construction activities performed between September 1 and January 31 avoid the general nesting period for birds and therefore would not require pre-construction surveys.</p> <p>If active nests are found on either the proposed construction site or within the 500-foot survey buffer surrounding the proposed construction site, no-work buffer zones shall be established around the nests in coordination with CDFW. No renovation, demolition, vegetation removal, or ground-disturbing activities shall occur within a buffer zone until young have fledged or the nest is otherwise abandoned as determined by the qualified biologist. If work during the nesting season stops for 14 days or more and then resumes, then nesting bird surveys shall be repeated, to ensure that no new birds have begun nesting in the area.</p>	Division; conduct construction activities according to the protocol described in the mitigation measure.			
Impact BIO-2: Development facilitated by the proposed project would not have a substantial adverse effect on riparian habitat or other sensitive natural communities identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.	<p>Mitigation Measure BIO-2a:</p> <p>Prior to in-water work, the City shall ensure that the project applicant conducts a pre-construction survey to determine if native oysters, mussels, and eelgrass are present in the Oakland-Alameda Estuary to be affected by the project.</p> <ul style="list-style-type: none"> The eelgrass survey shall be conducted according to the methods contained in the California Eelgrass Mitigation Policy and Implementing Guidelines (NMFS, 2014), with the exception that the survey shall be conducted within 120 days (rather than 60 days, as recommended in the CDEMP) prior to the desired construction start date, to allow sufficient time for modification of project plans (if feasible) and agency consultation. If eelgrass beds or native oysters are found within or immediately adjacent to the construction footprint, the project applicant shall first determine whether avoidance of the beds is feasible. If feasible, impacts to the oyster or eelgrass bed shall be avoided. If complete avoidance is not feasible, the applicant shall request guidance from the 	Conduct preconstruction surveys for native oysters, mussels, and eelgrass as specified in the mitigation measure; provide results of surveys to City Building Division and/or City Planning Division; follow avoidance and monitoring protocols as directed by NMFS and as specified in the mitigation measure; provide compensatory mitigation if required.	Project applicant or designee	Prior to issuance of building permits for the affected in-water areas.	City of Alameda

TABLE 4-1
ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 4-1 (CONTINUED)
ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
	<p>National Marine Fisheries Service (or other applicable agency) as to the need and/or feasibility to move affected beds. Any translocation of eelgrass beds shall be conducted consistent with the methods described in the CDEMP and/or those described in Eelgrass Conservation in San Francisco Bay: Opportunities and Constraints (Boyer and Wylie-Echeverria, 2010). Translocation of oyster beds shall be consistent with methods and recommendations presented in Shellfish Conservation and Restoration in San Francisco Bay: Opportunities and Constraints (Zabin et al., 2010).</p> <ul style="list-style-type: none"> If it is not possible to translocate oyster or eelgrass beds, then the City shall ensure that the project applicant provides compensatory mitigation consistent with the CDEMP for eelgrass (a ratio of 3.01:1 [transplant area to impact area]) and a minimum 1:1 ratio for oyster beds. The relocation or compensatory mitigation site for eelgrass or oyster beds shall be within San Francisco Bay. 				
	<p>Mitigation Measure BIO-2b:</p> <p>The Marina operators shall prepare educational information regarding sensitive biological resources in the project vicinity and within Bay waters. This information shall be disseminated to all boaters using the marina and shall include, but not be limited to, information educating boat owner/operators about sensitive habitats and species in the Bay and actions they are required to implement to avoid impacts to marine resources.</p> <p>The educational information will be disseminated to visiting boaters through multiple methods including, but not limited to, brochures or pamphlets; marina and/or City websites; boating, cruising, and newspaper periodicals; and social media. The information shall be prepared soliciting input from, and in cooperation with, the National Marine Fisheries Service (NMFS), U.S. Coast Guard (USCG), California State Lands Commission, National Park Service (NPS), California Department of Parks and Recreation (CDPR), Bay Conservation and Development Commission (BCDC), and local organizations active in protecting Bay marine resources, as appropriate.</p>	Prepare educational materials as specified in the mitigation measure; present materials to the City and cooperating agencies for review and approval.	Project applicant or designee	Prior to issuance of occupancy permits.	City of Alameda
	<p>Mitigation Measure BIO-2c:</p>	Prepare Marine Invasive Species Control Plan with cooperation	Project applicant or designee	Pre-construction: Prior to issuance of	City of Alameda

TABLE 4-1
ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 4-1 (CONTINUED)
ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
	<p>The City shall require that the project applicant develop and implement a Marine Invasive Species Control Plan prior to commencement of any in-water work including, but not limited to, construction of wharves and seawalls, dredging, pile driving, and construction of new stormwater outfalls. The plan shall be prepared in consultation with the United States Coast Guard (USCG), RWQCB, and other relevant state agencies. Provisions of the plan shall include but not be limited to the following:</p> <ul style="list-style-type: none"> • Environmental training of construction personnel involved in in-water work. • Actions to be taken to prevent the release and spread of marine invasive species, especially algal species such as Undaria and Sargasso. • Procedures for the safe removal and disposal of any invasive taxa observed on the removed structures prior to disposal or reuse of pilings, docks, wave attenuators, and other features. • The onsite presence of a qualified marine biologist to assist the contractor in the identification and proper handling of any invasive species on removed equipment or materials. • A post-construction report identifying which, if any, invasive species were discovered attached to equipment and materials following removal from the water, and describing the treatment/handling of identified invasive species. Reports shall be submitted to the City, as well as the USCG and the RWQCB if requested by the agencies. 	and oversight from relevant agencies as specified in the mitigation measure; implement the plan as specified in the mitigation measure; conduct technical assistance activities as specified in the mitigation measure; prepare and submit a post-construction report to the City of Alameda and applicable agencies.		demolition/building permits within the affected in-water areas. Post-construction: Prior to final inspection of completed in-water structures within the affected area(s).	
Impact BIO-3: Development facilitated by the proposed project would not have a substantial adverse effect on federally protected wetlands, 'other waters', and navigable waters as defined by Sections 404 and 10 of the Clean Water Act and waters of the State through direct removal, filling, hydrological interruption, or other means.	<p>Mitigation Measure BIO-3a:</p> <p>All dredging and in-water construction activities shall be consistent with the standards and procedures set forth in the Long Term Management Strategy for dredging in the San Francisco Bay waters, a program developed by the U.S. Army Corps of Engineers (USACE), the Bay Conservation and Development Commission (BCDC), the Regional Water Quality Control Board (RWQCB), the U.S. Environmental Protection Agency, (EPA), and other agencies, to guide the disposal of dredge materials in an environmentally sound manner.</p>	Submit to the City an approved plan and/or required regulatory permits showing compliance with applicable requirements as specified in the mitigation measure.	Project applicant or designee	Prior to issuance of dredging and construction permits within the affected in-water areas.	City of Alameda

**TABLE 4-1
ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM**

**TABLE 4-1 (CONTINUED)
ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM**

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
	Mitigation Measure BIO-3b: During project construction, best management practices (BMPs) would be applied to prevent potential pollutants from entering the storm drain system directly, reducing sediment or potentially hazardous runoff from entering receiving waters. Examples of these measures include covering trash receptacles and car wash areas, regular sweeping of paved surfaces, stenciling of storm drain inlets, and installation of full trash capture devices.	Provide construction specifications to City Building Division for review and approval.	Project applicant or designee	Prior to issuance of construction contracts and/or construction bid materials.	City of Alameda

TABLE 4-1
ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 4-1 (CONTINUED)
ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
Impact BIO-4: Development facilitated by the proposed project would not interfere with the movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	Mitigation Measure BIO-4: <p>The City shall require that the project applicant retain a qualified biologist experienced with bird strike issues to review and approve the design of the building to ensure that it sufficiently minimizes the potential for bird strikes. The City may also consult with resource agencies such as the California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, or others, as it determines to be appropriate during this review.</p> <p>The project applicant shall provide to the City a written description of the measures and features of the building design that are intended to address potential impacts on birds. The design shall include some of the following measures or measures that are equivalent to, but not necessarily identical to, those listed below, as new, more effective technology for addressing bird strikes may become available in the future:</p> <ul style="list-style-type: none"> • Employ design techniques that create “visual noise” via cladding or other design features that make it easy for birds to identify buildings as such and not mistake buildings for open sky or trees; • Decrease continuity of reflective surfaces using “visual marker” design techniques, which techniques may include: <ul style="list-style-type: none"> — Patterned or fritted glass, with patterns at most 28 centimeters apart, — One-way films installed on glass, with any picture or pattern or arrangement that can be seen from the outside by birds but appear transparent from the inside, — Geometric fenestration patterns that effectively divide a window into smaller panes of at most 28 centimeters, and/or — Decals with patterned or abstract designs, with the maximum clear spaces at most 28 centimeters square. • Up to 60 feet high on building facades facing the shoreline, decrease reflectivity of glass, using design techniques such as plastic or metal screens, light-colored blinds or curtains, frosting of glass, angling glass towards the ground, UV-A glass, or awnings and overhangs; • Eliminate the use of clear glass on opposing or immediately adjacent faces of the building without intervening interior 	<p>Submittal of building, lighting, and structural plans to the City Building Division that meet the requirements of the bird-strike avoidance specifications as specified in the mitigation measure; preparation of education materials for future building occupants; peer review and approval of all of the above by a qualified biologist with appropriate expertise, with oversight by City staff; documentation of all of the above as specified in the mitigation measure.</p>	<p>Project applicant or designee</p>	<p>Pre-construction: Prior to issuance of building permits for each project phase. Post-construction documentation: Prior to issuance of building permits for each project phase.</p>	<p>City of Alameda</p>

TABLE 4-1
ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 4-1 (CONTINUED)
ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
	<p>obstacles such that a bird could perceive its flight path through the glass to be unobstructed;</p> <ul style="list-style-type: none"> • Mute reflections in glass using strategies such as angled glass, shades, internal screens, and overhangs; and • Place new vegetation sufficiently away from glazed building facades so that no reflection occurs. Alternatively, if planting of landscapes near a glazed building façade is desirable, situate trees and shrubs immediately adjacent to the exterior glass walls, at a distance of less than three feet from the glass. Such close proximity will obscure habitat reflections and will minimize fatal collisions by reducing birds' flight momentum. <p>Lighting. The project applicant shall ensure that the design and specifications for buildings implement design elements to reduce lighting usage, change light direction, and contain light. These include, but are not limited to, the following general considerations that should be applied wherever feasible throughout the proposed project to reduce night lighting impacts on avian species:</p> <ul style="list-style-type: none"> • Avoid installation of lighting in areas where not required for public safety • Examine and adopt alternatives to bright, all-night, floor-wide lighting when interior lights would be visible from the exterior or exterior lights must be left on at night, including: <ul style="list-style-type: none"> — Installing motion-sensitive lighting — Installing task lighting — Installing programmable timers — Installing fixtures that use lower-wattage, sodium, and yellow-red spectrum lighting. • Install strobe or flashing lights in place of continuously burning lights for any obstruction lighting. • Where exterior lights are to be left on at night, install fully shielded lights to contain and direct light away from the sky. <p>Antennae, Monopole Structures, and Rooftop Elements. The City shall ensure, as a condition of approval for every building permit, that buildings minimize the number of and co-locate rooftop-antennas and other rooftop equipment, and that monopole structures or antennas on buildings, in open areas,</p>				

**TABLE 4-1
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**TABLE 4-1 (CONTINUED)
ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM**

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
	<p>and at sports and playing fields and facilities do not include guy wires.</p> <p>Educating Residents and Occupants. The City shall ensure, as a condition of approval for every building permit, that the project applicant agrees to provide educational materials to building tenants, occupants, and residents encouraging them to minimize light transmission from windows, especially during peak spring and fall migratory periods, by turning off unnecessary lighting and/or closing window coverings at night. The City shall review and approve the educational materials prior to building occupancy.</p> <p>Documentation. The project applicant and/or City shall document undertaking the activities described in this mitigation measure and maintain records that include, among others, the written descriptions provided by the building developer of the measures and features of the design for each building that are intended to address potential impacts on birds, and the recommendations and memoranda prepared by the qualified biologist experienced with bird strikes who reviews and approves the design of any proposed projects to ensure that they sufficiently minimize the potential for bird strikes.</p>				
Cultural Resources					
Impact CUL-1: Project implementation would cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5.	<p>Mitigation Measure CUL-1a:</p> <p>Treatment of Historic Properties (Buildings 16 19 and 27). Alterations, to the exteriors of Buildings 16, 19 and 27, shall conform to the Secretary of the Interior's Standards for the Treatment of Historic Properties and Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, if feasible (NPS, 1995) and PRC 5024.5.</p>	Placement of specified mitigation requirements within the project plans for each phase of project development; provide construction specifications to City Building Division for review prior to construction bid solicitation and/or contract finalization.	Project applicant or designee	Prior to issuance of construction contracts and/or construction bid solicitation.	City of Alameda
	<p>Mitigation Measure CUL-1b:</p> <p>Documentation. The project proponent shall prepare a treatment plan including but not limited to photo documentation and public interpretation of the Alameda Marina Historic District (Buildings 1, 4, 6, 12, 15, 16, 17, 19, 21, 22, 27, 28, 29, 31, 32, 33, 34, and the graving dock). Photo documentation will be overseen by a Secretary of the Interior-qualified architectural historian, documenting the affected historical resource. in</p>	Submit to the City a treatment plan for approval that meets the requirements of the mitigation; carry out the requirements of the approved plan; provide evidence of completion.	Project applicant or designee	Prior to issuance of demolition permits for affected areas.	City of Alameda

**TABLE 4-1
ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM**

**TABLE 4-1 (CONTINUED)
ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM**

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
	accordance with the National Park Service's Historic American Buildings Survey (HABS) and/or Historic American Engineering Record (HAER) standards. Such standards typically include large-format photography using (4x5) negatives, written data, and copies of original plans if available. The HABS/HAER documentation packages will be archived at local libraries and historical repositories, as well as the Northwest Information Center of the California Historical Resources Information System.				
	Mitigation Measure CUL-1c: Interpretive Display. Public interpretation of historical resources shall be provided and could include a plaque, kiosk, or other method of describing the Alameda Marina Historic District's historic or architectural importance to the general public. The design and placement of the display(s) shall be reviewed and approved by the City of Alameda Historic Advisory Board.	Submit to the City for approval an interpretive plan that meets the requirements of the mitigation; submit designs for interpretive displays for approval; provide evidence of completion.	Project applicant or designee	Pre-construction: Prior to issuance of building permits for each project phase. Post-construction documentation: Prior to issuance of building permits for each project phase.	City of Alameda

TABLE 4-1
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<p>Impact CUL-2: Project construction could cause a substantial adverse change in the significance of an archaeological resource, including those determined to be a historical resource defined in Section 15064.5 or a unique archaeological resource defined in PRC 21083.2.</p>	<p>Mitigation Measure CUL-2a:</p> <p><i>Archaeological Resources Management Plan.</i> During the preliminary design for development within the project area, and prior to submittal of a building permit or grading application to the City of Alameda, the project applicant shall undertake the following:</p> <ul style="list-style-type: none"> • <i>Preservation in Place.</i> A qualified archaeologist, in consultation with the City of Alameda, the project applicant, and the appropriate Native American representative(s) shall determine whether preservation in place of site CA-ALA-11 is feasible. Consistent with CEQA Guidelines Section 15126.4(b)(3), this may be accomplished through planning construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; or deeding the site into a permanent conservation easement. <p>If it is determined that preservation in place is not feasible for the resource and another type of mitigation would better serve the interests protected by CEQA, mitigation shall include testing and data recovery through archaeological investigations and the project applicant shall undertake the following:</p> <ul style="list-style-type: none"> • <i>Archaeological Resources Management Plan.</i> Because a significant archaeological resource (CA-ALA-11) has been previously identified in the project area, the project proponent shall retain a Secretary of the Interior-qualified archaeologist, in consultation with a Native American representative(s), to prepare and implement an Archaeological Resources Management Plan (ARMP). The ARMP shall include a preliminary testing program to identify the types of expected archaeological materials, the testing methods to be used to define site boundaries and constituents, and the locations recommended for testing. The purpose of the testing program will be to determine to the extent possible the presence or absence of archaeological materials in the proposed areas of disturbance for the project and to determine whether those materials contribute to the significance of site CA-ALA-11. If a significant contributing element to the site is in the project area, the project proponent shall conduct a data recovery program as outlined in the ARMP. The ARMP will include how the data recovery program would preserve the significant information the archaeological resource is expected to contain. Treatment would consist of (but would not be not limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim of targeting the recovery of important scientific data contained in the portion(s) of the significant resource to be impacted by the project. The 	<p>Submit plan for approval that meets the requirements of the mitigation measure.</p>	<p>Project applicant or designee</p>	<p>Prior to issuance of construction contracts and/or construction bid solicitation.</p>	<p>City of Alameda</p>
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TABLE 4-1
ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 4-1 (CONTINUED)
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Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
	ARMP shall include provisions for analysis of data in a regional context; reporting of results within a timely manner and subject to review and comments by the appropriate Native American representative, before being finalized; curation of artifacts and data at a local facility acceptable to the City and appropriate Native American representative; and dissemination of final confidential reports to the appropriate Native American representative, the Northwest Information Center of the California Historical Resources Information System and the City.				
	<p>Mitigation Measure CUL-2b:</p> <p><i>Inadvertent Discovery of Archaeological Resources.</i> During construction outside of known archaeological site boundaries, if prehistoric or historic-era cultural materials are encountered, all construction activities within 100 feet shall halt and the City shall be notified. Prehistoric archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil ("midden") containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-period materials might include stone, concrete, or adobe footings and walls; artifact filled wells or privies; and deposits of metal, glass, and/or ceramic refuse.</p> <p>The project applicant shall ensure that a Secretary of the Interior-qualified archaeologist inspect the find within 24 hours of discovery. If the find is determined to be potentially significant, the archaeologist, shall follow the guidelines provided in Mitigation Measure CUL-2a above.</p>	Submit for approval a plan for inadvertent discovery; incorporate requirements into the design and construction specifications; demonstrate retainment of qualified archaeologist to be available in the event of an inadvertent discovery; comply with terms of Mitigation Measure CUL-2a if a discovery is found to be potentially significant.	Project applicant or designee	Prior to issuance of construction contracts and/or construction bid materials.	City of Alameda

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ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 4-1 (CONTINUED)
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Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
Impact CUL-3: Project construction could disturb human remains, including those interred outside of formal cemeteries.	<p>Mitigation Measure CUL-3: <i>Inadvertent Discovery of Human Remains.</i> Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California, the project applicant shall ensure the following:</p> <ul style="list-style-type: none"> Project construction personnel shall be informed of the potential of encountering human remains during construction, and the proper procedures to follow in the event of the discovery of human remains during construction. In the event of the discovery of human remains during construction, work shall stop in that area and within 100 feet of the find. The Alameda County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to their authority, they shall notify the Native American Heritage Commission who shall identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the project applicant shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further ground disturbance. 	Incorporate requirements into the design and construction specifications; comply with mitigation if remains are found.	Project applicant or designee	Prior to issuance of construction contracts and/or construction bid materials.	City of Alameda

**TABLE 4-1
ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM**

**TABLE 4-1 (CONTINUED)
ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM**

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
Impact CUL-4: Project construction could cause a substantial adverse change in the significance of a Tribal Cultural Resource as defined in Public Resources Code Section 21074.	Mitigation Measure CUL-4: <i>Tribal Cultural Resources Interpretive Program.</i> In consultation with the affiliated Native American tribal representatives, the proposed project shall be redesigned so as to avoid any adverse effect on the significant tribal cultural resource, if feasible. If preservation in place of the tribal cultural resource is not a sufficient or feasible option, the project applicant shall implement an interpretive program of the tribal cultural resource in consultation with affiliated tribal representatives. The plan shall identify, as appropriate, proposed locations for installations or displays, the proposed content and materials of those displays or installation, the producers or artists of the displays or installation, and a long term maintenance program. The interpretive program may include artist installations, preferably by local Native American artists, oral histories with local Native Americans, artifacts displays and interpretation, and educational panels or other informational displays.	Submit to the City for approval an interpretive plan that meets the requirements of the mitigation; submit designs for interpretive displays for approval; provide evidence of completion.	Project applicant or designee	Pre-construction: Prior to issuance of building permits for each project phase. Post-construction documentation: Prior to issuance of building permits for each project phase.	City of Alameda
Hazards and Hazardous Materials					
Impact HAZ-1: Demolition of the existing structures on the project site which likely contain hazardous building materials—such as lead-based paint, asbestos, and PCBs—could potentially expose workers, the public, or the environment to hazardous materials from the transport, use, or disposal of these hazardous materials and waste.	Mitigation Measure HAZ-1a: Prior to issuance of any demolition permit, the project applicant shall submit to the Alameda County Department of Environmental Health a hazardous building material assessment prepared by qualified licensed contractors for any structure intended for demolition indicating whether ACMs, LBP or lead-based coatings, and/or PCB-containing equipment, are present.	Submit appropriate assessment, disposal plans and/or permits to the City Building Division.	Project applicant or designee	Prior to issuance of demolition permits.	City of Alameda
	Mitigation Measure HAZ-1b: If the assessment required by Mitigation Measure HAZ-1a indicates the presence of ACMs, LBP, and/or PCBs, the project applicant shall create and implement a health and safety plan in accordance with local, state, and federal requirements to protect demolition and construction workers and the public from	Submit health and safety plan meeting the requirements of the mitigation measure for review and approval by the City Building Division.	Project applicant or designee	Prior to issuance of building permits.	City of Alameda

