

CITY OF ALAMEDA PLANNING BOARD  
**RESOLUTION NO. PB-23-01**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING USE PERMIT AND DESIGN REVIEW PLN22-0412 TO ALLOW THE ADAPTIVE REUSE OF AN EXISTING COMMERCIAL PROPERTY FOR A TAVERN USE WITH AN OUTDOOR SEATING AREA WITH LIVE MUSIC EVENTS, NEW PERIMETER FENCING, AND EXTENDED HOURS OF OPERATION TO 11:00 PM ON FRIDAYS AND SATURDAYS ON A 0.29-ACRE SITE AT 1200 PARK STREET.

WHEREAS, an application was made on August 26, 2022, by Norman Sanchez Architects (“Applicant”) requesting approval for Use Permit and Design Review PLN22-0412 to allow the adaptive reuse of an existing commercial property as a tavern use with an outdoor seating area with live music events, new perimeter fencing, and extended hours of operation until 11:00 PM on Friday and Saturday located on a 0.29-acre site at 1200 Park Street; and

WHEREAS, the application was deemed complete on January 9, 2023; and

WHEREAS, the subject property is designated as Community Mixed Use in the General Plan; and

WHEREAS, the subject property is located in a C-C-T, Community-Commercial – Theater Combining District; and

WHEREAS, the Planning Board held a duly noticed public hearing for the project on February 13, 2023 and examined pertinent maps, drawings, and documents.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds this project categorically exempt from environmental review pursuant to CEQA Guidelines Sections 15301 - Existing Facilities, and 15303 – New Construction or Replacement of Small Structures, and finds that none of the exceptions to the categorical exemptions apply. As a separate and independent basis, the project is also exempt from CEQA pursuant to CEQA Guidelines Section 15183 (projects consistent with General Plan and Zoning); and

BE IT FURTHER RESOLVED, that the Planning Board makes the following findings relative to the Use Permit application (AMC Sections 30-21.3, 30-4.9A.c., 30-4.22.d.):

- 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.** As conditioned the proposed tavern with operating hours until 11:00 PM on Fridays and Saturdays, new perimeter fence, and outdoor seating area with live music is compatible with other commercial and residential land uses in the surrounding neighborhood area. The proposed tavern will operate very similarly to other restaurant operations on Park Street and will be able to provide a family

friendly atmosphere for all ages including minors. The use is consistent with General Plan Policies LU-10 and LU-17. The extended hours of operation for indoor and outdoor operations until 11:00 PM on Fridays and Saturdays are compatible with the operating hours of adjacent businesses, and are consistent with other tavern uses on Park Street that are also open until 11:00 PM on those days. The proposed decorative perimeter fencing is consistent with height and visibility requirements of the Zoning Ordinance and is constructed of materials compatible with the surrounding neighborhood. The outdoor seating area will provide an outdoor gathering space for the community to socialize, and will be limited hours to the same operating hours as the indoor use. The project conditions limit amplified music events to only three times per month on either Friday or Saturday only until 8:00 PM in order to minimize disturbances to the surrounding neighborhood area. The outdoor seating is also consistent with General Plan Health and Safety Policy HS-7.b In addition, the rehabilitation of the existing buildings is compatible with the surrounding neighborhood. Therefore, the proposed use is compatible with the community and surrounding development.