**TABLE 4-1
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**TABLE 4-1 (CONTINUED)
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Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
	risks associated with such hazardous materials during demolition or renovation of affected structures.				
	<p>Mitigation Measure HAZ-1c:</p> <p>If the assessment required by Mitigation Measure HAZ-1a finds asbestos, the project applicant shall prepare an asbestos abatement plan and shall ensure that asbestos abatement is conducted by a licensed contractor prior to building demolition. Abatement of known or suspected ACMs shall occur prior to demolition or construction activities that would disturb those materials. Pursuant to an asbestos abatement plan developed by a state-certified asbestos consultant and approved by the City, all ACMs shall be removed and appropriately disposed of by a state certified asbestos contractor.</p>	Submit appropriate disposal plans and/or permits to the satisfaction of the City Building Division. Submit remediation verification to the satisfaction of the City Building Division, in compliance with applicable laws and regulations.	Project applicant or designee	<p>Pre-demolition: Prior to issuance of demolition permits.</p> <p>Post-demolition: Prior to issuance of building permits.</p>	City of Alameda

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TABLE 4-1 (CONTINUED)
ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
Impact HAZ-2: Construction at the project site could potentially disturb soil and groundwater	Mitigation Measure HAZ-1d: If the assessment required by Mitigation Measure HAZ-1a finds presence of LBP, the project applicant shall develop and implement a LBP removal plan. The plan shall specify, but not be limited to, the following elements for implementation: <ol style="list-style-type: none"> 1. Develop a removal specification approved by a Certified Lead Project Designer. 2. Ensure that all removal workers are properly trained. 3. Contain all work areas to prohibit off-site migration of paint chip debris. 4. Remove all peeling and stratified LBP on building and non-building surfaces to the degree necessary to safely and properly complete demolition activities according to recommendations of the survey. The demolition contractor shall be responsible for the proper containment and/or disposal of intact LBP on all materials to be cut and/or removed during the demolition. 5. Provide on-site personnel and area air monitoring during all removal activities to ensure that workers and the environment are adequately protected by the control measures used. 6. Clean up and/or vacuum paint chips with a high efficiency particulate air (HEPA) filter. 7. Collect, segregate, and profile waste for disposal determination. 8. Properly dispose of all waste. 	Submit appropriate disposal plans and/or permits to the satisfaction of the City Building Division. Submit remediation verification to the satisfaction of the City Building Division, in compliance with applicable laws and regulations.	Project applicant or designee	Pre-demolition: Prior to issuance of demolition permits. Post-demolition: Prior to issuance of building permits.	City of Alameda
	Mitigation Measure HAZ-1e: If the assessment required by Mitigation Measure HAZ-1a finds presence of PCBs, the project applicant shall ensure that PCB abatement in compliance with applicable regulations is conducted prior to building demolition or renovation. PCBs shall be removed by a qualified contractor and transported in accordance with Caltrans requirements.	Submit appropriate disposal plans and/or permits to the satisfaction of the City Building Division. Submit remediation verification to the satisfaction of the City Building Division, in compliance with applicable laws and regulations.	Project applicant or designee	Pre-demolition: Prior to issuance of demolition permits. Post-demolition: Prior to issuance of building permits.	City of Alameda
	Mitigation Measure HAZ-2a:	Submit health and safety plan meeting the requirements of the	Project applicant or designee	Prior to issuance of demolition permits.	City of Alameda

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**TABLE 4-1 (CONTINUED)
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Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
impacted by historical hazardous material use, which could expose construction workers, the public, or the environment to adverse conditions related to the transport, use, or disposal of hazardous materials and waste.	Prior to issuance of any demolition permit, the project applicant shall submit to the City a Site-Specific Environmental Health and Safety Plan (HASP). The HASP shall be consistent with State and federal OSHA standards for hazardous waste operations (California Code of Regulations, Title 8, Section 5192 and 29 Code of Federal Regulations 1910.120, respectively) and any other applicable health and safety standards. The HASP shall include descriptions of health and safety training requirements for onsite personnel and levels of personal protective equipment to be used, and any other applicable precautions to be undertaken to minimize direct contact with soil and to a lesser degree, groundwater if is encountered. The HASP shall be adhered to during construction and excavation activities. All workers onsite should read and understand the HASP and copies shall be maintained onsite during construction and excavation at all times.	mitigation measure for review and approval by the City Building Division.			

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<p>Mitigation Measure HAZ-2b: Prior to issuance of a building or grading permit for any ground breaking activities within the project site, the project applicant shall prepare a Site Management Plan (SMP) consistent with US EPA, DTSC, and Water Board standards for incorporation into construction specifications. The SMP shall be present on site at all times and readily available to site workers. The SMP shall specify protocols and requirements for excavation, stockpiling, and transport of soil and for disturbance of groundwater. At a minimum the SMP shall include the following components:</p> <ol style="list-style-type: none"> 1. Dust control measures: Dust generation shall be minimized by any or all appropriate measures. These measures may include: <ol style="list-style-type: none"> a. Misting or spraying water while performing excavation activities and loading transportation vehicles; b. Limiting vehicle speeds onsite to 5 miles per hour; c. Controlling excavation activities to minimize the generation of dust; d. Minimizing drop heights while loading transportation vehicles; and e. Covering any soil stockpiles generated as a result of excavating soil potentially impacted by contaminants of concern with plastic sheeting or tarps. 2. Decontamination measures: Decontamination methods shall include scraping, brushing, and/or vacuuming to remove dirt on vehicle exteriors and wheels. In the event that these dry decontamination methods are not adequate, methods such as steam cleaning, high-pressure washing, and cleaning solutions shall be used, as necessary, to thoroughly remove accumulated dirt and other materials. Wash water resulting from decontamination activities shall be collected and managed in accordance with all applicable laws and regulations. 3. Stormwater pollution control measures: Should rainfall occur during construction on exposed soils at the site stormwater pollution controls shall be implemented to minimize stormwater runoff from exposed soil containing contaminants of concern at the site and to prevent sediment from leaving the site, in accordance with all laws and regulations. Stormwater pollution controls shall be based on BMPs to comply with State and local regulations. Sediment and erosion protection controls may include but are not limited to: 	<p>Submit appropriate plans to the satisfaction of the City Building Division. Submit remediation verification to the satisfaction of the City Building Division, in compliance with applicable laws and regulations.</p>	<p>Project applicant or designee</p>	<p>Pre-demolition: Prior to issuance of demolition permits. Post-demolition: Prior to issuance of building permits.</p>	<p>City of Alameda</p>
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**TABLE 4-1
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**TABLE 4-1 (CONTINUED)
ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM**

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
	<ul style="list-style-type: none"> a. Constructing berms or erecting silt fences at entrances to the project site; b. Placing straw bale barriers around catch basins and other entrances to the storm drains; c. During significant rainfall events, covering with plastic sheeting or tarps any soil stockpiles generated as a result of excavating soil potentially impacted by contaminants of concern. <p>4. Field screening of potential contaminated soil and suspect contamination discovery: Potentially contaminated soil shall be either direct loaded using the profile data associated with Stellar Environmental Solutions' October 2015 report or stockpiled for additional sampling and analyses to define the contamination fate after the excavation stage. If more the one year elapses between the soil profiling and the excavation stage stockpiling, sampling may be required by a regulated landfill. Trained (with 40-hour hazwopper and associated updates) environmental personnel shall be onsite to do the stockpile sampling and be on-call to deal with any suspect contamination discovery. Personnel will monitor for potentially contaminated soils by visual screening, noting any contaminant odors, and utilizing a photoionization detector (PID) to field measure any VOCs during the excavation activity. Monitoring parameters shall be recorded at intervals of approximately 1 hour or less.</p>				

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TABLE 4-1 (CONTINUED)
ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
Impact HAZ-5: Development of the project would be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and could result in a safety hazard to the public or environment through exposure to previous contamination of soil or groundwater.	Mitigation Measure HAZ-3: Prior to issuance of a building or grading permit for any ground breaking activities within the project site, the project applicant shall prepare a Remedial Risk Management Plan (RRMP). The RRMP shall be developed and followed by current and future owners, tenants, and operators. The RRMP shall include the implementation of any needed corrective action remedies and engineering design.	Submit appropriate plans to the satisfaction of the City Building Division. Submit remediation verification to the satisfaction of the City Building Division, in compliance with applicable laws and regulations.	Project applicant or designee	Pre-demolition: Prior to issuance of demolition permits. Post-demolition: Prior to issuance of building permits.	City of Alameda
Hydrology and Water Quality					
Impact HYD-4: Development of the proposed project would not substantially contribute to runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.	Mitigation Measure HYD-1: The City shall ensure that future project applicants implement Integrated Pest Management measures to reduce fertilizer and pesticide contamination of receiving waters, as follows: <ul style="list-style-type: none"> Prepare and Implement an Integrated Pest Management Plan (IPM) for all common landscaped areas. The IPM shall be prepared by a qualified professional and shall recommend methods of pest prevention and turf grass management that use pesticides as a last resort in pest control. Types and rates of fertilizer and pesticide application shall be specified. The IPM shall specify methods of avoiding runoff of pesticides and nitrates into receiving storm drains and surface waters or leaching into the shallow groundwater table. Pesticides shall be used only in response to a persistent pest problem that cannot be resolved by non-pesticide measures. Preventative chemical use shall not be employed. The IPM shall fully integrate considerations for cultural and biological resources into the IPM with an emphasis toward reducing pesticide application. 	Submit appropriate plan meeting the requirements of the mitigation measure for review and approval by the City Building Division.	Project applicant or designee	Prior to issuance of building permits.	City of Alameda
Noise					
Impact NOI-1: Construction of proposed project elements could expose persons to or	Mitigation Measure NOISE-1a: The applicant shall create and implement development-specific noise and vibration reduction plans, which shall be enforced via	Submit construction noise and vibration management plan meeting the requirements of the	Project applicant or designee	Prior to issuance of construction contracts and/or	City of Alameda

**TABLE 4-1
ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM**

**TABLE 4-1 (CONTINUED)
ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM**

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
generate noise levels in excess of the City noise standards or result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.	contract specifications. Contractors may elect any combination of legal, non-polluting methods to maintain or reduce noise and vibration to threshold levels or lower, as long as those methods do not result in other significant environmental impacts or create a substantial public nuisance. In addition, the applicant shall require contractors to limit construction activities to daytime hours between 7:00 am and 7:00 pm Monday through Friday and 8:00 am to 5:00 pm on Saturdays. The plan for attenuating construction-related noises shall be implemented prior to the initiation of any work that triggers the need for such a plan.	mitigation measure to the City Building Division for review and approval; incorporate requirements thereof into the project plans, to the satisfaction of the City Building Division.		construction bid solicitation materials.	
	Mitigation Measure NOISE-1b: To reduce pile driving noise, “vibratory” pile driving or drilled and cast-in-place piles shall be used wherever feasible. The vibratory pile driving technique, despite its name, does not generate vibration levels higher than the standard pile driving technique. It does, however, generate lower, less-intrusive noise levels.	Indicate specified requirements on project plans and requests for bids of preference for vibratory pile driving techniques, subject to review and approval by the City Building Division.	Project applicant or designee	Prior to issuance of construction contracts and/or construction bid solicitation materials.	City of Alameda
Impact NOI-3: Traffic and equipment operations associated with the proposed project could result in a substantial permanent increase in ambient noise levels in the vicinity or above levels existing without the project.	Mitigation Measure NOISE-2a: Acoustical studies, describing how the exterior and interior noise standards will be met, shall be required for all new residential or noise sensitive developments exposed to environmental noise greater than CNEL 60 dBA, or one-family dwellings not constructed as part of a subdivision requiring a final map exposed to environmental noise greater than CNEL 65 dBA. The studies should also satisfy the requirements set forth in Title 24, Section 1207, of the California Building Code, Noise Insulation Standards, for multiple-family uses, regulated by Title 24.	Submit indicated acoustical studies to City Building Division for review and approval, and demonstrated compliance with recommendations therein required to meet the specifications of the mitigation measure.	Project applicant or designee	Prior to issuance of building permits.	City of Alameda
	Mitigation Measure NOISE-2b: The applicant shall demonstrate through its acoustical studies that the proposed project will comply with maximum noise levels outlined in the City’s Noise Ordinance and the average sound level goals outlined in the City’s General Plan.	Submittal of acoustical studies to City Building Division for review and approval, wherein compliance with City’s General Plan can be verified.	Project applicant or designee	Prior to issuance of building permits.	City of Alameda
Transportation and Traffic					
Impact TRA-1: The proposed project would not exceed the	Mitigation Measure TRA-1: To reduce the amount of VMT generated by the project, as well as the number of automobile trips generated by the project and	Submit Transportation Demand Management (TDM) Plan for review and approval by the City	Project applicant or designee	Initial submittal of TDM(s): Prior to issuance of building	City of Alameda

TABLE 4-1
ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 4-1 (CONTINUED)
ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
regional VMT per capita minus 15 percent.	<p>to reduce automobile LOS impacts, the project shall prepare a Transportation Demand Management (TDM) Plan and funding program for Planning Board review and approval. The TDM plan shall include the following measures to reduce VMT and vehicle trips, particularly single-occupant vehicle trips, by project residents, workers, and visitors.:</p> <ul style="list-style-type: none"> • All residents and employers at Alameda Marina will pay annual fees to support supplemental transit services and trip reduction services for the residents and employees. • All residents and employees will be provided with AC Transit Easy Passes, which will provide access to all of AC Transit's services including the San Francisco express commuter buses. The cost of the passes will be included in the mandatory assessments on each unit, which disincentivizes future residents who prefer to drive alone and do not want to use transit. • Residents of the non-townhome units, who wish to have cars, will be required to lease parking spaces on a monthly basis in a shared parking lot or structure. The cost of the parking will be "unbundled" from the cost of the residential unit, which provides a financial incentive for residents to reduce car ownership and take advantage of the AC Transit passes, which are "bundled" into the cost of their residential units. (The 162 townhomes will have private parking.) • The project residents will be members of the Alameda Transportation Management Agency, which will provide transportation information services to all of the residents through a TMA website and through annual surveys of resident transportation needs. • The project will provide access to car share and guaranteed ride home services to make it easier for residents and employees to reduce their dependence on a private automobile and increase use of project-provided transit services. • Resident annual assessments in the Northern Waterfront area currently fund supplemental commute hour service on the AC Transit Line 19, which provides direct service to Fruitvale and 12th Street BART stations. Future assessments received from project residents and employers will allow for additional transit services and future water shuttle services designed to serve the 	of Alameda; submit annual TDM monitoring plan for review and approval by the City of Alameda.		permits for each project phase. Submittal of TDM monitoring reports: On an annual basis.	

TABLE 4-1
ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 4-1 (CONTINUED)
ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
	waterfront developments along the Estuary in Alameda and Oakland and connect the project sites to the regional ferry services provided from Jack London Square in Oakland and the Main Street Terminal in Alameda.				
Impact TRA-3: In the event that the planned Clement Avenue extension is not completed prior to project opening, the proposed project could increase traffic volumes at intersections on Buena Vista Avenue such that traffic operations could deteriorate to substandard conditions.	Mitigation Measure TRA-3: The project shall pay a fair share contribution to the cost of the Clement Avenue extension from Atlantic Avenue to Grand Street. The fair share contribution shall be calculated based upon a traffic study to calculate the fair share contribution of each Northern Waterfront development project including the Del Monte Warehouse Project, the Encinal Terminals Project, the Wind River fifth building project, and Alameda Marina, which will contribute traffic trips to the Clement Avenue Extension. The City shall require all developers to contribute their fair share as determined by the traffic study. The Alameda Marina fair share contribution shall be paid on a pro-rata basis for each residential phase of the Alameda Marina project (number of units in phase divided by total number of units in project multiplied by the fair share contribution). Each portion of the fair share contribution shall be paid prior to issuance of the first building permit for the current residential phase if work on the Clement Avenue extension has been initiated by another developer of a Northern Waterfront development project. If the work has not been initiated by another developer prior to issuance of the first building permit for Alameda Marina, the contribution shall be made prior to issuance of the first residential Certificate of Occupancy on the property.	Pay fees per the requirements of the mitigation.	Traffic study: City's traffic consultant. Payment of fees: Project applicant or designee	Per the terms of the mitigation.	City of Alameda
Impact TRA-10: Development facilitated by the proposed project could potentially be inconsistent with adopted policies, plans, and programs supporting alternative transportation.	Mitigation Measure TRA-4: The project shall, consistent with the City of Alameda Bicycle Master Plan, provide a Class I bicycle path along the northern waterfront of the project site and ensure that the path would connect to adjacent future bicycle facilities.	Submit design and construction specifications for pathway; incorporate pathway into the project plans, to the satisfaction of the City Building Division.	Project applicant or designee	Prior to issuance of construction contracts and/or construction bid solicitation materials.	City of Alameda
Utilities and Service Systems					
Impact UTL-2: The proposed project would not have wastewater service demands that would result in a	Mitigation Measure UTL-2: Sewer Design. The project sponsors shall: 1) Replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines, to ensure that such systems and	Comply with terms of the mitigation measure to the satisfaction of the City	Project applicant or designee	Prior to issuance of first occupancy permit.	City of Alameda

**TABLE 4-1
ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM**

**TABLE 4-1 (CONTINUED)
ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM**

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
determination by the service provider that it does not have adequate capacity to serve projected demand, necessitating the construction of new or expanded wastewater treatment facilities.	lines are free from defects or, alternatively, disconnected from the sanitary sewer system; and 2) Ensure any new wastewater collection systems, including new lateral lines, for the project are constructed to prevent infiltration and inflow (I&I) to the maximum extent feasible while meeting all requirements contained in the Regional Private Sewer Lateral Ordinance and applicable municipal codes or City ordinances.	Department of Public Works and applicable utility providers.			

CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-18-13

A RESOLUTION OF THE CITY OF ALAMEDA PLANNING BOARD RECOMMENDING
THAT THE CITY COUNCIL ADOPT THE ALAMEDA MARINA MASTER PLAN AND
DENSITY BONUS APPLICATION FOR REDEVELOPMENT OF THE PROPERTY
LOCATED AT 1815 CLEMENT AVENUE (PLN16-0363)

WHEREAS, Pacific Shops, Inc. ("the Developer") has acquired approximately 27.08 acres in fee, and approximately 17.06 acres in leased land pursuant to the Tidelands and Marina Lease with the City of Alameda, consisting of a total of approximately 44 acres of real property commonly known as the Alameda Marina site, with an address of 1815 Clement Avenue, City of Alameda, County of Alameda (APN 071-0288-003 and 071-0257-004 (for the leased areas of the site); 071-0257-003-01 and 071-0288-001-02 (for the fee areas of the site)); and

WHEREAS, the Alameda Marina site is designated as Specified Mixed Use (MU4 Northern Waterfront) which encourages a residential, commercial, maritime and open space mix of uses in the City of Alameda General Plan; and

WHEREAS, the Alameda Marina site is designated as a multifamily housing opportunity site in the City of Alameda General Plan Housing Element; and

WHEREAS, the Alameda Marina site is designated MX (Mixed Use) and MF (Multifamily Residential) on approximately 27.08 acres (which includes unbuildable area of submerged lands between tidelands parcels), and M-2 (General Industrial) on approximately 17.06 acres (which includes unbuildable area of submerged lands between tidelands parcels), in the Alameda Municipal Code (AMC) Zoning Map; and

WHEREAS, the Alameda General Plan and AMC require preparation of a Master Plan to guide development of the property consistent with the General Plan and AMC; and

WHEREAS, the draft Alameda Marina Master Plan is a mixed use plan for the property that includes up to 760 multifamily housing units, up to 250,000 square feet of commercial and maritime commercial space, about 3.59 acres of shoreline open space, about 17.1 acres dedicated to marina operations, and a 530 slip marina; and

WHEREAS, the Planning Board of the City of Alameda makes the following findings:

1. **California Environmental Quality Act.** The Planning Board has considered all evidence and testimony provided to it and has reviewed, considered and adopted an EIR for the project in the manner required and authorized under CEQA. All mitigations specified in the EIR shall be included as conditions of approval for the project development plans required by the Master Plan.
2. **The Master Plan relates favorably to the General Plan.** As documented in the May 29, 2018 Planning Board staff report and associated materials, the proposal is in substantial conformance with, and implements, the City of Alameda General Plan, Housing Element, and Zoning Ordinance policies and standards for the site. The proposal implements General Plan policies for mixed use redevelopment of a former industrial site in the Northern Waterfront while retaining waterfront and maritime-related businesses, increases housing opportunities for a variety of household types; improves transportation infrastructure by

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improving Clement Avenue, and increasing transit services in the area; and increases public access to public waterfront parks in the area for all Alameda residents.

3. **The Master Plan proposes an effective use of the site.** The proposed Master Plan as amended by the conditions of approval, implements the City of Alameda General Plan, the MX Mixed Use and MF Multifamily Zoning District, and the M-2 General Industrial requirements for the site. The proposal provides for 3.59 acres of public waterfront parks, promenades, and plazas and will create a new segment of the San Francisco Bay Trail. Further, the plan allows for the conversion of the site from a former World War II shipyard, which has since been used to house boat slips, dry storage and maintenance and repair services for boats and recreational vehicles, to allow for a transit oriented development with market rate and affordable deed-restricted housing opportunities, maritime and commercial job opportunities and services, pedestrian, transit and bicycle facilities and other amenities and features to ensure that the site is pedestrian, bicycle and transit-friendly.
4. **The proposed Master Plan, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity and will not have substantial deleterious effects on existing business districts or the local economy.** The proposal implements the General Plan and provides for a mixed use development pursuant to the MX Mixed Use Planned Development Zoning District. The proposal provides for 3.59 acres of new public waterfront open space for the neighborhood, including a waterfront promenade and San Francisco Bay Trail along the perimeter of the property.
5. **The location of the proposed use is compatible with other land uses in the general neighborhood area, and the project design and size is architecturally, aesthetically, and operationally harmonious with the community and surrounding development.** The proposed development qualifies as a mixed-use development pursuant to the MX, Mixed-Use Planned Development Zoning District, and satisfies the purposes of the MX district and MF Multifamily Overlay District regulations. While the site lies just outside the boundaries of the Northern Waterfront General Plan Amendment, the Master Plan is designed to conform to the Northern Waterfront General Plan policy objectives and requirements adopted to ensure that the project would be compatible with adjacent residential neighborhoods, the recently completed residential developments on adjacent sites and other existing and future waterfront uses. The Master Plan provides for adequate landscaping including Bay Friendly native plants as required by City standards. The proposed development will result in health and safety improvements to a property that is currently severely blighted and a detriment to the surrounding community.
6. **The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.** The proposal is designed to ensure that the development of the property is compatible with existing and potential contiguous uses. The street network, location of entry roads, orientation of residential uses along Clement Avenue and within the site, and the location of bicycle facilities, pedestrian facilities, and transit facilities are all designed to complement and support the planned surrounding uses. The residential plans provide for a well-designed pedestrian network, bicycle access, and vehicular access. The proposed waterfront promenade will support and encourage use of and access to the waterfront.
7. **The proposed affordable units make the project eligible for a density bonus of 20% under California Government Code 65915 and City of Alameda Municipal Code Section 30-17.** Pacific Shops, Inc. has requested a 20% density bonus for a total project

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size of 760 residential units. The existing zoning designation for the property allows up to 649 multifamily residential units. The applicant is proposing 103 affordable units, including 32 housing units affordable to very-low income households (5%), 26 housing units affordable to low-income households (4%) and 45 units affordable to moderate-income households (7%). The applicant is proposing to provide 5% of the units to very low-income households, which qualifies the project for a 20% density bonus for a total project size of 779 units. Pacific Shops, Inc. has a Master Plan for a total project size of 760 residential units.

8. **The proposed affordable units make the project eligible for development standard waivers under California Government Code 65915 and City of Alameda Municipal Code Section 30-17.** Pacific Shops, Inc. has requested a waiver from the 45 foot height limit found in the Alameda Municipal Code Section 30-4.23 to accommodate the density bonus units. The requested height limit waiver to the 45 foot height limit is necessary to accommodate the required density bonus units, would not have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon health, safety, or physical environment, nor would the waiver be contrary to state or federal law.

NOW THEREFORE BE IT RESOLVED, that the Planning Board recommends that the City Council approve the Alameda Marina Master Plan and Density Bonus, subject to the following Master Plan text revisions to ensure clarity and internal consistency:

Page 13. Vehicular Access: Add sentence at end of paragraph. "Final street cross sections shall be approved by the Planning Board with each Development Plan submittal and shall balance the need to slow traffic with the need to provide adequate fire apparatus access."

Page 13. Transportation Demand Management. Add sentence to end of paragraph: "A public water taxi dock shall be made available for use by a public water shuttle serving the Waterfront at no cost to the shuttle operations."

Page 16. Section 3.2.2 Waterfront Access. Add phrase at end of last sentence, "...., a minimum width of 14 feet will be maintained."

Page 32. (Maritime and Commercial Core Phasing Plan). Add second paragraph: "The reconstruction of the boatyard area will improve the existing bulkheads and seawalls, provide space for a minimum of 15 boats, preserve the existing lift rails and boat cleaning area adjacent to rails, and re-grade the yard areas to slope away from water. Prior to issuance of an infrastructure improvement permit, the property owner with the City of Alameda shall issue a Request for Qualifications/Proposals to operate a boatyard at Alameda Marina. The master infrastructure plans for the boatyard areas will be modified as necessary to accommodate the needs of a qualified boatyard operator."

Page 40. Second and Third Column: Delete "Maritime and Commercial" Paragraphs.

Page 45. (The Dockyard). Add sentence before final sentence in paragraph. "The operators may also provide a "concierge service" for bottom work, which will allow boat owners to leave their boats at Alameda Marina to be serviced at another local boatyard."

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Page 49. Add sentence to end of Section 6.5 Residential Development paragraph. "At least 50% of the 760 units shall be made available for home ownership. At the time of the Tentative Map approvals for the project site, the applicant shall identify the parcels or condominium units that will be mapped through the subdivision process to allow for home ownership."

Page 50. Amend Section 6.6 Parking, third bullet to read as follows: "All on site, surface parking shall be shared and made available for marina users, public park visitors, and visitors and employees of commercial businesses on the site. Use of surface parking lots by project residents shall be prohibited."

Page 53. Revise the last sentence in the Stacked Flats description in section 7.1.2 to delete the word "private".

Page 60. (Affordable Housing Plan). Starting on the second column:

- Delete paragraph #2.
- Revise paragraph #3 to read: "The 103 affordable units will be spread among and within the market rate units throughout the site, built in proportion to the general size and configuration of the market rate units, and on a similar timing to the market rate units to ensure that all of the affordable units are constructed and that each phase includes an appropriate proportion of the affordable units. This will be specified further in the Affordable Housing Agreement required by paragraph #1.
- Revise paragraph #4 to read: "The Development Plan and Design Review plans for each residential building shall include the necessary information and shall be conditioned to ensure compliance with paragraph #3.
- Delete paragraph #5.
- Delete last sentence in #6.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 29th day of May, 2018, by the following vote to wit:


AYES: (5) Mitchell, Cavanaugh, Curtis, Sullivan and Teague

NOES: (0)

ABSENT: (0)

ABSTAIN: (1) Burton

ATTEST.



Andrew Thomas, Secretary
City of Alameda Planning Board

* * * * *

May 29, 2018
Planning Board Meeting

CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-18-14

DECLARING A STATEMENT OF COMPLIANCE UNDER PERIODIC REVIEW FOR DEVELOPMENT AGREEMENTS FOR THE ALAMEDA LANDING MIXED USE RESIDENTIAL AND COMMERCIAL PROJECTS, FOR THE PERIOD FROM MAY 2017 THROUGH MAY 2018

WHEREAS, Catellus Alameda Development, LLC has initiated a Periodic Review of two Development Agreements with the City of Alameda, as required under Zoning Ordinance Section 30-95.1; and

WHEREAS, the Board held a public hearing on this request on June 25, 2018, and examined pertinent documents; and

WHEREAS, the Board finds that Catellus Alameda Development, LLC has complied with the terms and conditions of the Development Agreements for the Alameda Landing Mixed Use Residential and Commercial Projects, for the period from May 2017 through May 2018, as summarized in the Annual Report Letter submitted by Catellus Alameda Development, LLC dated June 1, 2018 and has demonstrated a continuing good faith effort to implement the terms and conditions as set forth in said Development Agreements.

WHEREAS, the Annual Review and reporting is exempt from the California Environmental Quality Act.

THEREFORE BE IT RESOLVED that the Planning Board of the City of Alameda hereby declares that Catellus Alameda Development, LLC, Catellus Alameda Retail, LLC, Target Corporation, and TRI Pointe Homes, Inc., have demonstrated good faith compliance with the terms and conditions of the Alameda Landing Development Agreements.

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 or decision on any appeal plus extensions authorized by California Code of Civil Procedure Section 1094.6.

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 Planning and Building Department a written notice of appeal stating the basis of appeal and paying the required fees.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 25th day of June, 2018, by the following vote to wit:

AYES: (5) Mitchell, Burton, Cavanaugh, Sullivan and Teague

NOES: (0)

ABSENT: (1) Curtis

ABSTAIN: ()

ATTEST:



Allen Tai, Secretary
City of Alameda Planning Board

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**CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-18-14**

DECLARING A STATEMENT OF COMPLIANCE UNDER PERIODIC REVIEW FOR DEVELOPMENT AGREEMENTS FOR THE ALAMEDA LANDING MIXED USE RESIDENTIAL AND COMMERCIAL PROJECTS, FOR THE PERIOD FROM MAY 2017 THROUGH MAY 2018

WHEREAS, Catellus Alameda Development, LLC has initiated a Periodic Review of two Development Agreements with the City of Alameda, as required under Zoning Ordinance Section 30-95.1; and

WHEREAS, the Board held a public hearing on this request on June 25, 2018, and examined pertinent documents; and

WHEREAS, the Board finds that Catellus Alameda Development, LLC has complied with the terms and conditions of the Development Agreements for the Alameda Landing Mixed Use Residential and Commercial Projects, for the period from May 2017 through May 2018, as summarized in the Annual Report Letter submitted by Catellus Alameda Development, LLC dated June 1, 2018 and has demonstrated a continuing good faith effort to implement the terms and conditions as set forth in said Development Agreements.

WHEREAS, the Annual Review and reporting is exempt from the California Environmental Quality Act.

THEREFORE BE IT RESOLVED that the Planning Board of the City of Alameda hereby declares that Catellus Alameda Development, LLC, Catellus Alameda Retail, LLC, Target Corporation, and TRI Pointe Homes, Inc., have demonstrated good faith compliance with the terms and conditions of the Alameda Landing Development Agreements.

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 or decision on any appeal plus extensions authorized by California Code of Civil Procedure Section 1094.6.

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 Planning and Building Department a written notice of appeal stating the basis of appeal and paying the required fees.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 25th day of June, 2018, by the following vote to wit:

AYES: (5) Mitchell, Burton, Cavanaugh, Sullivan and Teague

NOES: (0)

ABSENT: (1) Curtis

ABSTAIN: ()

ATTEST:



Allen Tai, Secretary
City of Alameda Planning Board

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CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-18-15

APPROVING A DESIGN REVIEW APPLICATION NO. PLN18-0079 FOR THE DEMOLITION OF 40 EXISTING RESIDENTIAL UNITS AND THE CONSTRUCTION OF A NEW FOUR-STORY BUILDING CONTAINING 78 AFFORDABLE HOUSING UNITS ON 2.45 ACRES OF LAND LOCATED AT 727 BUENA VISTA AVENUE AND RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING ALAMEDA MUNICIPAL CODE SECTION 30-5.12 DEFINITION OF REQUIRED OPEN SPACE

WHEREAS, an application was made on January 7, 2018, by the Housing Authority of the City of Alameda for a Design Review Application to allow the demolition of 40 existing residential units and the construction of a new four-story building containing 78 affordable housing units and associated parking, landscaping and other improvements on property located at 727 Buena Vista Avenue;

WHEREAS, the application requires an amendment to Alameda Municipal Code Section 30-5.12 Definition of Required Open Space;

WHEREAS, the subject property is designated as Medium Density Residential on the General Plan Diagram;

WHEREAS, the subject property is located in a R-3-RD, Garden Residential – Planned Development, and the R-5, General Residential Zoning Districts;

WHEREAS, the Planning Board approved Development Plan No. PLN17-0115 for this project on September 11, 2017, which allowed development of up to 80 new affordable housing units and associated parking; and

WHEREAS, the Planning Board held a public hearing on July 9, 2018, on the proposed Design Review and Zoning Text Amendment, and examined all pertinent maps, drawings, and documents.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resource Code 21159.23 exemption for low-income housing, because the project is an affordable residential project for lower-income households for 100 percent of the units. In addition, on a separate, independent basis, this project is exempt from CEQA pursuant to CEQA Guidelines Section 15332 – Infill Development Projects, and the proposed zoning text amendment is exempt from CEQA under Section 15305 – Minor Alterations in Land Use Limitations. The project meets all requirements for the infill exemption, including the following:

- a. The project, as conditioned, is consistent with the applicable General Plan designation and all applicable General Plan policies, as well as with applicable Zoning designation and regulations. The project meets this criterion because as proposed it is consistent with the Medium Density Residential General Plan designation, the R-3, Garden Residential District, the R-5, General Residential District, and the 1990 Guyton Settlement Agreement. Although the project requires

a minor zoning text amendment with regard to how open space is distributed, the project complies with, and exceeds, the total open space requirement for this project under the zoning ordinance.

- b. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. The project site is located within the R-3, Garden Residential District, the R-5, General Residential District, which is a heavily urbanized area within the city limits. The project site is designated as Medium Density Residential by the General Plan and is approximately 2.45 acres in size.
- c. The project site has no value as habitat for endangered, rare or threatened species. The area of the proposed development is currently a vacant lot within a heavily urbanized area of the Webster Street commercial area. The site is surrounded by urban uses and is subject to high levels of disturbance from foot and vehicle traffic from the surrounding city streets. The vacant site has no habitat value for any endangered, rare, or threatened wildlife species.
- d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The project is a residential development located within an urbanized area with sewer and water infrastructure to support the development. Construction noise and dust will be minimized by local regulations and proposed conditions of approval for the project. The proposed project will not result in any significant noise, air quality, traffic, or water quality impacts.
- e. The site can be adequately served by all required utilities and public services. The project site is located within an urban district that already has the basic water, sewer, and other utility infrastructure necessary to support the proposed project. The site has access to all other public services provided by the City.

BE IT FURTHER RESOLVED, that the Board made the following findings relative to the Design Review approval:

- 1. The proposed project design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual. The proposal includes materials, architectural elements, and building colors to match and complement the existing buildings on the site and the surrounding neighborhood.
- 2. The project will be compatible with adjacent or neighboring buildings and promotes harmonious transitions in scale and character in areas between adjacent land uses. The project is a four story residential building surround a court yard configuration. Design elements found in the surrounding neighborhood are incorporated into the building designs including building materials, articulation and roof forms. The design utilizes varying roof lines and materials to articulate and reduce the scale of the structures for a more harmonious transition along the street. The site plan maximizes the amount of landscaped grounds and parking spaces on the site.

The open space design includes outdoor seating and innovative play areas for

children that promote imagination and creative play. Landscape amenities include lounge furniture, a fire pit, outdoor workspace, benches, play area with synthetic lawn, dining tables, barbecue pit, and a covered pergola. Additionally, the facility will provide a community multi-purpose room to host social gatherings, a social services office to serve the tenants, and bicycle storage room to provide secure parking. The Housing Authority is able to budget for these community amenities by reducing the total private balconies on the upper floors to less than the minimum number of balconies required by the Zoning Ordinance for the property. The change allows the Housing Authority to achieve the ideal design that provides the community interaction and services that best meets the needs of their tenants.

3. The proposed design of the structures and exterior materials and landscaping are visually compatible with the surrounding development. Design elements have been incorporated to ensure the compatibility of the structures with the character and uses of adjacent development. Fiber cement siding, panels, and board and batten, are used to emulate and accentuate the vertical proportions of the building. Porches and balconies, varying roof lines stepping down, and the tall windows are carefully designed to further break up the mass of each building and articulate the individual units. The materials, design, and scale of the buildings are compatible with the residential character of the adjacent properties.

BE IT FURTHER RESOLVED, that the Planning Board of the City of Alameda hereby recommends that the City Council approve the following Zoning Text Amendment to Section 30-5.12 to add new subsection c.:

c. Exemption to Allow Redistribution of Private and Common Open Space. In exception to the common and private open space provisions of this section, Design Review applications may be approved with more or less private or common open space provided the following findings can be made: 1) the design meets the amount of total useable open space required, and 2) the combination of private open space and common open space provides a better open space plan for the residents of the site and/or a better architectural design for the building.

BE IT FURTHER RESOLVED, that the Planning Board of the City of Alameda hereby approves Design Review Application No. PLN18-0079 subject to the following conditions:

COMMUNITY DEVELOPMENT DEPARTMENT

1. Zoning Text Amendment: This approval shall not become effective until and unless the Alameda City Council approves the recommended Zoning Text Amendment necessary to allow the proposed distribution of private and common open space within the project. In the event that the Text Amendment is not approved, the Applicant shall redesign the project for Planning Director review and approval consistent with the open space requirements.
2. These conditions shall be printed on the first page of all building plans and improvement plans.

3. Building Permit Plans: The plans submitted for building permits shall be in substantial compliance with the plans prepared by Dahlin Group, date stamped June 27, 2018 and on file in the office of the City of Alameda Community Development Department.
4. Vesting: The Design Review approval for the four-story affordable housing building shall expire and become void unless substantial construction under valid permits has taken place within two years after this approval. A one-time extension for an additional two years may be granted by the Community Development Director upon written request and payment of fees per the Master Fee Resolution.
5. The plans submitted for building permit shall be consistent with the Design Review Approval and shall show details of the following for review and approval by the Community Development Director or his or her designee:
 - a. Final Planting and Irrigation Plans;
 - b. Final window and door details
 - c. Lighting Plan, including fixtures. All new exterior lighting fixtures shall be directed downward and shielded to minimize offsite glare;
 - d. Final bicycle parking plan.
6. Any additional exterior changes shall be submitted to the Community Development Department Director or designee for review and approval prior to construction.
7. Prior to submittal of building permits, the applicant shall submit an application to merge the 1.98-acre Parcel No. 1 and the 0.47-acre Parcel No. 2 on the subject site.
8. WELO Landscape Documentation: Prior to issuance of building permits or improvement plans, applicant/developer shall submit a complete WELO Landscape Document Package, as defined by AMC Section 30-58.3(d), subject to the approval of the Community Development Director.
9. All construction activity shall be consistent with the limitations of the Alameda Municipal Code and Alameda Noise Ordinance. Construction activities shall be limited to the hours of 7:00 AM to 7:00 PM.
10. All Time and Material charges for this application shall be paid in full prior to the issuance of building permits.

PUBLIC WORKS

Engineering

10. Sanitary sewerage shall be in accordance with the EBMUD Regional Standards for Sanitary Sewer Installation. The City participates in the EBMUD Regional Private Sewer Lateral Program; therefore the AHA shall comply with the provisions of this program prior to the issuance of Certificate of Occupancy. Please review the program requirements and cost for Compliance Certificates: <http://www.eastbaypsl.com/eastbaypsl/>.
11. Prior to issuance of building permits, the AHA shall secure all necessary permit

approvals from the East Bay Municipal Utility District (EBMUD) regarding the installation of all water or sewer service connections for the project. Accumulated wastewater must be drained to the sanitary sewer. Approved backflow prevention devices shall be installed on all new and existing domestic, commercial, irrigation, and fire water services and as required by EBMUD. These devices must be tested by an AWWA certified tester from a list of testers provided by EBMUD. Fire sprinkler system test water discharges shall be directed to the sanitary sewer system or to appropriately-sized onsite vegetated area(s).

12. A sanitary sewage flow analysis, acceptable to the PWD, 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. AHA shall 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 AHA shall include the City and EBMUD recommended improvements, if any, from the sewer study into the project's improvements plans prior to approval of the improvement plan. All permits, easements, and/or approvals for modifications to the sewer system required by EBMUD shall be obtained prior to the Final Map.
13. Storm drainage shall be designed in accordance with the Alameda County Flood Control District Hydrology and Hydraulics Manual and the latest scientifically informed climate predictions. A storm drainage hydrology analysis, acceptable to the PWD, 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 AHA shall pay for the cost of the modeling study. The AHA shall include the recommended improvements into the project's improvements plans prior to approval of the improvement plan.
14. No new street lighting is shown. If new street lighting is proposed, it shall be consistent with City of Alameda's and Alameda Municipal Power's (AMP) standard specifications and AMP's "Material and Installation Criteria for Underground Electrical Systems". All street lights shall be designed to preserve "dark skies" and direct light downward toward the public right of way. Review proposed project driveways and verify that pedestrian and vehicular lighting meets City standards for crosswalks, sidewalks, and intersections.
15. The AHA shall design and construct power, telecom, gas, and other utilities in accordance with applicable utility standards.
16. New street trees, if any, shall maintain clearances from utilities, signs, signals,

driveways, curb ramps, bus stops, cross walks, parking meters, and intersections in accordance with Appendix 2 of the Alameda Master Tree Plan. Verify minimum clearance distances of street trees/shrubs from electrical transformers with AMP.

17. 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 PWD prior to approval of the improvement plans. Work shall include resurfacing the existing street pavement whenever a street is cut, either by a longitudinal or transverse cut, for utility or other improvement installations, or damaged by construction traffic, so the street is restored to pre-project conditions, including striping. The resurfacing shall extend a sufficient distance beyond any cut or damage to ensure a smooth transition, as determined by the PWD, and shall consist of a one and a half (1½) inch asphalt concrete overlay, or the depth of the existing street asphalt, whichever is greater. AHA's contractor shall also provide dig-outs and reconstruction of any potholed and/or alligatored areas adjacent to the project.
18. For off-street parking facilities, the AHA shall submit the improvement plans to the Community Development Department (CDD) and PWD 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 CDD shall review and approve the parking lot layout, including number of spaces, dimensions of spaces, and Americans with Disabilities Act (ADA) requirements, and the PWD shall review and approve the internal and external circulation of the parking lot, including lane widths and access points, prior to approval of the improvements plans.
19. No signs shall be installed or mounted on street light poles owned and/or maintained by the City. All new and replacement signs shall be installed on dedicated sign posts.
20. The trash rooms shall have fire sprinklers. Collection and storage area 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 PWD.
21. Prior to commencement of construction, The Alameda Housing Authority (AHA) shall provide five print copies and one Mylar (or approved equal) set of the permit-approved (or PWD approved) on-site/off-site civil improvement plans and landscape plans, 5 print sets of the specifications, and a CD or DVD digital copy of the plans and specs acceptable to the PWD. The design consultant shall also provide GIS SHP files for the as-built sanitary sewer, and storm drain lines, curbs, curb ramps, signage, signalization, striping, and street light facilities.
26. EBMUD will inspect and test public and private sanitary sewer mains, manhole and other appurtenances in public or private streets within the subdivision, including lower laterals.
27. Maintenance of public improvements during construction shall be the responsibility of the Contractor.

28. Contractor shall replace any damaged street, curb, gutter, sidewalk, pathway, striping, storm drainage, sewerage, and signage to the satisfaction of the PWD, in accordance with the Public Works Department's Standard Plans and Specifications prior to acceptance of the project.
29. 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. Work hours within the public ROW are limited to 8:30 AM to 4:30 PM, Monday through Friday. Uninterrupted traffic circulation within the public right-of-way is mandatory during the commute hour of 7:30 a.m. to 9:00 a.m. and 3:00 p.m. to 4:30 p.m. Costs for inspection by the PWD construction inspectors during non-working hours shall be at time and one half. Work on Saturday's requiring inspection shall not be done unless approved in advance by the PWD. No work allowed on Sundays or State/Federal holidays. Any work done without inspection may be rejected at the contractor's expense.
30. Contractor shall comply with the City's Noise Ordinance. Construction equipment shall have state of the art muffler systems as required by current law. Muffler systems shall be properly maintained. Noisy stationary construction equipment, such as compressors, shall be placed away from developed areas located off-site and/or provided with acoustical shielding. Grading and construction equipment shall be shut down when not in use.
31. At no time shall there be more than 200 lineal feet of the trench opened within the public ROW along any single conduit alignment, including the section opened ahead of the pipe laying and the section behind the pipe laying which has not been completely backfilled and has a temporary cap. This also dictates the maximum length of right-of-way that may be posted with no parking signs at any one time.
32. All utilities within the work area shall be located and marked by USA prior to excavation, trenching micro-tunneling, boring, or pipe-bursting within existing street areas. Where boring or micro-tunneling work is proposed, all adjacent utility lines shall be closed circuit television (CCTV) inspected prior to the commencement of work and after the completion of work. Pipe cleaning shall be performed prior to CCTV inspection and all debris shall be removed from the pipeline. If the pipeline is damaged, it shall be replaced at the Contractor's expense to the satisfaction of the City Engineer or his designated agent.
33. The posting of "No-Parking" signs, as applicable, is required 48 hours in advance of the work. "No-Parking" signs are available at the Planning and Building Department, Room 190, City Hall. A fee will be charged for the signs. Only City of Alameda issued "No-Parking" signs are permitted for use within the public right-of-way.
34. Notify all property owners within the immediate vicinity of the work area in writing at least 5 days prior to the start of construction. The notification letter or door hanger must include a brief description of the work and the anticipated project completion date. All

public notifications must include contractor information, including company name, license number, contact person's name, and phone number, for citizens to report their concerns while work is in progress.

35. The contractor shall notify the Public Works Inspector (510) 747-7930, 48-hours prior to beginning of any work within the City right-of-way. Work performed or covered without adequate notice will be subject to rejection. The contractor shall notify Maria DiMeglio of the Public Works Environmental Services Division at (510) 747-7958, 48-hours prior to beginning of any work within the public right-of-way.
36. All truck deliveries to the proposed work site must remain on established truck routes.
37. Storage of construction materials and equipment within the public right-of-way is not permitted.
38. At least three weeks prior to the commencement of work within the public right-of-way that affects access for pedestrian, bicyclist, and/or vehicular traffic, the Contractor shall provide a Traffic Control Plan (TCP) to the PWD for review and approval. Multiple TCPs may be needed to address driveway demo and installations, storm drain installation, and utility tie-ins. The TCPs 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 PWD. At locations where adequate alternate access cannot be provided, appropriate signs and barricades shall be installed at locations determined by the PWD and Police Chief. Constructed work may not commence until the applicable TCP is approved by the PWD. TCPs shall include provisions for at least one lane of vehicular traffic open at all times. This may require use of flaggers.
40. All new utilities shall be placed underground prior to issuance of any Certificate of Occupancy, including temporary occupancy.
41. All streetlights included in the Improvement Plans shall be installed, fully functional and operating prior to issuance of a Certificate of Occupancy for any building unless a phasing plan is approved by the PWD. Contractor shall pay to City for energy costs until the applicable improvements are accepted for maintenance by City.

Stormwater, Wastewater and Water

42. The Project Improvement Plans shall incorporate permanent stormwater treatment controls and design techniques to manage the quantity and quality of stormwater runoff from the planned development to prevent and minimize impacts to water quality. Stormwater design and treatment measures shall be constructed consistent with the City's municipal stormwater permit Provision C3 requirements and the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual.

Efforts shall be taken to minimize impervious surface areas, especially directly connected impervious surface areas. Roof drains shall discharge and drain to unpaved areas. Design techniques may include vegetated swales, vegetated buffer zones, bio-retention units, retention/detention basins and ponds, tree well systems, and the incorporation of pervious surface areas and/or other Low Impact Development (LID) measures.

43. Prior to issuance of the demolition, grading or combination grading/building permit, whichever comes first, and the approval of the Civil Improvement Plans, the applicant/developer shall provide the City's Public Works Department Engineering Division 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
44. The SWPPP shall be reviewed and accepted for conformance with the City's water pollution prevention control standards.
45. The Civil Improvement Plans shall include the structural stormwater trash capture measure(s) being installed on the project site to ensure that the stormwater drainage from the entirety of the project site is also subject to full trash capture consistent with City's municipal stormwater permit definition of a full trash capture device. Civil Plan sheets shall include the relevant specific make and model option descriptions, manufacturer's specifications, Detail and cross-sectional drawings of the stormwater full trash capture device(s). 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.
46. Prior to the issuance of the final certificate of occupancy, the applicant/developer shall provide the City a written statement (Statement) accepting responsibility for the stormwater treatment measures maintenance. The Statement shall provide assurances that the measures will be properly operated and maintained for their operational lifespans. The Statement shall include, but not be limited to: the approved O&M Plan for all post-construction (permanent) stormwater LID measures, treatment measures, and trash capture devices; identification of the party responsible for implementing the O&M Plan; assurances of City access to inspect the treatment system(s) and verify the implementation of the O&M Plan for the life of the project; and assurances of the submittal of the annual O&M report approved by the City.

HOLD HARMLESS AND INDEMNITY. The Applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda City Planning Board and their respective agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Alameda, Alameda City Planning Board and their respective agents, officers or employees to

attack, set aside, void or annul, an approval by the City of Alameda, the Community Development Department, Alameda City Planning Board, the City of Alameda City Council relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.

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

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

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 9th day of July, 2018, by the following vote to wit:

AYES: (5) Mitchell, Burton, Cavanaugh, Sullivan and Teague

NOES: (0)

ABSENT: (1) Curtis

ATTEST:



Allen Tai, Secretary
City of Alameda Planning Board

* * * * *

CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-18-16

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA GRANTING DESIGN REVIEW APPROVAL (FILE NO. PLN16-0314) FOR THE SEAPLANE LAGOON FERRY TERMINAL LANDSIDE IMPROVEMENTS WITHIN AND ADJACENT TO THE NAS ALAMEDA HISTORIC DISTRICT.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Public Improvements

- (5) Automobile Parking: The public off-street parking lot shall meet the latest applicable codes as it relates to surface improvements, illumination of parking areas, parking dimensions and access.

- (6) Parking Lot Landscaping: Due to the temporary nature of the proposed parking lot and the ultimate relocation to another site, the requirement for one (1) tree for every four (4) parking spaces per AMC Section 30-7.10 is waived as the trees are unlikely to form a canopy in that time period. Should the parking lot remain in the current location for more than 10 years, trees shall be installed at that time.
- (7) Lighting: Pedestrian and vehicular lighting at all intersections and project driveways shall meet Alameda Municipal Power standards for crosswalks, sidewalks, and intersections and be consistent with the Declaration and Alameda Point Lighting Mitigation Measures. Roadway lighting to match Site A; bike path and sidewalk lighting do not need to match Site A light fixtures but shall be shielded and oriented to prevent light spillage.
- (8) Street Resurfacing: Applicant/contractor shall resurface the existing paving for vehicles, bike paths and sidewalks as required to provide ADA compliant path of travel.

Water Quality

- (9) Compliance with 401 Conditions of Approval: Prior to issuance of building permits, the Applicant/contractor shall demonstrate compliance with the 401 Conditions of Approval for BCDC, USACE, and RWQCB, incorporated herein by reference.
- (10) Storm Water Quality Management Plan: The Project Civil Improvement Plans shall include a finalized stormwater quality management plan with:
 - a. The identification of the drainage management areas (DMAs) for all newly created and/or recreated impervious surface areas on the project site and the establishment and identification of Provision C3-compliant stormwater quality design and treatment measures for each DMA.
 - b. A site plan map and inventory identifying the location and area values (in square feet) of each DMA and the corresponding, one-to-one-matching, C3-compliant measure. The DMA inventory shall be summarized in tabular form and provide an accurate total area summation value.
 - c. A finalized supplemental submittal of the Stormwater Requirements Checklist. The area value summation of all of the DMAs shall be consistent with the area values accurately presented in the summary "Table of Impervious and Pervious Surfaces" (Section I.B) in the completed Stormwater Requirements Checklist.
 - d. A finalized, stamped, signed City of Alameda C3 certification form prepared by an independent civil engineer with stormwater treatment facility design experience, licensed in the State of California, and meeting City qualification standards, that indicates the LID and treatment measure designs of the finalized improvement plans and stormwater quality management plan meet the established sizing design criteria for stormwater treatment measures.
 - e. The Civil Improvement Plans sheets shall include thorough Detail and cross-sectional drawings of the stormwater quality design and treatment measures, consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual and Provisions C.3.c and C.3.d of the City's Municipal NPDES storm water permit.
- (11) Storm Water Trash Capture: The Civil Improvement Plans shall indicate the structural stormwater trash capture device(s) being installed on the project site to ensure that the entirety of stormwater drainage from the project site is subject to full trash capture. Civil Plan sheets shall include specific make and model option descriptions, manufacturer's

specifications, Detail and cross-sectional drawings of the stormwater full trash capture device(s) in order to verify that the device(s) specified are consistent with City's municipal stormwater permit definition of a full trash capture device and are on the list of pre-approved devices. A full trash capture system or device is any single device or series of devices that traps all particles retained by a 5mm mesh screen and has a design treatment capacity of not less than the peak flow rate Q resulting from a one-year, one-hour storm in the sub-drainage area. Consider multi-benefit treatment systems that meet the definition of both stormwater treatment and full trash capture, consistent with the design guidelines and definitions of both State Water Board Multi-Benefit Treatment Systems and the Alameda Countywide C3 Technical Guidance Manual.

- (12) Landscape Plans: Finalized Landscape Plans for all landscape-based stormwater treatment measures shall be consistent with the civil engineering designs and functional intent of these treatment measures. Landscape Plans shall be designed to minimize runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution. Consideration shall be given to pest-resistant landscaping and design features and the use of integrated pest management (IPM) principles and techniques.
- (13) State Water Resources Control Board: Prior to issuance of the initial grading or combination grading/building permit, provide the Public Works Department Clean Water Program, a copy of both the WDID# issued to the project site by the State Water Resources Control Board (SWRCB) and the required Storm Water Pollution Prevention Plan (SWPPP). These documents shall provide verification to the Public Works that the project site is in compliance with SWRCB Order No. 2009-0009-DWQ prior to the initiation of construction activity. Information on this State Order is available at: http://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml. The SWPPP shall be reviewed and accepted by the Public Works Clean Water Program for conformance with the City's erosion and sediment control standards.
- (14) Erosion and Sediment Control: The Civil Improvement Plans shall list the City's erosion and sediment control standards and provide detail drawings and installation specifications for all water quality control measures. The applicant/contractor shall be responsible for ensuring that all contractors and sub-contractors install and regularly maintain all control measure elements required in the project SWPPP and/or the Civil Improvement Plans during any and all construction activities in order to prevent any pollutants entering directly or indirectly the storm water system or waters of the State.
- (15) Operations and Maintenance Plan: Prior to the approval of the Civil Improvement Plans, submit for review and approval by Public Works Engineering a Stormwater Treatment Measures Operations and Maintenance (O&M) Plan that provides a thorough discussion of the inspection, operations and maintenance requirements of all of the stormwater treatment measures, trash capture devices, and LID design measures at the site. This O&M Plan shall be consistent with the City of Alameda's Stormwater Treatment Measures O&M Plan Checklist. Upon approval, provide Public Works a pdf copy of the finalized O&M Plan.
- (16) Storm Drains: The Civil Improvement Plans shall indicate that all new storm drain inlets within the public right-of-way shall be clearly marked with the words "No Dumping! Drains to Bay," or equivalent, as approved by the City Public Works Department. Installation

locations shall be clearly identified. Permanently affixed thermoplastic, metallic or plastic laminate style markers are examples of acceptable forms.

- (17) Trash Enclosures: The Civil Improvement Plan design of all external enclosures for solid waste, recycling and organics shall prevent water run-on to the area, runoff from the area, and contain litter, trash and other pollutants, so that these materials are not dispersed by the wind or otherwise discharged to the storm drain system. Any trash enclosure facilities with a water supply shall also drain to the sanitary sewer.
- (18) Certification Report: Prior to final acceptance of the project, submit a certification report (Report) prepared by a registered civil engineer, licensed in the State of California, affirming that all project site stormwater treatment measures and trash capture devices have been constructed per the City approved plans and specifications. As appropriate, the Report shall include, but not be limited to, assurances that: imported materials used for the treatment measure(s) are certified by the supplier; installation of these materials is per approved plans and specifications and meets the intent of the design engineer; required on-site testing results conform with approved plans and specifications; treatment measures conform to dimensions, grades and slopes on approved plans and specifications; all structural features of the treatment measures comply with plan specifications; the irrigation system is installed and functions as designed; healthy vegetation/ground cover is installed as shown on plans. The Report shall be submitted in a form acceptable to Public Works Engineering.

Construction Conditions

- (19) Traffic Control Plan: At least three weeks prior to the commencement of work within the public right-of-way that affects access for pedestrian, bicyclist, and vehicular traffic, the applicant/contractor/contractor/developer shall provide a Traffic Control Plan (TCP) to the Public Works Department for review and approval. The TCP shall be prepared by a registered civil engineer or traffic engineer licensed in the State of California, and be in accordance with the California MUTCD standards. The engineer shall sign and stamp the plans as approved. In general, any public right-of-way shall remain unobstructed during project construction or an ADA compliant alternative route established as approved by the Public Works Director. At locations where adequate alternate access cannot be provided, appropriate signs and barricades shall be installed at locations determined by the Public Works Director and Police Chief. Should transit routes be affected, applicant/contractor is required to obtain prior approval from AC Transit of any proposed traffic detours or temporary closure of bus stops. Construction work may not commence until the TCP is approved by the Public Works Director.
- (20) Hazardous Materials: The applicant/contractor shall provide documentation from a qualified professional to the City of Alameda stating that adequate soils and ground water investigations and, where warranted, remediation, have been conducted to ensure that future site use complies with the regulatory requirements for hazard related risks as established by applicable Federal, State and local requirements. The project sponsor shall ensure that all proposed areas for demolition and abatement shall be assessed by qualified licensed contractors for the potential presence of lead-based paint or coatings, asbestos containing materials, and PCB-containing equipment prior to issuance of a demolition permit. During Construction the applicant/contractor shall ensure that all construction crews are properly trained and made aware of any site contamination issues

consistent with the Alameda Point Site Management Plan (SMP) and MMRP.

- (21) Truck Plan: Prior to issuance of grading permit, applicant/contractor/contractor/contractor shall submit a Truck Route Plan for hauling to be approved by the City Engineer. The Plan must be incorporated into any construction documents for every contract.
- (22) Notice to Neighbors: At least two weeks prior to initiating any construction activities at the site, the applicant/contractor/contractor shall provide notice to businesses and residents within 500 feet of the project site including (1) project description, (2) description of construction activities, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name and phone number of the Noise Management Individual for the project, (5) commitment to notify neighbors at least four days in advance of authorized extended work hours and the reason for extended hours, and (6) that construction work is about to commence. A copy of such notice and methodology for distributing the notice shall be provided to the City for review and approval at least five (5) business days in advance.
- (23) Construction Hours: Construction activity shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Friday, and between 8:00 a.m. and 5:00 pm on Saturday. No construction-related activity shall occur on Sunday or on any Federal Holiday. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment re-design, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) wherever feasible and necessary. No construction activity that may cause excessive off-site vibration from heavy machinery such as pile drivers, drilling rigs (except as necessary for elevator, shoring, and soil testing), etc. shall be allowed. Impact tools (e.g., jack hammers, pavement breakers and noise drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to 10dB. External jackets on the tools themselves shall be used where feasible. Quieter procedures shall be used such as drilling rather than impact equipment whenever feasible.
- (24) Dust Control: Prior to issuance of building or grading permits, the applicant/contractor/contractor/contractor shall ensure that a program of dust control is implemented consistent with City, MMRP and BAAQMD requirements.
- (25) Cultural Resources: In the event that previously unidentified cultural resources are discovered during site preparation or construction, work shall cease in the immediate area until such time as a qualified archaeologist and City of Alameda personnel can assess the significance of the find. If human remains are encountered, work shall halt within 50 feet of the find and the County Coroner shall be notified immediately.
- (26) Utilities: If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department, Alameda Municipal Power, and the Community Development Department, and carry out any necessary corrective action to their satisfaction.

Alameda Municipal Power (AMP)

- (27) The applicant/contractor shall comply to AMP's Rules and Regulations as stated in Article X and AMP's "Material and Installation Criteria for Underground Electrical Systems" (both available at www.alamedamp.com) and provide completed "Service Planning Sheets" for AMP's review prior to submitting plans for building permits.
- (28) The applicant/contractor shall provide information on the location of transformers and total load in kilowatts or kilowatt/volts (KVA) to AMP for approval prior to building permit issuance. If necessary, the applicant/contractor shall provide (at no charge to AMP) an easement and access to all AMP facilities on the property prior to issuance of building permits.
- (29) Concurrent with submittal of Improvement Plans, the Applicant/contractor shall coordinate with AMP regarding power requirements. All submittals shall refer to AMP's "Material and Installation Criteria for Underground Electrical Systems" for minimum clearances of street trees/shrubs from streetlights, electrical transformers and other utility electrical equipment.
- (30) The Applicant/contractor shall provide and install street lighting consistent with AMP's standard specifications and AMP's "Material and Installation Criteria for Underground Electrical Systems". Cobra head light fixtures shall not be used for street lights and all street lights shall be designed to preserve "dark skies" and direct light downward toward the public right of way. No signs shall be installed or mounted on street light poles owned and/or maintained by AMP. All new signs shall be installed on dedicated sign posts.
- (31) Applicant/contractor shall have all streetlights included in the Improvement Plans, installed, fully functional and operating prior to issuance of a Certificate of Occupancy for any building unless a phasing plan is approved by the Director of Public Works. Applicant/contractor shall pay to AMP the sum of Six Dollars (\$6.00 as adjusted no more than annually for inflation) per streetlight per month, or portion of a month, for the streetlight energy costs until the applicable improvements are accepted for maintenance by City.
- (32) The Applicant/contractor shall be required to furnish two streetlight poles and LED fixtures of each type installed, at no cost, to AMP as a stock for future pole/fixture replacement on public street. If AMP agrees to maintain private streetlights, the Applicant/contractor shall also be required to furnish two additional streetlight assemblies (e.g. pole, fixture, arm, shroud, etc.) of each type.
- (33) All public streets shall be lit with LED lighting. Streetlight layout shall be staggered for a more uniform light distribution. Applicant/contractor can provide alternate design if a better efficient light distribution is met. Applicant/contractor shall use AMP LED standard fixtures. LED streetlight fixtures shall offer tri-level lighting with the mid-level setting meeting IES RP-8-14.
- (34) The Applicant/contractor shall provide all necessary underground substructures, including conduits, pull boxes, electric utility equipment pads, etc. per the AMP specifications. AMP will require easements for all transformers, primary and secondary boxes, and conduits. AMP will furnish and install all required transformers, high voltage distribution cables, and secondary cables. Existing Alameda Point electric substructures will NOT be re-used.

- (35) Prior to issuance of building permits, the Applicant/contractor shall coordinate with AMP to determine whether to provide an easement for electric utility vehicle access to AMP's Cartwright Station. The easement shall encompass the entire perimeter of the substation, including buildings and exterior yards with a 25-foot minimum clearance from any structure (above or below grade), wall and fence. Applicant/contractor shall avoid planting any trees that will grow in fullness to the point they may encroach into the perimeter easement.
- (36) The Applicant/contractor shall install all electric pull boxes and vaults in-line with the conduit joint trench. No conduit bend will be allowed between electric pull boxes, unless conduit section terminates to an electrical equipment pad. All primary and secondary electrical distribution pull boxes shall not be greater than two section deep (34-inches from finish grade to bottom of pull box). Any deviations from this standard shall be approved by the AMP Project Engineer in writing.
- (37) Applicant/contractor will be required to provide an oil containment facility for all AMP owned pad-mount distribution switches and/or transformers installed within 100-feet of any body of water or in other critical locations. Applicant/contractor shall contact AMP to verify all dimensions, elevations, and orientation before commencing work.
- (38) Prior to issuance of building permits, the Applicant/contractor shall coordinate with AMP to determine the need to furnish and install code-size service cables in code-size conduit from each customer electric meter switchgear to the nearest secondary pull box (or Service Point) in the public right-of-way, as designated by AMP. AMP will connect the service to the distribution transformer or to the secondary distribution system.
- (39) The improvement shall show all necessary easements and access to all electrical utility facilities that are in the private properties, at no charge to AMP.
- (40) Concurrent with acceptance of work by City Council, the applicant/contractor shall dedicate and AMP shall take over ownership and will be responsible for maintaining all new substructures for under grounding primary and secondary circuits, and distribution transformers once the improvements have been inspected by AMP and found to have been properly installed. The Applicant/contractor or successor property owner(s) shall be responsible for the service cables and service equipment.
- (41) The Applicant/contractor shall be responsible for all expenses involved in the duct/joint trench system engineering design, plan check, project coordination, and electrical construction inspection. The Applicant/contractor shall be responsible for the cost of AMP assigned inspector during construction.
- (42) The Applicant/contractor shall submit, with the site improvement plans, detailed drawings showing the required site electric utility facilities.

NOTICE. The decision of the Planning Board shall be final unless appealed to the City Council, in writing and within ten (10) days of the decision, by Notice of Appeal stating the appellant claims that either the Board's decision is not supported by its findings or its findings are not supported by the evidence in the record.

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

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

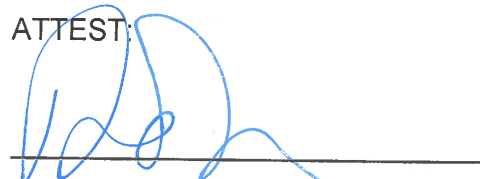
I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 23rd day of July, 2018, by the following vote to wit:

AYES: (6) Mitchell, Burton, Cavanaugh, Curtis, Sullivan and Teague

NOES: (0)

ABSENT: (0)

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

* * * * *

CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-18-17

A RESOLUTION OF THE CITY OF ALAMEDA PLANNING BOARD RECOMMENDING THAT THE CITY COUNCIL ADOPT THE ENCINAL MASTER PLAN AND DENSITY BONUS APPLICATION FOR REDEVELOPMENT OF THE PROPERTY LOCATED AT 1521 BUENA VISTA AVENUE (PLN16-0117)

WHEREAS, North Waterfront Cove, LLC (“the Developer”) has acquired approximately 16.73 acres of real property commonly known as the Encinal Terminals site, with an address of 1521 Buena Vista Avenue, City of Alameda, County of Alameda (APN 072-0382-001, -002, and 72-0383-03); and

WHEREAS, the Encinal Terminals site is designated for a residential, commercial, maritime and open space mix of uses in the City of Alameda General Plan; and

WHEREAS, the Encinal Terminals site is designated as a multifamily housing opportunity site in the City of Alameda General Plan Housing Element; and

WHEREAS, the Encinal Terminals site is designated MX (Mixed Use) and MF (Multifamily Residential) in the Alameda Municipal Code (AMC) Zoning Map; and

WHEREAS, the Alameda General Plan and AMC require preparation of a Master Plan to guide development of the property consistent with the General Plan and AMC; and

WHEREAS, the draft Encinal Terminals Master Plan is a mixed use plan for the property that includes up to 589 multifamily housing units, up to 50,000 square feet of commercial and maritime commercial space, seven acres of open space, and a 160-slip marina; and

WHEREAS, the Planning Board held a duly noticed public hearing on July 23, 2018, and examined all submitted materials and public comments.

NOW THEREFORE BE IT RESOLVED that the Planning Board of the City of Alameda makes the following findings:

1. **California Environmental Quality Act.** On December 19, 2017, the Alameda City Council certified the Encinal Terminals Focused Supplemental EIR for development of the initial proposed Master Plan. An Addendum to the previously certified EIR has been prepared for the revised Master Plan, as some minor technical changes or additions are necessary but none of the conditions in Section 15162 calling for preparation of a subsequent EIR have occurred. The Addendum has been provided in the manner required and authorized under CEQA and, together with the previously certified EIR, adequately addresses the potential environmental impacts of the project. All mitigations specified in the previously certified EIR shall be included as conditions of approval for the project development plans required by the Master Plan.
2. **The Master Plan relates favorably to the General Plan.** As documented in the July 23, 2018 staff report and associated materials, the proposal is in substantial conformance with, and implements, the City of Alameda General Plan, Housing Element, and Zoning Ordinance policies and standards for the site. The proposal implements General Plan policies for mixed use redevelopment of a former industrial site in the Northern Waterfront, increases housing opportunities for a variety of household types, improves transportation infrastructure by extending Clement Avenue, increases transit services in the area, and increases public access

to and public waterfront parks in the area for all Alameda residents.

3. **The Master Plan proposes an effective use of the site.** The proposed Master Plan, as amended by the conditions of approval, implements the City of Alameda General Plan and the MX Mixed Use and MF Multifamily Zoning District requirements for the site. The proposal provides for three acres of public waterfront parks and promenades adjacent to the Oakland Estuary where no public access currently exists. Further, the Plan allows for the conversion of the site, which was previously used for shipping container storage, to a transit oriented development with market-rate and affordable deed-restricted housing opportunities, retail and maritime commercial job opportunities and services, pedestrian, transit and bicycle facilities and other amenities and features to ensure that the site is pedestrian, bicycle and transit-friendly.
4. **The proposed Master Plan, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity and will not have substantial deleterious effects on existing business districts or the local economy.** The proposal implements the General Plan and provide for a mixed use development pursuant to the MX Mixed Use Planned Development Zoning District. The proposal improves access and circulation in the neighborhood by facilitating the completion of the Clement Avenue extension from Atlantic Avenue to Grand Street allowing for the removal of the Truck Route from Buena Vista Avenue, which is a long-term public objective to improve the quality of life in the neighborhood. The proposal provides for three acres of new public waterfront open space for the neighborhood, including a waterfront promenade and Bay Trail along the perimeter of the property.
5. **The location of the proposed use is compatible with other land uses in the general neighborhood area, and the project design and size is architecturally, aesthetically, and operationally harmonious with the community and surrounding development.** The proposed development qualifies as a mixed-use development pursuant to the MX, Mixed-Use Planned Development Zoning District, and satisfies the purposes of the MX district and MF Multifamily Overlay District regulations. The Master Plan as amended is designed to conform to the Northern Waterfront General Plan policy objectives and requirements adopted to ensure that the project would be compatible with adjacent residential neighborhoods, the recently completed residential developments on adjacent sites and other existing and future waterfront uses. The Plan provides for adequate landscaping including Bay Friendly native plants as required by City standards. The proposed development will result in health and safety improvements to a property that is currently severely blighted and a detriment to the surrounding community.
6. **The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.** The proposal as amended by Amendment #1 below is designed to ensure that the development of the property is compatible with existing and potential contiguous uses. The street network, location of entry roads, orientation of residential uses along Clement Avenue and within the site, and the location of bicycle, pedestrian, and transit facilities are all designed to complement and support the planned surrounding uses. The residential plans provide for a well-designed pedestrian network, and bicycle and vehicular access. The proposed waterfront promenade will support and encourage use of and access to the waterfront.
7. **The proposed affordable units make the project eligible for a density bonus of 20% under California Government Code 65915 and City of Alameda Municipal Code Section 30-17.** North Waterfront Cove LLC has requested a 20% density bonus for a total of 589 residential units. The applicant is proposing 79 affordable units, including 25 housing units affordable to very low-income households (5%), 20 housing units affordable to low-income households (4%),

and 34 units affordable to moderate-income households (7%). Because the applicant is proposing to provide 5% of the units to very low-income households, the development qualifies for a 20% density bonus. With the density bonus, the applicant is proposing to construct 589 units, which falls within the limit that the applicant is entitled to and is consistent with state density bonus law.

- 8. The proposed affordable units make the project eligible for development standard waivers under California Government Code 65915 and City of Alameda Municipal Code Section 30-17.** North Waterfront Cove LLC has requested waivers from City of Alameda General Plan and AMC height limits that apply to this site to accommodate the density bonus units. The waiver to the City's height limits for the site provided in the Master Plan is necessary to accommodate the required density bonus units and would not have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon health, safety, or physical environment, nor would the waiver be contrary to state or federal law.

Consistent with AMC requirements and the Master Plan, the specific design and height of all future buildings on the site must be reviewed and approved by the Planning Board. Given that it is not clear at this time how many, or which, buildings will need to exceed the 45-foot height limit and to what extent the buildings will need to exceed the height limit to accommodate 589 units, the Master Plan includes a height waiver that states:

- The maximum height for any residential building within the Gateway and Estuary Districts shall be determined by the Planning Board at the time the Design Review application is submitted for Planning Board review.
- Design Review applications for any residential buildings that exceed 45 feet in height shall be accompanied by a massing study for the Gateway and Estuary Districts that demonstrates that the proposed height is needed to accommodate the 589 units and all of the amenities, parking and mix of commercial and open space uses as described and illustrated in the Master Plan.
- The Planning Board shall not deny a building height above 45 feet unless the Planning Board is able to make one or both of the following findings: 1) Based upon a review of the Design Review plans and the massing study, the 45-foot height limit does not physically preclude construction of the 589 units and all of the amenities, parking and mix of commercial and open space uses as illustrated and described in the Master Plan, or 2) the waiver of the 45-foot height limit would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of 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. The 45-foot height limit shall not be used by City to prevent construction of the proposed project on the property.

NOW THEREFORE BE IT FURTHER RESOLVED that the Planning Board recommends that the City Council approve the Encinal Terminals Master Plan and Density Bonus Application, subject to the following Master Plan text revisions to ensure consistency between the Master Plan and General Plan policy:

Amendment #1. Page 24: Revise Streets Section to read as follows:

***Streets:** To provide an inviting, well-designed public entrance from Clement Avenue, the primary vehicular access into the site shall occur at a four-way intersection at Clement/Entrance and provide access to the Gateway, Tidelands, and Estuary Districts. The final alignment and design of the public right-of-way design shall be determined by the Planning Board during the review of Subdivision Map and Development Plans for development, but the right-of-way shall be no less than 62 feet in width and extend*

in a straight alignment across the Gateway, Tidelands, and Estuary Districts to the northern edge of the property. The Entrance Road extension shall include driveway access to the adjacent Fortman Marina. In the event that it is not feasible to gain access across the Tidelands property, the alignment may be adjusted to avoid the Tidelands District as necessary and utilize a portion of the wharf directly adjacent to the Tidelands property. Permanent public access and utility easements shall be provided within the right-of-way from the Clement Avenue intersection across the Gateway District, Tidelands District, and Estuary District to the northern waterfront edge of the Encinal Terminals site. In addition:

- *Internal east-west streets and/or an EVA may cross the site generally perpendicular to the wharf in order to serve the interior development subareas.*
- *All streets will be constructed for a maximum operating speed of 25 miles per hour and will include safe pedestrian crossings.*
- *All streets shall be accessible to the public 24 hours per day.*

Figures. Revise all figures as necessary to reflect central roadway.

Amendment #2. Revise second bullet on page 65 to read as follows:

“Planning Board Design Review approval of the public access open space, landscaping and tree selections to ensure that landscape material waste is compostable, and Bay Trail plan including along the Fortman Marina frontage.”

Amendment #3. Revise fourth bullet on Page 67 to read as follows:

The Tidelands District (E in Figure 4.2), could be developed coincident with the Gateway (A) or Estuary (B/C) Districts, but all existing structures in the Tidelands District will be removed prior to issuance of building permits for any of the residential buildings.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 23rd day of July, 2018, by the following vote to wit:

AYES: (4) Cavanaugh, Curtis, Sullivan and Teague

NOES: (0)

ABSENT: (0)

ABSTAIN: (1) Mitchell

RECUSED: (1) Burton

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

CITY OF ALAMEDA PLANNING BOARD
RESOLUTION PB-18-18

APPROVING USE PERMIT APPLICATION PLN18-0229 TO ALLOW EXTENDED BUSINESS OPERATIONS BETWEEN THE HOURS OF 10:00 P.M. AND 1:30 A.M. ON FRIDAY AND SATURDAY NIGHT FOR HABANA'S CUBAN CUISINE AT 1518 PARK STREET.

WHEREAS, on May 9, 2018, Jason Tsang submitted an application for a Use Permit to allow business operations between the hours of 10:00 P.M. and 1:30 A.M. on Friday and Saturday nights for Habana's Cuban Cuisine at 1518 Park Street; and

WHEREAS, on June 25, 2018, the application was deemed complete; and

WHEREAS, the project site is designated as Community Commercial in the General Plan; and

WHEREAS, the project site is located within the C-C-T, Community Commercial Zoning District and Theatre Combining District; and

WHEREAS, on July 16, 2018 the Zoning Administrator held a public hearing to consider the request and, upon receiving written correspondence and public comments, deferred the consideration of the Use Permit to the Planning Board; and

WHEREAS, the Planning Board held a public hearing on September 10, 2018 and reviewed the application for a use permit, PLN18-0229, and all applicable material including public comments.

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

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

The extended hours of operation serves to enhance the Park Street business area by providing new entertainment amenities and enhancing the vibrant community ambiance, and will be operationally harmonious with the community and surrounding neighborhood upon implementing all the conditions of approval.

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

The site is an existing commercial property that is adequately served by existing public parking, sidewalks, and bicycle racks. The project site is served by AC Transit Routes

20, 29 and O on Park Street and 51A on Santa Clara Ave, all within one block of the project site. The proposed extended hours would not increase the demand on these existing transportation and service facilities.

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

The conditions of approval require adherence to the Alameda Police Department prescribed security measures. These security measures ensure that business activity after 10:00 p.m. will not have a deleterious effect on the surrounding neighborhood. The prescribed security measures allow for periodic review by the Alameda Police Department to ensure continued compliance and effectiveness. Additionally, the conditions require several mitigation measures to ensure the business operations taking place after 10:00 P.M. will not violate the City's Noise Regulations. This use permit must be reviewed after one year to address any issues that arise and allows for new conditions of approval. The conditions also allow the Planning Board to hold a revocation hearing upon the City receiving three valid noise complaints.

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

The site is located within an area designated by the General Plan as Community Commercial. The proposed use is consistent with this land use designation and the following Guiding Policies: 2.5b, which is to revitalize Alameda's historic downtown shopping districts while maintain their small-city scale; 2.5c, which is to support and promote Park Street as Alameda's downtown, the entertainment, cultural, social, and civic center of the City, by providing a wide variety of commercial, retail, cultural, professional, and governmental services.

BE IT FURTHER RESOLVED, the Planning Board finds this project categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(a) for operations, permitting or leasing of existing private structures involving negligible or no expansion of use beyond that which exists.

BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby approves Use Permit PLN18-0229, subject to the following conditions:

1. **Use Permit Renewal Required After First Year:** This Use Permit approval is valid for twelve months from the date of approval. The applicant shall submit a use permit application and pay application fees for the use permit renewal prior to twelve months after the date of approval, at which point extended hours of operation approved under this Use Permit may continue until an action on the permit renewal is made by the Planning Board at a public hearing conducted in conformance with Alameda Municipal Code Section 30-21. If no use permit application is submitted prior to the twelve month anniversary of this approval the use permit shall become expired, and business

operations shall be prohibited after 10:00 P.M. This Use Permit will also expire if business operations during extended hours of operation do not commence under a valid Dance Permit within twelve months from the date of the approval.

2. **Approved Uses:** This Use Permit approves the extension of business hours from 10:00 P.M. until 1:30 A.M., on Friday and Saturday nights. Live or amplified music and dancing is also permitted to take place between the hours of 7:00 P.M. and 11:00 P.M. on Friday and Saturday nights, with a valid Dance Permit. This Use Permit shall not become effective until the issuance of a Dance Permit by the Alameda Police Department. This Use Permit for extended hours shall expire immediately upon the expiration or revocation of a Dance Permit by the Alameda Police Department.
3. **Compliance with Plans:** Any modification on this site shall be in substantial compliance with the use permit application submittal dated May 9, 2018, by Jason Tsang, on file in the City of Alameda Planning and Building Department, except as modified by the conditions listed in this report.
4. **Location of Musicians and Speakers:** Musicians and speakers shall be restricted to the location depicted in Exhibit 2 of the staff report. The accordion doors shall be closed when live/amplified music is played after 10:00 p.m.
5. **Changes to Approved Plans:** This approval is limited to the scope of the project defined in the project description and does not represent a recognition and/or approval of any work completed without required City permits. Any changes to the approved scope of the project shall be submitted to the Planning and Building Department for review and approval.
6. **Security:** The applicant shall comply with the following security requirements recommended by the Alameda Police Department:
 - a. A licensed, uniformed security officers/private patrol watchperson shall be on the premises providing patrol of the interior of the business and the exterior, from 10:00 P.M. until closing time on any day that the establishment is open past 10:00 P.M. This security watchperson shall encourage patrons to comply with Alameda Municipal Code Section 24-11.3, the prohibition of smoking in unenclosed public places.
 - b. At the request of the Chief of Police or designee, the applicant shall provide evidence of compliance with condition 6a. Any records maintained in this regard shall be kept for a minimum of one year.
 - c. Applicant shall maintain a recordable video surveillance system of the building interior and exterior.
 - d. At the request of the Chief of Police or designee, the applicant shall meet with a police representative to review police incidents, and to determine the effectiveness of this Security Plan and whether modifications are necessary.
7. **Solid Waste/Trash:** The applicant shall be responsible for the prompt cleanup and disposal of all trash and garbage generated on the site, including the sidewalks in front

- of the business on Park Street and Webb Avenue, and shall provide trash receptacles for customer use.
8. **Noise Ordinance:** The applicant shall ensure that all operations are conducted in conformance with the Noise Ordinance. Upon receipt of three valid noise complaints due to business operations after 10:00 P.M. this use permit shall be suspended, and all extended business hours shall cease, until a revocation hearing is conducted by the Planning Board.
 9. **Smoking Ordinance:** The applicant shall post "No Smoking" signs on the front of the building to ensure all operations are conducted in conformance with the Smoking Ordinance.
 10. **Compliance with Conditions:** Failure to comply with any conditions may result in issuance of a citation and/or modification, suspension, or revocation of the Use Permit.
 11. **Revocation:** This Use Permit may be modified or revoked by the Zoning Administrator or Planning Board, pursuant to Alameda Municipal Code Section 30-21.3d should the Zoning Administrator or Planning Board determine that: 1) the use or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity; 2) the property is operated or maintained so as to constitute a public nuisance; or 3) the use is operated in violation of the conditions of the Use Permit.
 12. **Indemnification:** To the maximum extent permitted by law, the applicant, or its successors in interest, shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda City Council, the Alameda City Planning Board and its respective agents, officers, and employees (collectively called "City") from and against any and all loss (direct or indirect), damages, liability, claim, judgment, action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul, an approval or related decision by the City relating to a development-related application or implementation of an approved development-related project. The City shall promptly notify the applicant of said Action and the City shall cooperate in such defense. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.

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 Planning and Building Department a written notice of appeal stating the basis of appeal and paying the required fees.

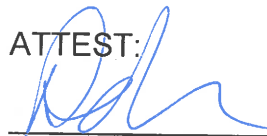
I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 10th day of September, 2018, by the following vote to wit:

AYES: (5) Mitchell, Cavanaugh, Curtis, Saheba, and Teague

NOES: (1) Sullivan

ABSENT: (1) Burton

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-18-19

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING THE ALAMEDA LANDING WATERFRONT PLAZA AND PROMENADE DEVELOPMENT PLAN AND DESIGN REVIEW (PLN18-0196)

WHEREAS, an application was made by Catellus Alameda Development, LLC (“Catellus” or “Applicant”) requesting approval of a Waterfront Plaza and Promenade Development Plan and Design Review for approximately 4.5 acres of the Alameda Landing waterfront located north of Mitchell Avenue and immediately across the Estuary from Jack London Square; and

WHEREAS, on December 5, 2006 the City certified the Bayport/Alameda Landing Mixed Use Development Project Final Environmental Impact Report (a supplement to the 2000 Catellus Mixed Use Development Project EIR) (the “2006 SEIR”); and

WHEREAS, the proposal for Master Plan Amendment, MPA-06-001 to the Bayport/Alameda Landing Master Plan (the “Master Plan”) was approved by the City Council on January 2, 2007; and

WHEREAS, on July 18, 2017, the City Council approved an Addendum to the SEIR for a second Bayport/Alameda Landing Master Plan Amendment. The Addendum concluded that the Master Plan Amendment (provided that the traffic trip cap established by the Master Plan is maintained) is within the scope of the 2006 SEIR and would not generate any new, or substantially more severe, impacts than might be expected as compared to those identified in the 2006 SEIR; and

WHEREAS, the proposal for a second Master Plan Amendment was approved by the City Council on July 17, 2017; and

WHEREAS, the Master Plan Amendment requires that prior to or concurrent with the first Development Plan for any portion of the Residential Sub-Area of the Maritime Commercial and Residential Variant, the project Applicant shall submit an amendment to the approved 2007 Waterfront Promenade Development Plan; and

WHEREAS, Catellus is pursuing Development Plan and Design Review approval for the Waterfront Plaza and Promenade; and

WHEREAS, the Board held a public hearing on the Waterfront Plaza and Promenade Development Plan and Design Review on September 10, 2018, and has examined pertinent maps, drawings, and documents.

NOW, THEREFORE BE IT RESOLVED that the Planning Board finds that the proposed project is consistent with the General Plan, Alameda Municipal Code and Master Plan development requirements for the property.

NOW, THEREFORE BE IT RESOLVED that the Planning Board makes the following findings relative to the Development Plan approval:

1. **The development is an effective use of the site.** The Waterfront Plaza and Promenade uses have been envisioned for this site since the original Bayport/Alameda Landing Master Plan was adopted in 2000. The Master Plan Amendment requires provision of a waterfront plaza,

adopted in 2000. The Master Plan Amendment requires provision of a waterfront plaza, pedestrian promenade, recreational facilities and open space uses to activate the waterfront for the public.

2. **The proposed use relates favorably to the General Plan.** The proposed project supports General Plan policies for the provision of park, open space and recreational uses throughout Alameda as well as activating the waterfront during both daytime and nighttime hours.
3. **The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity and will not have substantial deleterious effects on existing business districts or the local economy.** The Development Plan is designed to be compatible with adjacent uses by providing attractive park and recreational improvements as well as ample pedestrian and bicycle facilities. The site plan is designed such that no significant off-site hazards or environmental hazards will affect occupants of the waterfront plaza and promenade or surrounding areas.
4. **The location of the proposed use is compatible with other land uses in the general neighborhood area, and the project design and size is architecturally, aesthetically, and operationally harmonious with the community and surrounding development.** The proposed waterfront plaza, pedestrian promenade, recreational facilities and open space uses are compatible with adjacent residential, retail and maritime commercial uses that exist within the Alameda Landing neighborhood. The design of the proposed park and recreational uses will be compatible and harmonious with the design and use of the surrounding areas.
5. **The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.** The Waterfront Plaza and Promenade are located within a planned transit oriented, pedestrian friendly mixed use neighborhood within a short distance to an existing regional ferry terminal. All development within Alameda Landing includes a robust and aggressive Transportation Demand Management (TDM) Compliance Strategy with a wide variety of transportation services and facilities, including the provision of transit services and other transportation services and programs.

NOW, THEREFORE BE IT RESOLVED that the Planning Board makes the following findings relative to the Design Review approval:

1. **The proposed Design Review is consistent with the General Plan, Zoning Ordinance and the City of Alameda Design Review Manual.** The proposed waterfront plaza and promenade is consistent with General Plan policies which encourage provision of adequate park and open spaces throughout Alameda. The project is consistent with the MX – Mixed Use Zoning District in that the proposed park and recreational uses complement the existing residential, maritime commercial and retail uses within the Alameda Landing neighborhood. The project is consistent with the Alameda Design Review Manual because the proposed design has an appropriate sense of scale for the site, the landscape and recreation components are well proportioned and appropriate buffers have been provided between the site and adjacent uses.
2. **The proposed design is appropriate for the site, is compatible with adjacent or neighboring buildings or surroundings, and promotes harmonious transitions in scale and character in areas between different designated land uses.** The proposed waterfront plaza and promenade is similar in design and scale to other buildings and parks in the vicinity. The scale and character of the waterfront plaza and promenade, landscaping and site furnishings ensures compatibility with the adjacent neighborhood.

3. **The proposed design is visually compatible with the surrounding development, and design elements have been incorporated to ensure the compatibility of the project with the character and uses of adjacent development.** The proposed design of the waterfront plaza, promenade, landscaping, site furnishings and recreational features has been long planned for in the Alameda Landing Master Plan to complement the character of adjacent residential, maritime commercial and retail uses within the Alameda Landing neighborhood. The landscaping, site furnishings and recreational features of the waterfront plaza and promenade incorporate design elements that reflect the working waterfront of the Alameda Landing location.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Board wishes to increase the visibility of communities in Alameda that have historically not been chosen for representation in the public realm, the Planning Board supports the idea of naming the new Alameda Landing Waterfront Park after one of the city's oldest and proudest civic organizations and recommend that the Recreation and Parks Commission and City Council strongly consider the name Bohol Circle Park for the future Alameda Landing waterfront park.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves the Waterfront Plaza and Promenade Development Plan and Design Review as described in Exhibit A: Waterfront Plaza and Promenade Development Plan and Design Review, subject to the following conditions:

1. Building and Site Improvement Permit Plans: The plans submitted for Building and Site Improvement Permits shall be in substantial compliance with the plans prepared by KayVictor dated August 30, 2018, on file in the office of the City of Alameda Community Development Department, except as modified by the conditions contained in this resolution.
2. Other Agency Approvals: Prior to issuance of building permit(s) or Site Improvement Permits for work within jurisdictional lands, the Applicant shall provide evidence that all required approvals, permits, deferrals, conditions or waivers from Bay Conservation and Development Commission (BCDC), Bay Area Air Quality Management District (Air District), Regional Water Quality Control Board (Water Board), and/or the Army Corp. of Engineers, if any, have been obtained for the proposed work within jurisdictional lands. The building permit or site improvement plans shall incorporate all other agency requirements.
3. Construction Phasing: Applicant may commence grading, soil improvement work and demolition construction activities on the Waterfront Plaza and Promenade upon issuance of a grading and demolition permit. Construction of the Waterfront Plaza and Promenade surface improvements shall commence, and all necessary local and regional permits shall be in place for the water shuttle dock and kayak launch, prior to issuance of the first building permit for the first residential unit within the Maritime Commercial and Residential Variant. Construction of the first phase of the park (shown on page 33) shall be substantially complete prior to issuance of the first building permit for the first unit of the second half of the residential units. Construction of the final phase of the park shall be substantially completed prior to issuance of the building permit for the first unit in the last 20% of the units in the residential project.
4. Final Recreation and Park Facilities Design Details: Prior to issuance of a building permit or site improvement permit for surface improvements within the 4.5 acre park, the applicant shall submit a final Recreation and Parks Detail Plan for review and approval of the Recreation and Park Director. The final details plan shall include final design details for surface treatments, bench, barbeque, restroom, shade structure, play structure, dog water fountain, fish cleaning

station, lighting and landscaping and any other details needed by the Recreation and Parks Department to ensure that the City of Alameda will be able to effectively use and maintain the facilities. In addition, the Director should consider the following Planning Board suggestions and recommendations:

- a. Extend and modify the lighting plan to ensure adequate lighting in all areas of the park including near the kayak area, the public dock, along the promenade, and around the bathroom. The lights on the bathroom structure should match the lighting plans for the rest of the park.
 - b. Consider eliminating, reducing the size, or reconfiguring the central landscaped planter circle box create less of a barrier to use of the space or provide a more interesting visual statement at the terminus of 5th Street.
 - c. Reducing or eliminating the decorative acrylic surface material in favor of a more durable concrete surface.
 - d. Rounding the corners of the AMP Substation square fence or replacing the four sided fence enclosure with a round fence enclosure.
 - e. Reducing or eliminating the use of artificial grass.
 - f. Ensuring adequate tot lot seating for adults.
 - g. Introducing softer, greener plant selections into the landscape plan.
5. Palm Trees, Pocket Parks and View Corridors. The final location, configuration, and size of the pocket parks, view corridors, western buffer, and Mitchel Avenue Greenway shall be included in the Development Plans for the adjacent residential neighborhood submitted for Planning Board review and approval. The plans shall also include a Tree planting plan for the northern edge of the residential neighborhood, which will define the southern edge of the Waterfront Park. The Tree Plan should include a Palm Tree option and an option with another large tree species that will might define the park edge and be more environmentally sustainable. .
6. Parking: The design plans for the adjacent residential development shall include eighteen (18) parking spaces for the Waterfront Plaza and Promenade parking lot. At the northern edge of the parking area, a kayak unloading area shall be marked and at least two (2) spaces shall be designated and marked "Police Only" parking spots in the closest spaces available that do not interfere with any ADA parking spots.
7. Bay Trail: The entire promenade area between railing and raised landscape areas shall be designated as "Bay Trail." In no location shall the designated "Bay Trail" be less than 18 feet in width including in the areas where the Bay Trail passes under the pergola. In addition, the plans shall ensure good visibility at the intersection of the path from the kayak loading zone (in the parking lot) and the Bay Trail, to avoid collisions. The design should encourage them crossing, not using, the Bay Trail.
8. Emergency Access: Provide emergency access for Alameda Police Department patrol cars and Alameda Fire Department emergency medical vehicles along the length of the Waterfront Park and Promenade.
9. California Environmental Quality Act: Prior to issuance of a building or site improvement permit, the Applicant shall submit a Mitigation Measure Compliance Checklist confirming compliance with all required environmental mitigation measures HYD-2, 3, and 4, GEO-1, 2, and 3, HAZ 1c, 2, 3, 8, BIO-2, 3a, 5, TC-1, PUB-2 AND CUL-1 and 2, to the extent applicable to the Waterfront Promenade and Plaza, contained in the MMRP adopted by the Alameda City Council in January, 2007 for Alameda Landing Project, as amended by the First Amendment to the

Alameda Landing Commercial Development Agreement. The specific language of the applicable mitigation measures shall be printed on the final construction drawings approved by the City.

10. Construction 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, MMRP and BAAQMD requirements.
11. WELO Landscape Documentation: 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 Community Development Director
12. Modifications: Minor project design details requested by the Applicant may be established, modified, and approved by the Community Development Director. Engineering standards and specifications requested by the Applicant may be established, modified and approved by the Public Works Director, or his designee. Major modifications that are not consistent with this design review approval or these conditions shall be subject to review and approval of the Planning Board.

Improvement Plans

13. Improvement Plans: The improvement plans for the park shall include landscape and irrigation plans for both on-site and off-site improvements, including shoreline flood and sea-level rise protection improvements. The improvement plans shall show all existing utilities, both active and abandoned. Note that there is a cable crossing sign near the proposed water shuttle landing/kayak launch pier. A pipeline near the eastern boundary of the site, and a manhole cover on the concrete pier. The improvement plans shall show the existing expansion joint at the eastern end of the existing warehouse and shall include details for preserving the expansion joints within the landscape and hardscape. The improvement plans shall include details for patching/repairing damaged areas of the pier, including filling core holes and covering, repairing or removing railroad tracks so as to prevent a tripping hazard. The existing timber fenders and piles shall be removed. Asphalt over the concrete pier shall be removed. The plans shall be prepared, signed, and stamped by a licensed landscape architect and civil engineer and shall be in accordance with the AMC and other regional jurisdictional requirements. The landscape architect shall also assume responsibility for review of the work and shall provide a Letter of Acceptance of construction conformance to the City, prior to acceptance of the work, that the installation of landscaping and irrigation in the public right-of-way was constructed in accordance with the approved plans.
14. Evaluation Report: An evaluation report, including recommendations, for the pier piles and riprap shall be prepared by a registered engineer licensed in the State of California with experience in evaluating similar structures. Improvement plans shall incorporate all the report's recommendations. The engineer shall sign and stamp the improvements plans as conforming to the report's recommendations. The engineer shall also assume responsibility for inspection of the work and shall certify to the City Engineer's satisfaction that the work performed is adequate and complies with all the report's recommendations.
15. Sea Level Rise: New structures shall accommodate 12-inches of freeboard above the 1.9-ft of sea level rise estimated to occur between 2000 and 2070 by the California National Resources Agency and California Ocean Protection Council in their 2018 Update of the State of California

Sea-Level Rise Guidance Document, assuming high emissions, and the low risk aversion / likely range scenario. Finished floors of new structures shall be a minimum of 36-inches above current Base Flood Elevation, as defined by FEMA's most recent published Flood Insurance Study.

16. Geotechnical Report: A geotechnical report, including recommendations, shall be prepared by a registered geotechnical engineer licensed in the State of California. The improvement plans shall incorporate all geotechnical recommendations in the report. The geotechnical engineer shall sign and stamp the improvement plans as conforming to its recommendations. The geotechnical engineer shall also assume responsibility for inspection of the work and shall certify to the City, prior to acceptance of the work that the work performed is adequate and complies with their recommendations.
17. Final Storm Water Management Plan: The improvement plans shall incorporate a Final Storm water Management Plan for the Waterfront Park, including all appropriate pollution prevention source control measures, permanent low impact development (LID) measures, storm water treatment controls and/or design techniques to manage the quantity and quality of storm water runoff from the project site to prevent and minimize impacts to water quality and must be consistent with the Provision C3 requirements of the City's municipal storm water permit. Roof drains shall discharge and drain to an unpaved area wherever practicable. Design techniques may include green roofs, rainwater harvesting, vegetated swales, vegetated buffer zones, bio retention units, retention/detention basins and ponds, tree well systems, and the incorporation of pervious surface areas and LID measures. The Improvement Plans shall provide details sufficient to ensure that the storm water design and treatment measures shall be constructed consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual, the Alameda Landing SWMP, and the preliminary storm water management plan. 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. The finalized Storm Water quality management plans shall also include:
 - a. The identification of the drainage management areas (DMAs) for all newly created and/or recreated impervious surface areas on the project site and the establishment and identification of Provision C3-compliant storm water quality design and treatment measures for each DMA.
 - b. A site plan map and inventory identifying the location and area values (in square feet) of each DMA and the corresponding, one-to-one-matching, C3-compliant measure. The DMA inventory shall be summarized in tabular form and provide an accurate total area summation value.
 - c. A finalized supplemental submittal of the Storm water Requirements Checklist. The area value summation of all of the DMAs shall be consistent with the area values accurately presented in the summary "Table of Impervious and Pervious Surfaces" (Section I.B) in the completed Storm water Requirements Checklist.
 - d. A finalized, stamped, signed City of Alameda C3 certification form prepared by an independent civil engineer with storm water treatment facility design experience, licensed in the State of California, and meeting City qualification standards, that indicates the LID and treatment measure designs of the finalized improvement plans and storm water quality management plan meet the established sizing design criteria for storm water treatment measures.

18. Best Management Practices: The Applicant 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 Estuary, either directly or indirectly, during all construction activities. All implemented measures shall be consistent with the City's urban runoff Best Management Practices (BMPs) standards. The Applicant shall pay for any required cleanup, testing, and/or City administrative costs resulting from consequence of construction materials entering the storm water drainage system. The Civil Improvement Plans shall list the City's erosion and sediment control standards and provide detail drawings and installation specifications for all water quality control measures.
19. Storm Water Pollution Prevention Plan: Prior to issuance of the initial demolition, grading or combination grading/building permit, provide the Public Works Department Clean Water Program, a copy of the current, up-to- date Storm Water Pollution Prevention Plan (SWPPP) and the WDID# issued to the project site by the State Water Resources Control Board (SWRCB), consistent with the requirements in SWRCB Order No. 2009-0009-DWQ.
20. Storm Water Trash Capture: Prior to the issuance of the first grading/building/combination permit for each project phase, the Improvement Plans shall indicate the storm water trash capture measure(s) being installed on the project site 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.
21. Storm Drains: All new storm drain inlets shall be clearly marked with the words 'No Dumping! Drains to Bay' by means approved by the Public Works Department. Permanently affixed thermoplastic, metallic or plastic laminate style markers are acceptable forms. The Improvement Plans shall clearly indicate this.
22. Operations and Maintenance Plan: 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 prior to the approval of and consistent with the improvement plans for each phase. The O&M plan shall include, but not be limited to: treatment and design measure(s) descriptions and summary inventory; a legible, recordable, reduced-scale (8.5"x11") copy(-ies) of the Site Plan indicating the treatment and design measure(s) location(s) and site drainage patterns; treatment measure(s) maintenance requirements and maintenance schedule; the approved plant list and planning plan; detailed description of the integrated pest management principals and techniques and/or Bay Friendly Landscaping Program techniques to be utilized during landscape maintenance to ensure pesticide/herbicide use-minimization in landscaped areas; name and contact information of current maintenance personnel; and template of the annual O&M report submittal to the City. The O&M plan(s) for all storm water treatment and design measures to be maintained by any HOA or CA shall be incorporated with the CC&Rs of the relevant HOA/CA. Upon approval, provide Public Works a pdf copy of the finalized O&M Plan.

23. Certification Report: Prior to final acceptance of the project, submit a certification report (Report) prepared by a registered civil engineer, licensed in the State of California, affirming that all project site storm water treatment measures and trash capture devices have been constructed per the City approved plans and specifications. As appropriate, the Report shall include, but not be limited to, assurances that: imported materials used for the treatment measure(s) are certified by the supplier; installation of these materials is per approved plans and specifications and meets the intent of the design engineer; required on-site testing results conform with approved plans and specifications; treatment measures conform to dimensions, grades and slopes on approved plans and specifications; all structural features of the treatment measures comply with plan specifications; the irrigation system is installed and functions as designed; healthy vegetation/ground cover is installed as shown on plans. The Report shall be submitted in a form acceptable to Public Works Engineering.
24. Stormwater Details on Landscape Plans: Landscape plans shall be designed to minimize runoff, promote surface infiltration, incorporate Bay Friendly Landscaping approaches, and minimize the use of fertilizers and pesticides that can contribute to storm water pollution and be consistent with the preliminary storm water management plan for the Phase 1 Waterfront Park. Prior to placing landscaping on concrete pier sections, the concrete surface shall be waterproofed, and overlaid by a layer of drain rock followed by filter fabric.
25. Backflow Prevention: Backflow prevention devices shall be installed on water services as required by the East Bay Municipal Utility District (EBMUD).

Solid Waste

26. Waste Management Plan: The Applicant shall submit a Waste Management Plan (WMP) to the Public Works Environmental Services Division for approval. The plan shall describe how the trash and debris will be handled. The WMP shall be submitted by the developer to Environmental Services via Green Halo (greenhalosystems.com) prior to start of the demolition, remodeling, or construction work. This must be done using Green Halo's web interface. The Public Works Environmental Services Division will review the WMP, and will provide comments that shall be incorporated into the plans for the project. The project is subject to the WMP requirement of section 21-24 of the AMC.
27. Green Halo: Within thirty (30) days after the completion of the demolition work, the developer shall submit a Summary Report to the Public Works Environmental Services Division, via Green Halo (greenhalosystems.com) or other form approved by the Public Works Director. For approval, this reporting will specify actual tonnages disposed and/or recycled for each material, and the actual destination/processor. Disposal and/or recycling weight tags from that facility or facilities will be directly uploaded to Green Halo to verify this activity.
28. Collection: Internal collection and storage area(s) and the individual bins and containers provided, shall be adequate in capacity, number, and distribution to serve the anticipated demand for trash, recycling, and organics as determined by the Public Works Department. The trash collection areas shall be accessible to residents and employees. Each storage area shall be no more than 250 feet from any dwelling unit, or in the garage. Trash enclosures and/or recycling area shall be covered; no other area shall drain onto these areas. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. The Applicant shall contact the City and East Bay Municipal Utility District (EBMUD) as applicable, for specific connection and discharge requirements prior to building permit issuance. Discharges to the sanitary sewer are subject to the review, approval, and

conditions of the City and EBMUD.

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

Construction Conditions

30. Traffic Control Plan: At least three weeks prior to the commencement of work within the public right-of-way that affects access for pedestrian, bicyclist, and vehicular traffic, the Applicant shall provide a Traffic Control Plan (TCP) to the Public Works Department for review and approval. The TCP shall be in accordance with the California MUTCD standards. The engineer shall sign and stamp the plans as approved. In general, any public right-of-way shall remain unobstructed during project construction or an ADA compliant alternative route established as approved by the Public Works Director. At locations where adequate alternate access cannot be provided, appropriate signs and barricades shall be installed at locations determined by the Public Works Director and Police Chief. Should transit routes be affected, Applicant is required to obtain prior approval from AC Transit of any proposed traffic detours or temporary closure of bus stops. Construction work may not commence until the TCP is approved by the Public Works Director.
31. Hazardous Materials. The Applicant shall provide documentation from a qualified professional to the City of Alameda stating that adequate soils and ground water investigations and, where warranted, remediation, have been conducted to ensure that future site use complies with the regulatory requirements for hazard related risks as established by applicable Federal, State and local requirements. The project sponsor shall ensure that all proposed areas for demolition and abatement shall be assessed by qualified licensed contractors for the potential presence of lead-based paint or coatings, asbestos containing materials, and PCB-containing equipment prior to issuance of a demolition permit. During Construction the developer/Applicant shall ensure that all construction crews are properly trained and made aware of any site contamination issues consistent with the Alameda Landing Site Management Plan (SMP) and MMRP.
32. Truck Plan: Prior to issuance of grading permit, developer/Applicant shall submit a Truck Route Plan for hauling to be approved by the City Engineer. The Plan must be incorporated into any construction documents for every contract.
33. Notice to Neighbors: At least two weeks prior to initiating any construction activities at the site, the Applicant shall provide notice to businesses and residents within 500 feet of the project site including (1) project description, (2) description of construction activities, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name and phone number of the Noise Management Individual for the project, (5) commitment to notify neighbors at least four days in advance of authorized extended work hours and the reason for extended hours, and (6) that construction work is about to commence. A copy of such notice and methodology for distributing the notice shall be provided to the City for review and approval at least five (5) business days in advance.
34. Construction Hours: Construction activity shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Friday, and between 8:00 a.m. and 5:00 pm on Saturday. No construction-related activity shall occur on Sunday or on any Federal Holiday unless otherwise approved by the City of Alameda. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment re-design, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or

shrouds) wherever feasible and necessary. No construction activity that may cause excessive off-site vibration from heavy machinery such as drilling rigs (except as necessary for elevator, shoring, and soil testing or soil improving mitigation work), etc. shall be allowed. Excessive off-site vibration as it relates to the Alameda Landing Waterfront project does not mean transference of vibration from ordinary construction equipment used in similar type work through the bay mud zone, which effects may not be apparent on similar non-bay mud impacted sites. Applicant shall provide information sufficient to satisfy the City and inform the public that all such activities will be properly monitored and managed to prevent damage to nearby structures. Impact tools (e.g., jack hammers, pavement breakers and noise drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to 10dB. External jackets on the tools themselves shall be used where feasible. Quieter procedures shall be used such as drilling rather than impact equipment whenever feasible.

35. Utilities: If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department, Alameda Municipal Power, and the Community Development Department, and carry out any necessary corrective action to their satisfaction.

Fire Safety

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

Alameda Municipal Power (AMP)

37. The Applicant shall comply to AMP's Rules and Regulations as stated in Article X and AMP's "Material and Installation Criteria for Underground Electrical Systems" (both available at www.alamedamp.com) and provide completed "Service Planning Sheets" for AMP's review prior to submitting plans for building permits.
38. 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.
39. 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.
40. The Applicant shall provide and install street lighting consistent with the City of Alameda standard specifications and Public Works' "Material and Installation Criteria for Underground Electrical Systems". Lights installed in the Waterfront Park outside of the public ROW will comply with the City of Alameda Recreation and Parks Department standards. All street lights shall be designed to preserve "dark skies" and direct light downward toward the public right of

way. No signs shall be installed or mounted on street light poles. All new signs shall be installed on dedicated sign posts.

41. Applicant/Developer shall have all streetlights included in the Improvement Plans, installed, fully functional and operating prior to issuance of a Certificate of Occupancy for any building unless a phasing plan is approved by the Director of Public Works. Applicant/Developer shall pay for streetlight energy costs until the applicable improvements are accepted for maintenance by City.
42. The Applicant shall be required to furnish two streetlight poles and LED fixtures of each type installed, at no cost, to the Public Works Department as a stock for future pole/fixture replacement on public street.
43. All public streets shall be lit with LED lighting. Streetlight layout shall be staggered for a more uniform light distribution. Applicant/Developer can provide alternate design if a better efficient light distribution is met. Applicant/Developer shall use City LED standard fixtures. LED streetlight fixtures shall offer tri-level lighting with the mid-level setting meeting IES RP-8-14.
44. The Applicant shall provide all necessary underground substructures, including conduits, pull boxes, electric utility equipment pads, etc. per the AMP specifications. AMP will require easements for all transformers, primary and secondary boxes, and conduits. AMP will furnish and install all required transformers, high voltage distribution cables, and secondary cables. Existing Alameda electric substructures will NOT be re-used.
45. The Applicant shall provide an easement for electric utility vehicle access to AMP's 115kVa Riser Structure. The easement shall encompass the entire perimeter of the substation, to the satisfaction of AMP's project manager.
46. The Applicant/Developer shall install all electric pull boxes and vaults in-line with the conduit joint trench where practicable and not in direct conflict with other site constraints. No conduit bend will be allowed between electric pull boxes without specific approval from AMP's field manager, or where 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.
47. 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.
48. 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.
49. 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.
50. 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.

51. Concurrent with acceptance of work by City Council, the Applicant 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.
52. The Applicant shall be responsible for all expenses involved in the duct/joint trench system engineering design, plan check, project coordination, and electrical construction inspection. The Applicant shall be responsible for the cost of AMP assigned inspector during construction.
53. The Applicant shall submit, with the site improvement plans, detailed drawings showing the required site electric utility facilities.

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.

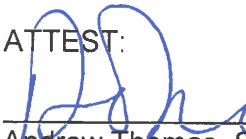
I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 10th day of September, 2018, by the following vote to wit:

AYES: (6) Mitchell, Cavanaugh, Curtis, Saheba, Sullivan and Teague

NOES: (0)

ABSENT: (1) Burton

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-18-20

A RESOLUTION OF THE CITY OF ALAMEDA PLANNING BOARD RECOMMENDING THAT THE CITY COUNCIL ADOPT A GENERAL PLAN LAND USE DIAGRAM AMENDMENT AND TEXT AMENDMENT, AND ZONING MAP AMENDMENT FOR THE PROPERTY ON THE WEST SIDE OF MCKAY AVENUE (APN 74-1305-26-2) (PLN18-0198) TO ALLOW FOR PRIVATE USE OF THE PROPERTY FOR THE WELLNESS CENTER

WHEREAS, Alameda Point Collaborative intends to acquire the property on the west side of the McKay Avenue (APN 74-1305-26-2) from the Federal Government for use as a Wellness Center; and

WHEREAS, the property is designated "Federal Facilities" in the General Plan Land Use Element and includes a "G, Special Government Combining District" (G Overlay) zoning designation in addition to its underlying Administrative Professional (A-P) Zoning Designation; and

WHEREAS, the Federal Facilities General Plan land use designation and the G Overlay zoning designation must be changed when the property is conveyed out of Federal ownership and use; and

WHEREAS, Alameda Point Collaborative is requesting the changes to the General Plan Land Use Diagram, the text of the General Plan Land Use Element, and Alameda Zoning Map to enable its use of the property for a Wellness Center; and

WHEREAS, the Planning Board held a duly noticed public hearing on October 8, 2018, and examined all submitted materials and public comments.

WHEREAS, the Planning Board held a duly noticed public hearing to receive public testimony on the Mitigated Negative Declaration (MND) on October 8, 2018, examined pertinent documents, and considered the testimony and written comments received. The Board approved recommending the City Council adopt the MND.

NOW THEREFORE BE IT RESOLVED that the Planning Board of the City of Alameda makes the following findings:

1. **The General Plan Land Use Diagram, General Plan Land Use Element, and Zoning Map Amendments relate favorably to the General Plan.** The proposed Wellness Center supports General Plan Housing Element Goals and policies, specifically Goal #2: Provide housing that meets the City's diverse housing needs, specifically including affordable housing, special needs housing, and senior housing; Policy HE-2: Expand the City's supply of affordable rental and ownership housing for extremely low-, very low-, low-, and moderate-income households; Policy HE-3: Create rental, homeownership, and other housing opportunities for special needs populations such as the elderly, homeless and people at risk of becoming homeless, people with physical and/or developmental disabilities, single-parent households, and young adults; and Policy HE-4: Encourage and support new residential opportunities for senior citizens, including

senior housing projects, multifamily housing projects with accessible and small housing units, assisted living projects, and in-law unit projects. Furthermore, the General Plan Land Use Diagram designation as "Federal Facilities" must be changed, the General Plan Land Use Element text must be revised, and the G Government Combining District Zoning Designation must be removed to reflect the conveyance of the land out of federal ownership.

2. **The General Plan Land Use Diagram, General Plan Land Use Element, and Zoning Map Amendments support the general welfare of the community.** The proposed amendments facilitate the use of the site by Alameda Point Collaborative for 90 units of assisted senior living for formerly homeless individuals, a 50-bed respite center for homeless individuals recently released from the hospital, a clinic for the homeless, and a resource center, a resource center that assists Alameda residents in a housing crisis or recently homeless to locate appropriate housing and services, and a 7,000 square foot Primary Care Clinic which provides outpatient services primarily for facility clients. A 2017 City of Alameda Community Needs Assessment completed by City of Alameda Social Service Human Relations Board (SSHRB) found that health care facilities were the third most needed facilities in Alameda as rated by Alameda residents, next to Recreation and Parks' fields/courts and community pools. The 2018 City of Alameda Homeless Needs Report found that homeless shelters/homeless services are the second most pressing social services need in the City of Alameda, behind transportation. Finally, the proposed Wellness Center facilities and uses are consistent with and permitted by the A-P Administrative Professional Zoning District, which is the underlying zoning for the property.
3. **The General Plan Land Use Diagram, General Plan Land Use Element, and Zoning Map Amendments are equitable.** The proposed amendments facilitate the use of the site by Alameda Point Collaborative for a Wellness Center to support the health needs of the homeless population. The homeless population is the least served segment of the Alameda community. This proposal will provide much needed services for a historically underserved community.

NOW THEREFORE BE IT FURTHER RESOLVED that the Planning Board recommends that the City Council:

- 1) Amend the General Plan Federal Facilities Land Use Designation to read as follows:

"FEDERAL FACILITIES: Sites occupied by Federal facilities including Naval Reserve Center, ~~the Federal Center on McKay Avenue~~, and Coast Guard Island are in this category."
- 2) Amend the following sentence in the land use element to read as follows:

"~~Three~~ Two sites are in use: the U.S. Coast Guard (Coast Guard Island) and the Naval Reserve Training Center on Clement Avenue, ~~and the Federal Center on McKay Avenue~~. The City and the Federal agencies consult on development issues, but the City has no power to regulate development on Federal sites."

- 4) Amend the General Plan Land Use Diagram for APN 74-1305-26-2 to change the Land Use Designation from Federal Facilities to Office, and
- 5.) Amend the City of Alameda Zoning Map to remove the G Special Government Combining District Zoning Map designation from APN 74-1305-26-2.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 8th day of October, 2018, by the following vote to wit:

AYES: (5) Mitchell, Burton, Cavanaugh, Saheba, and Teague

NOES: (0)

ABSENT: (0)

ABSTAIN: (2) Curtis and Sullivan

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-18-21

A RESOLUTION OF THE CITY OF ALAMEDA PLANNING BOARD RECOMMENDING THAT THE CITY COUNCIL ADOPT THE WELLNESS CENTER MITIGATED NEGATIVE DECLARATON FOR THE PROPERTY ON THE WEST SIDE OF MCKAY AVENUE (APN 74-1305-26-2) (PLN18-0198) TO ALLOW FOR PRIVATE USE OF THE PROPERTY FOR THE WELLNESS CENTER

WHEREAS, Alameda Point Collaborative intends to acquire the property on the west side of the McKay Avenue (APN 74-1305-26-2) from the Federal Government for use as a Wellness Center; and

WHEREAS, the City prepared an draft Mitigated Negative Declaration (MND) which considers the potential environmental impacts of the project including evaluating the potential effects of the proposed future actions by the applicant to demolish existing buildings and build new buildings to accommodate the new uses; and

WHEREAS, the Planning Board held a duly noticed public hearing to receive public testimony on the Mitigated Negative Declaration on October 8, 2018, examined pertinent documents, and considered the testimony and written comments received.

NOW THEREFORE BE IT RESOLVED that the Planning Board of the City of Alameda makes the following findings:

California Environmental Quality Act. The City of Alameda, as the lead agency under the California Environmental Quality Act (CEQA), prepared a draft Mitigated Negative Declaration for the project. The Mitigated Negative Declaration considers the potential environmental impacts of the project including the potential impacts of future actions by the applicant to demolish existing buildings and build new buildings to accommodate the new uses. The Mitigated Negative Declaration finds that some construction activities may result in some potentially significant impacts as the result of demolition activities, excavation activities, or other construction activities, but that all of the potential impacts can be mitigated to a level of less than significant through standard construction mitigations.

NOW THEREFORE BE IT FURTHER RESOLVED that the Planning Board recommends that the City Council adopt the McKay Wellness Center Draft Mitigated Negative Declaration.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 8th day of October, 2018, by the following vote to wit:

AYES: (5) Mitchell, Burton, Cavanaugh, Saheba, and Teague

NOES: (0)

ABSENT: (0)

ABSTAIN: (2) Curtis and Sullivan

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-18-22

A RESOLUTION OF THE CITY OF ALAMEDA PLANNING BOARD RECOMMENDING THAT
THE CITY COUNCIL ADOPT GENERAL PLAN DIAGRAM AND TEXT AMENDMENTS

WHEREAS, the City of Alameda is required to maintain an up to date and internally consistent General Plan; and

WHEREAS, the City of Alameda regularly reviews its General Plan to ensure that the document is up to date and internally consistent; and

WHEREAS, Land Use Element Section 2.2 was reviewed by the Planning Board and found to be inconsistent with the Housing Element and State Housing Law as described in the November 13, 2018 staff report; and

WHEREAS, Land Use Element Section 2.3 was reviewed by the Planning Board and found to be out of date as described in the November 13, 2018 staff report; and

WHEREAS, the Planning Board held a duly noticed public hearing on November 13, 2018, and examined all submitted materials and public comments.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Alameda makes the following findings:

1. **California Environmental Quality Act.** The proposed amendments are statutorily exempt from further review under the California Environmental Quality Act pursuant to CEQA Guidelines Section 15061(b)(3), the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The proposed amendments do not establish new General Plan policies that could cause an effect on the environment. They simply eliminate out of date information and language from the 1991 Land Use Element that conflicts with language within the 2014 Housing Element; therefore the proposed amendments do not establish new land use policy that could have a new significant impact on the environment
2. **The General Plan Land Use Element Amendments relate favorably to the General Plan.** The proposed amendments ensure internal consistency with state housing law and the 2014 Housing Element that was certified by the State of California as being compliant with state law.
3. **The General Plan Land Use Element Amendments support the general welfare of the community.** The proposed amendments ensure for an internally consistent, up-to-date Land Use Element and General Plan which is required by the California Government Code and supports the general welfare of the community by ensuring consistent decision-making by the City of Alameda.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Board recommends that the City Council amend Section 2.2 Land Use Classifications introductory section and the descriptions of the Residential, Specified Mixed Use, and Business Park classifications as follows. Unchanged Land Use Element text is shown in plain Arial font. Proposed deletions to Land Use

Element text are shown in ~~strikethrough Arial font~~. Proposed additions to Land Use Element text are in single-underline Arial font.

2.2 LAND USE CLASSIFICATIONS

The following descriptions apply to uses indicated on the General Plan Diagram. The legend on the Plan Diagram includes an abbreviated version of the descriptions.

The classifications are adopted as General Plan policy and are intentionally broad enough to avoid duplication of the City's zoning regulations. The development standards for a specific property are established by the property's zoning district regulations. The General Plan Diagram illustrates the general distribution and location of different land uses within the city. The zoning district regulations shall be consistent with the General Plan Diagram. More than one zoning district may be consistent with a single General Plan use category.

For the purpose of the General Plan land use classifications, residential land use density is described as a ratio of units per acre. Commercial density is described as the gross floor area permitted divided by the size of the site or "floor area ratio". ~~For most uses, a maximum permitted rate of gross floor area to site area is specified. The floor area ratio (FAR) is a broad control of building bulk that limits both visual prominence and traffic generated.~~

RESIDENTIAL

~~Because very little land subdivision is expected, residential densities are expressed in housing units per net acre, exclusive of land used or to be used for public or private streets. Where new streets will be needed, the land area to be occupied by streets is to be subtracted before calculating density or ratio of floor area to site area. Densities within the ranges listed below are used to calculate probable housing unit increases in Tables 2-1, 2-3 and 2-6. Densities used to estimate future additions do not establish entitlement to a specific number of housing units or amount of floor area.~~

Low-Density Residential: ~~Single-family detached units. New units typically will be on 5,000-square-foot, or larger, lots, or in planned unit developments not to exceed 8.7 units per net acre. Density range: 4.5 to 8.7 units per net acre. Secondary dwelling units discussed in Section 65852.2 of the Government Code of the State of California are also permitted, and are not limited by this density range. The Low-Density Residential land use classification identifies existing residential neighborhoods that are characterized primarily by single family detached units. These neighborhoods may also include accessory dwelling units, parks, schools, religious institutions and other nonresidential uses that serve the community. Existing residential density in these areas is typically 4 to 9 units per acre.~~

Medium-Density Residential: ~~Two family or one family units. Medium-density residential development will provide at least 2,000 square feet of site area per unit. Existing densities range up to 70 units per net acre on blocks with mixed single- and units. Density range for additional units: 8.8 to 21.8 units per net acre. Projects of five or more units with 20 percent of the units affordable to lower income households earn a state-mandated density bonus permitting up to 26.1 units per net acre. Congregate housing and single room occupancy facilities would be permitted and their density would be regulated by the bulk standards (setbacks, height, lot coverage) in each zoning classification. The Medium-Density Residential land use classification identifies existing residential and mixed use~~

neighborhoods that are characterized by a mix of single family, multifamily, and community serving uses. These neighborhoods may also include parks, schools, religious institutions and other nonresidential uses that serve the community. In neighborhoods near Park Street and Webster Street, Medium-Density Residential areas may include small office buildings, medical clinics, assisted living facilities, and other commercial facilities that are compatible with a mixed use residential environment. Existing residential densities in these neighborhoods range from 9 to 70 units per acre.

Measure A Exception: ~~The City Council agreed in the Settlement Agreement on the Guyton vs. City of Alameda case that Section 26-2 of the City Charter allows the Alameda Housing Authority to replace, with multi family housing, 325 low cost housing units. Three hundred and twenty five represents the number of low cost units lost when the former Buena Vista Apartments were converted to Bridgeport Apartments. The City agreed that the 325 units of multi family housing can be built at densities allowed as of January 1, 1990, even if Zoning and General Plan changes are subsequently adopted which reduce allowable densities.~~

SPECIFIED MIXED USE

~~Nine a~~Areas designated on the General Plan Diagram as Specified Mixed Use are to have combinations of uses specified to implement General Plan policies. Existing residential densities in these districts range from 10 to 30 units per acre and commercial development typically reflects a floor area of 0.25 to 2.0. Development programs that include limitations on development intensity are described in Sections 2.6. (See Table 2-1.) The Specified Mixed Use Areas labeled on the General Plan Diagram are:

MU1 — Island Auto Movie
MU2 — Mariner Square
MU3 — Ballena Isle
MU4 — Northern Waterfront (Grand Street to Willow Street)
MU5 — Northern Waterfront (Willow Street to Oak Street)
MU6 — Northern Waterfront (Sherman to Grand)
MU7 — Catellus Mixed Use Commercial
AP1 — Alameda Point Civic Core
AP2 — Alameda Point Inner Harbor
AP3 — Alameda Point Marina

BUSINESS PARK

Harbor Bay Business Park and portions of Marina Village consist primarily of offices, but also may include research and development space, manufacturing, and distribution. Harbor Bay plans include a small amount of retail space and a conference-oriented hotel. ~~Maximum FAR is .5~~ Both business parks are characterized by mostly two and three story buildings with surface parking lots and a relatively low FAR of 0.5 to 1.0 depending on the size of the building and the lot. New development is governed by the subject site zoning regulations. Within the Harbor Bay Business Park, the maximum FAR for new development between the lagoon and the bay is limited to an FAR of 0.5, with increases up to a maximum of 2 permitted, proportional to the amount of required parking enclosed in a structure.

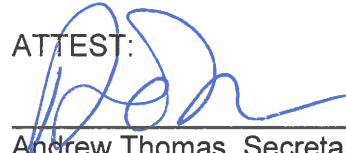
I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 13th day of November, 2018, by the following vote to wit:

AYES: (4) Cavanaugh, Curtis, Sullivan and Teague

NOES: (0)

ABSENT: (3) Mitchell, Rothenberg, and Saheba

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-18-23

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING DESIGN REVIEW AND DEVELOPMENT PLAN AMENDMENT APPLICATION NO. PLN18-0381 FOR THE CONSTRUCTION OF A 172-ROOM HOTEL AND RESTAURANT LOCATED NEAR THE CORNER OF HARBOR BAY PARKWAY AND BAY EDGE ROAD

WHEREAS, an application was made by Robert Leach for Harbor Bay Hospitality, LLC. ("Applicant") requesting Design Review and Development Plan Amendment for the construction of a new 172-room five-story hotel and restaurant located on approximately 5.5 acres within the Harbor Bay Business Park located near the corner of Harbor Bay Parkway and Bay Edge Road; and

WHEREAS, the subject property is designated as Business Park on the General Plan Diagram; and

WHEREAS, the subject property is located in a C-M-PD, Commercial Manufacturing - Planned Development Zoning District; and

WHEREAS, the Planned Development for the Business Park was approved by PD-81-2, and subsequently amended by PDA-85-4, PDA05-0003; PLN07-061, and PLN15-0092; and

WHEREAS, on February 25, 2008, the Planning Board approved Final Design Review and Development Plan for the Esplanade development project;

WHEREAS, on May 26, 2015, the Planning Board approved Final Design Review and Development Plan Amendment to the Esplanade Development plan for McGuire and Hester Headquarters;

WHEREAS, the Board held a study session on October 8, 2018 and provided comments on the proposed design and development plan amendment; and

WHEREAS, the Board held a public hearing on December 10, 2018 for Design Review, Development Plan Amendment, and examined pertinent maps, drawings, and documents; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board makes the following findings regarding the California Environmental Quality Act (CEQA):

1. No further environmental review is required for the proposed amendment to the Development Plan pursuant to Section 15162 of the California Environmental Quality Act Guidelines because there have been no significant changes in circumstances that require revisions to the previously certified Environmental Impact Report for Harbor Bay Isle.
2. The project site has no value as habitat for endangered, rare or threatened species. The Harbor Bay Isle Environmental Impact Report (EIR) analyzed the impacts of Harbor Bay development on wildlife and migratory birds. The biological survey for the proposed hotel concludes that the proposal does not substantially change the determination of the previously certified EIR. The area of the proposed development is currently a vacant

5.5 acre site. The vacant site has no habitat value for any endangered, rare, or threatened wildlife species. A survey for burrowing owls and sensitive species was conducted by Monk & Associates Environmental Consultants at the project site on September 10, 2018, and no evidence of the presence of these species were observed on or within a zone of influence of the site.

3. Approval of the project would not result in any substantial changes in the environmental determination in regards to traffic, noise, and air navigation. The previously certified Harbor Bay Isle EIR analyzed the impacts of the Harbor Bay development on traffic, noise, and air navigation. The traffic analysis, noise analysis, and Airport Land Use Commission analysis conclude that the proposed hotel facility will not substantially change the determinations of the previously certified EIR. A traffic and parking analysis conducted by Abrams and Associates on November 14, 2018 shows that the new hotel, restaurant, and ferry parking proposal does not result in any significant traffic or parking impacts to the surrounding area. The project also received an approval letter from the Alameda County Airport Land Use Commission on September 27, 2018 in regards to compliance with the safety, noise, and height development requirement of the adjacent Oakland Airport. The Noise analysis conducted by Saxelby Acoustics on September 5, 2018 determined that the project can meet city, state, and county requirements in regards to noise levels through the implementation of standard CNEL building requirements. The proposed project will not result in any significant traffic, noise, air quality or water quality impacts because the proposed hotel use is consistent with the uses analyzed by the Harbor Bay Isle Environmental Impact Report.

BE IT FURTHER RESOLVED that pursuant to Alameda Municipal Code (AMC) Section 30-4.20(g), the Board has made the following findings relative to the proposed Final Development Plan Application (PLN18-0381):

- A. **The development is an effective use of the site.** The Final Development Plan provides a new hotel and restaurant including landscaping and open spaces, pedestrian, transit and bicycle facilities designed to provide a project that is pedestrian, bicycle and transit-friendly. The Final Development Plan utilizes landscaping, building placement and orientation to create an effective and successful commercial development that creates a compatible interface with the adjacent properties and uses, and provides strategies for the conservation of natural resources and sustainable landscaping design.
- B. **The proposed use relates favorably to the General Plan.** The proposed development supports General Plan policies for the development of Harbor Bay Business Park and General Plan policies to increase complementary business opportunities and job generation in Alameda.
- C. **The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity and will not have substantial deleterious effects on existing business districts or the local economy.** The proposed Final Development Plan is consistent with the Harbor Bay Business Park Development Plan. The proposed Final Development Plan is designed to be compatible with adjacent commercial uses by providing attractive public improvements and ample pedestrian amenities, shuttle service, bicycle facilities, and additional ferry terminal parking.

- D. **The location of the proposed use is compatible with other land uses in the general neighborhood area, and the project design and size is architecturally, aesthetically, and operationally harmonious with the community and surrounding development.** The proposed development qualifies as a commercial development pursuant to the C-M-PD Commercial Manufacturing - Planned Development Zoning District, and satisfies the purposes of the C-M-PD district regulations. The project site plan is designed to conform to the Harbor Bay Business Park Development Plan objectives and requirements adopted to ensure that the project would be compatible with the adjacent airport environment and commercial development. The Final Development Plan will provide for adequate landscaping, including Bay Friendly-compatible native landscaping, as required by City standards.
- E. **The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.** The Final Development Plan is designed in a manner compatible with existing and potential contiguous uses. The project plans provide for well-designed pedestrian paths, bicycle access, on-demand shuttle services, free bicycle use, and vehicular access between the hotel and nearby transit amenities including the airport, ferry terminal, Park Street restaurants and entertainment, and BART.

BE IT FURTHER RESOLVED, that the Board made the following findings relative to the Design Review approval:

1. The proposed project design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual. The proposal includes materials, architectural elements, and building colors to match and complement the existing buildings on the site and the surrounding development.
2. The project will be compatible with adjacent or neighboring buildings and provides larger view corridors through the project site for adjacent residential areas. The building height was approved by the Federal Aviation Administration for compatibility with the height requirements of the adjacent Oakland Airport. The building is similar in design and scale with other hotels in the business park and the adjacent office buildings. The hotel will provide dining, lodging, event space, and conference rooms for the businesses in the Harbor Bay Business Park area.
3. The proposed design of the structures and exterior materials and landscaping are visually compatible with the surrounding development. Design elements have been incorporated to ensure the compatibility of the structures with the character and uses of adjacent development. Exterior materials combine smooth fiber cement panels and smooth stucco siding with generous expanses of glass, incorporating large punch windows, and deep sunscreen elements that mitigate heat gain from the sun, and add dimension and detail to the facades. The building's architectural design is well-suited to its location and context and will enhance the visual interest of the streetscape. The materials, design, and scale of the buildings are compatible with the residential character of the adjacent properties.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves the Waterfront Plaza and Promenade Development Plan and Design Review as described in Exhibit 1: Marriott Residence Inn Alameda Development Plan and Design Review, subject to the following conditions:

1. Building Permit Conditions: These conditions shall be printed on the first page of all building plans and improvement plans.
2. Building Permit Plans: The plans submitted for the building permit shall be in substantial compliance with the plans prepared by HRGA Architecture, dated November 13, 2018, and on file in the office of the City of Alameda Community Development Department, except as modified by the conditions listed in this resolution.
3. ALUC/FAA Compliance: Prior to issuance of building permits, the applicant shall verification of final Federal Aviation Administration (FAA) and Alameda County Airport Land Use Commission compliance. The applicant shall provide the FAA a Form (currently designated 7460 although FAA may designate a substitute form), completed to FAA satisfaction, which describes the electronic and light emissions and reflections from the facility toward Port of Oakland runways and related information. The FAA Form 7460 or the equivalent regulates both building external elements and construction elements including temporary use of cranes. The applicant shall also provide evidence that the crane height is acceptable to the Port of Oakland. The applicant shall conform to FAA requirements in the Form 7460 or FAA-approved equivalent process. The applicant shall conform to any process of the Alameda County Airport Land Use Commission and shall provide verification to the Community Development Director of compliance efforts.
4. Bay Conservation and Development Commission Compliance: Prior to issuance of building permits, applicant shall provide verification of compliance with BCDC Settlement Agreement provisions and BCDC approval.
5. LEED Silver. Building plans shall be accompanied by evidence that the project design shall meet a LEED Silver or equivalent standard for environmental sustainability.
6. Final Hotel Elevations, Elevation Art, Landscape, Lighting and Parking Plan. Prior to issuance of the Building Permit, the applicant shall prepare a final architectural design and plans for both the hotel and restaurant, and final landscape, lighting and parking plans and final art proposals for the side elevations for final review and approval by the Planning Board.
 - The colors and materials for the restaurant and café building shall be revised to better distinguish and articulate the two separate uses in the building and provide a more pleasing composition of colors.
 - All plaster finish areas shall be clearly labeled to be smooth plaster.
 - The parking area design and landscape plan shall be designed to ensure that cars and car lights are not visible from the shoreline park.
7. Planning Board Resolution No. 1203 Compliance Prior to issuance of Building Permits, the applicant shall provide verification of compliance with the conditions of Planning Board Resolution No. 1203, which are incorporated by reference and which shall be shall be printed on the first page of all building plans and improvement plans.
8. Lot Merger: Prior to issuance of building permits, the applicant shall submit and have approved a lot merger merging the three parcels into a single parcel.

9. Ferry and Hotel Parking Plan: Prior to issuance of Building Permits, the applicant shall provide a Ferry Parking Management Plan for approval by the Planning and Building Director, which shall include:
 - a. Provisions for advertising the availability of at least 100 non-exclusive parking spaces for long term use (at least 12 hours) by ferry users between the hours of 6 AM and 8 PM.
 - b. Provisions for ensuring maintenance of at least 5 spaces for short term use (2 hours or less) by park users between dawn and dusk.
 - c. Provisions for communicating with ferry riders and park users via cellphone notification and on-site signs about the availability of parking in the lot.
 - d. A deed restriction reflecting the above conditions.
10. Sidewalk Improvements: The Building Permit plans shall include the following revisions and improvements to the project design to be reviewed and approved by the Planning and Building Director:
 - a. A sidewalk along the northern edge of the property adjacent to Adelphian Way from the Ferry Terminal parking lot to the McGuire Hester property line.
 - b. Additional landscape details to ensure adequate screening of the two trash enclosures on Adelphian Way to the satisfaction of the Planning Director.
11. Bay Trail Improvements: The Building Permit plans shall include a final Shoreline Park improvement Plan for review and approval by the Recreation and Parks Director and the Planning and Building Director. The Plan shall require:
 - a. Replacement of the existing temporary 7 foot asphalt path with a permanent 12 foot wide concrete path along the project frontage to the concrete path in front of the Ferry Terminal. The waterfront edge of the 12 foot path shall be located on the waterfront edge of the existing asphalt path.
 - b. Three (3) feet of horizontal clearance and ten feet of vertical clearance on each side of path. Trim landscaping and trees next to path as necessary.
 - c. Regarding and rehabilitation of the existing waterfront gravel jogging path to along the project frontage.
 - d. A final lighting, bench, and trash receptacle plan that coordinate the on-site public facilities with the off-site shoreline facilities.
12. Window Inset: The final Building Permit plans shall show a minimum 4 inch inset between the face of the window to the face of the building.
13. Bicycle Parking: Locations for bicycle parking consistent with the AMC bicycle requirements shall be shown on the Building Permit plans. The bicycle facility should be located in a secure and safe location and accessible from high pedestrian/bicycle traffic areas, such as at the street frontage, to the satisfaction of the Planning Director.
14. Complimentary Shuttle: The hotel operator shall provide on-demand shuttle service. The shuttle service shall operate between the hours of 4:00 a.m. to 1:00 a.m. daily, and transport hotel guests to and from South Shore Center, the Park Street business district, Harbor Bay Ferry terminal, the Air BART station near the Oakland Airport, and any other destination within a three-mile radius of the hotel.

15. Complimentary Bicycles: The hotel operator shall provide at least ten (10) complimentary bicycles for use by hotel guests.
16. Bird Safe Design and Dark Sky Lighting The building permit plans shall demonstrate compliance with the Bird Safe Building design and Dark Sky lighting standards recommended by the Planning Board and to be considered by the City Council on November 27, 2018.
17. Development Agreement: If valid building permits have not been issued prior to the April 2019 expiration of the HBI Development Agreement (1989) (Document No. 89-110709), the applicant/developer shall satisfy all standard development requirements outside of the Development Agreement prior to the issuance of permits, including but not limited to payment of Development Impact Fees, Affordable Housing Impact fees, and Public Art Ordinance requirements.
18. 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. Design specifications shall incorporate Waste Management and Recycling elements for building and site demolition debris.
19. Noise: Prior to the issuance of building permits and prior to any future change in building use, the applicant shall submit an acoustical analysis meeting the requirements of Condition No. 60 of Resolution No. 1203 shall be submitted with the building permit applications.
 - a. Truck deliveries shall be limited to the hours between 8:00 AM and 8:00 PM, and use of outdoor amplified music shall be subject to review and approval of a Special Event Permit.
20. Signage: Any temporary or permanent signage is subject to a sign permit approval. All signage shall be consistent with the requirements of the approved signage program for Harbor Bay Business Park.
21. Lighting: New exterior lighting fixtures shall be low intensity, directed downward and shielded to minimize offsite glare.
22. 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 Community Development Director
23. Modifications: Minor project design details requested by the Applicant may be established, modified, and approved by the Planning Director. Engineering standards and specifications requested by the Applicant may be established, modified and approved by the Public Works Director, or his designee. Major modifications that are not consistent with this design review approval or these conditions shall be subject to review and approval of the Planning Board.

24. Expiration: This Development Plan Amendment and Design Review approval shall expire and become void unless actual construction under valid permits has commenced within two years after this approval. A one-time extension for an additional two years may be granted upon written request.

Public Works Conditions

General

23. The Project shall comply with all current and applicable plans, standards, policies and guidelines, including Alameda's Municipal Code (AMC) and the Alameda Standard Plans.
24. The applicant is encouraged to contact the Public Works Department at 510-747-7930 to schedule a pre-application meeting prior to the first submittal of any improvement plans to discuss submittal requirements, project review timeline, and fees associated with the processing, filing, and construction of this project.
25. 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 Public Works Permit.
26. Application for a Public Works Permit is required prior to issuance of any Building Permits for the proposed project. The Public Works Permit will include review and inspection of both on-site civil work and encroachments into public lands and ROW. The application shall include a traffic control plan that addresses pedestrian, cyclist, vehicular, fire, and maintenance circulation around the perimeter of the site. Complete closures are not permitted on the Bay Trail in Shoreline Park, on the Access Road (labeled "Harbor Bay Parkway") to and from Harbor Bay Ferry Terminal, within the terminal, and on the public portion of Harbor Bay Parkway. Closure of the sidewalk that is in the project property, parallel to the Bay Trail, is permitted during construction. The application shall address placement of construction signs, formwork, scaffolding, staging, and utility connections on City-owned property and public rights-of-way.
27. A current title report shall be submitted to identify current ownership and any existing easements or land use restrictions. Include utility easements along proposed utility routes between the proposed project and the public portion of Harbor Bay Parkway.
28. If a future lot split is anticipated, to separate the restaurant facilities from the hotel facilities, applicant shall design the total parking, accessible parking, accessible pedestrian circulation, trash collection and removal, irrigation, fire access, and other facilities such that they are stand-alone for each future lot, or can be utilized with shared-use agreements and easements.

Improvement plans

29. The Applicant shall submit for review and approval construction improvement plans for Exhibit 2
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all on- and off-site improvements, including design calculations, as applicable. The plans shall be prepared, signed, and stamped as approved by a registered civil engineer licensed in the State of California. These plans shall be approved by the Public Works Department prior to issuance of a Building Permit and Public Works Permit for the project.

30. The street section for any improvements and repairs to the private Access Road and ferry terminal parking shall be designed by a registered civil engineer and is subject to approval by the City Engineer.
31. 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.
32. The Applicant shall submit a soils investigation and geotechnical report for the proposed project, 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.
33. 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.
34. 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.
35. All projects and 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.

Drainage and Stormwater Treatment

36. All on site surface drainage shall be collected and conveyed in an adequately designed underground storm drainage system or culverts 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.
37. 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.

38. The project shall incorporate permanent stormwater design techniques and source control measures to manage the quantity and quality of stormwater runoff from the proposed project 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.
39. The project shall incorporate permanent post-construction stormwater quality controls in accordance with the City of Alameda's National Pollution Discharge Elimination System (NPDES) Permit. Stormwater 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.
40. The project 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 any stormwater full trash capture device(s).
41. Prior to the issuance of any permits for the project, the Applicant shall submit a Stormwater Quality Management Plan and stamped, signed City of Alameda C3 certification form from a qualified independent civil engineer with stormwater treatment facility design experience, licensed in the State of California, and acceptable to City Engineer that indicates the LID and treatment measure designs of the improvement plans and Stormwater Quality Management Plan meet the established sizing design criteria for stormwater treatment measures. The Civil Improvement Plans shall be consistent with the approved Stormwater Quality Management Plan submittal.
42. Prior to the issuance of any permits for the project, the Applicant shall submit for review and approval by City Engineer a Stormwater C3-LID Measures Operations and Maintenance (O&M) Plan that provides a thorough discussion of the inspection, operations and maintenance requirements of all of the stormwater treatment, 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.
43. 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.

44. 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 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 City Engineer.
45. The applicant shall comply with the State Water Quality Control Board's Construction General Permit requirements. Copies of the required "Notice of Intent" (NOI) and "Storm Water Pollution Prevention Plan" (SWPPP) along with the WDID# shall be submitted to the City Engineer prior to commencement of any site work. The SWPPP shall utilize the California Storm Water Best Management Practices Handbook for Construction Activities, the ABAG Manual of Standards for Erosion & Sediment Control Measures, the City's Grading and Erosion Control ordinances and other generally accepted engineering practices for erosion control.
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, and 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. Documents can be found at the City's Public Works Key Documents webpage, at <https://alamedaca.gov/public-works/public-works-key-documents>.
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. Distribute the accessible parking to accommodate any restricted usages of the parking, such as those areas reserved for restaurant, hotel, or BCDC shoreline access.

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. A sanitary sewage flow analysis identifying the total peak sanitary sewage flow quantities to be generated by the proposed project shall be prepared by a registered civil engineer licensed in the State of California and submitted as part of the construction improvement plans. The analysis shall identify required improvements, if any, to ensure sufficient sewage capacity for this project and anticipated cumulative growth in the associated sewer sub-area.
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. The Applicant shall include any City and EBMUD recommended improvements from the sewer study.
54. 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. The private sewer main in the Access Road shall include a two-way clean out or manhole at the edge of Harbor Bay Parkway public ROW and must be issued a Compliance Certificate by EBMUD. Please review the program requirements and cost for Compliance Certificates: <http://www.eastbaypsl.com/eastbaypsl/>.
55. The Applicant shall design and construct water, power, telecom, gas, and other utilities in accordance with applicable utility standards.
56. Fire sprinkler system test water discharges shall be directed to the sanitary sewer system or to appropriately-sized onsite vegetated area(s).

Waste

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 project as approved by the Public Works Department prior to approval of any permits.
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. A water supply and drain to the sanitary system is required for trash enclosures servicing restaurants, cafes, and hotel breakfast rooms.

60. The project 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.
61. The landscape and irrigation plans for on-site 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 Integrated Pest Management Policy, and other applicable standards. Landscaping shall be designed to improve curb appeal while promoting low maintenance plant material and xeriscaping.
62. The Applicant shall obtain all necessary permits from other regulatory agencies for projects within sensitive areas or which have significant stormwater 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 (BCDC).

Alameda Municipal Power Conditions

63. Concurrent with submittal of Improvement Plans, the Applicant shall coordinate with Alameda Municipal Power (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.
64. The Applicant shall comply to AMP's Rules and Regulations and "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.
65. The Applicant shall provide information on the location of transformers and total load in kilowatts or kilovolt-amp (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.
66. 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.
67. New street trees shall maintain clearances from electrical utilities as follow: a) street/pathway lights and utility poles – 25-feet; e) joint trench and all underground

electrical lines – five feet; f) front of electrical pad-mounted equipment (e.g. switches, transformers and capacitors) – ten feet. Verify minimum clearance distances of trees/shrubs from all sides and back of electrical pad-mounted equipment with Alameda Municipal Power (AMP).

68. The Applicant 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.
69. The Applicant shall furnish and install code-size service cables in code-size conduit from each electric metering facility 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.
70. 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.
71. 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.
72. 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.
73. Any existing overhead electric facilities within, and/or adjacent to, the subdivision or division of land shall be undergrounded at no charge to AMP.
74. The Applicant shall be responsible for all expenses involved in the duct/joint trench system engineering design, plan check, project coordination, and electrical construction inspection. The Applicant shall be responsible for the cost of AMP assigned inspector during construction.
75. The Applicant shall submit, with the site improvement plans, detailed drawings showing the required site electric utility facilities.
76. An oil-containment facility will be required for all transformer installations found within 100 feet of any body of water.
77. All service installations, to commercial/industrial, multiple dwelling units and subdivisions, will be underground. All new or upgraded service facilities with a capacity of 400 Amperes or larger will require a new pad-mounted transformer.

78. Outdoor meter locations are preferred. When meters are located within a building, the room will be directly accessible from the exterior of the building. If entry is locked, a key must be provided to AMP prior to energizing the service.

Fire Department Conditions

79. The applicant shall be responsible for a water main extension to serve the project, whose design shall be shown on the improvement plans to the satisfaction of the East Bay Municipal Utilities District, the Public Works Director, and the Fire Chief.
80. Prior to approval of the improvement plans, the applicant shall submit revised plans, for review and approval by the Public Works Director and the Fire Chief, that:
- 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. Fire hydrant flow shall be a minimum of 1,500 G.P.M. from any one hydrant;
 - Provide adequate turn-around space or acceptable emergency vehicle through access for any street greater than 150 feet in length; and
 - Ensure that all roads have an adequate turning radii for fire apparatus (inside turning radius of 28" and outside turning radius of 44'8"); and
 - Minimum fire lane width shall be 20', and 26' for buildings over 30' in height for aerial apparatus. Aerial apparatus fire lane shall be no closer than 15' and a maximum of 30' from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire access road is positioned shall be approved by the fire code official.
81. All fire lanes within the development shall be marked as fire access roads to the satisfaction of the Fire Chief.
82. A key box (Knox box) shall be installed at a location approved by the fire code official. Key box to contain keys to enter the building for immediate access for life-saving or fire-fighting purposes. Keys to be placed within the box are to include the exterior door key(s), electrical room key, elevator equipment room key, elevator operations key, fire alarm control panel room key, fire alarm control panel key, and the fire sprinkler riser room key.

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.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 10th day of December, 2018, by the following vote to wit:

AYES: (7) Mitchell, Cavanaugh, Curtis, Rothenberg, Saheba, Sullivan and
Teague

NOES: (0)

ABSENT: (0)

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

* * * * *