2. **The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.** The location of the project is within the Park Street downtown area and is fully developed and does not require additional service facilities. The Park Street Business District has a City operated parking lot, parking structure, and street parking within walking distance to the site, as well as bike parking facilities on the site and throughout the district. The site has access to public transit and is served directly by AC Transit lines 20, 21, 51A, O and W.
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 use of the site, as conditioned, will not adversely affect the surrounding properties, or hurt existing business districts or the local economy. The proposed use is consistent with the pedestrian-oriented commercial uses facilitated by the Community Commercial zoning regulations. The rehabilitation of the existing buildings is compatible with the surrounding neighborhood and will further enhance the Park Street business district. The outdoor seating area will provide an outdoor gathering space for the community to socialize, and will operate primarily like other outdoor dining locations in the Park Street area including the parklets of adjacent restaurants. The project conditions limit amplified music events to only three times per month (on either Friday or Saturday only) until 8:00 PM to minimize disturbances to the surrounding neighborhood area. Therefore, the proposed use is compatible with the community and surrounding development.
4. **The proposed use relates favorably to the General Plan and the purpose of the C-C Zoning District.** The project provides an opportunity to rehabilitate a property that has been vacant for years which is consistent with General Plan Policy LU-17 Adaptive Reuse and Restoration. The project is also consistent with General Plan Policy LU-10, which calls to support, promote and enhance Park Street to provide a

broad mix of retail store, restaurants, entertainment, hospitality, personal and professional service, and transit oriented mixed-use housing opportunities. The tavern use would contribute to the development of the goal of promoting Park Street as a Main Street district, and relates favorably with other restaurant and commercial uses that provide a similar family friendly, pet friendly atmosphere in the Park Street area. The proposal is consistent with the General Plan because, as conditioned, the proposed use would not have a negative impact upon the surrounding properties and commercial businesses. The proposal is also consistent with the Community Commercial Zoning District which is intended to provide for general retail, personal service use, offices, restaurants, hotels/motels, service stations, public and quasi-public uses and similar and compatible uses, and the proposed use is allowed with approval of a use permit.; and

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

1. **The proposed design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual**, because the proposed rehabilitation project is compatible in design and use of materials with the existing building and surrounding neighborhood. The proposed exterior modifications consist of a variety of façade enhancements and restoring the existing brick façade and the existing steel-sash casement windows on the upper level of the main building which are compatible with design elements in the surrounding Park Street area.
2. **The proposed rehabilitation project 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.** This rehabilitation of two existing buildings incorporates a variety of façade enhancements including replacement of the existing windows and doors with new storefront and glass roll up doors, replacement of canvas awnings with braced metal awnings, removal of existing metal storage shed, and new perimeter fencing and a decorative brick wall. The proposed modifications restore the existing brick façade and the existing steel-sash casement windows on the upper level of the main building. The project expands the existing building footprint by approximately 176-square feet, which is a negligible expansion of the existing building footprint. In addition, the exterior modifications also do not increase the height of the building. Therefore, the project does not affect the overall scale and character of the building. The new landscaping provides a communal seating area including picnic tables, benches and other seating elements which will serve as a welcoming outdoor gathering space for the community.
3. **The proposed rehabilitation 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 proposed modifications are designed to be compatible with the existing building and will utilize a storefront with similar windows and doors with large spans of glazing, braced metal

awnings, new paint, and finishes which are also compatible with the design elements found on buildings in the surrounding neighborhood. The outdoor patio, landscaping, and trees are also compatible with the surrounding neighborhood and provides a decorative outdoor gather space for the community; and

BE IT FURTHER RESOLVED, that the Planning Board approves Use Permit and Design Review PLN22-0412 to allow the adaptive reuse of an existing commercial property as a tavern use with an outdoor seating area with live music events during specified times, new perimeter fencing, and extended hours of operation until 11:00 PM on Friday and Saturday located on a 0.29-acre site at 1200 Park Street, 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 Norman Sanchez Architects, received on January 9, 2023 and on file in the office of the City of Alameda Planning, Building and Transportation Department, except as modified by the conditions in this resolution.
3. Expiration: The Use Permit shall expire two (2) years, and Design Review approval shall expire three (3) years, after the date of approval unless authorized construction or use of the property has commenced. A one-time extension for an additional two years may be granted by the Planning, Building and Transportation Director upon written request and payment of applicable fees.
4. 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 additional exterior changes shall be submitted to the Planning, Building, and Transportation Department for review and approval prior to construction
5. Approved Uses: This use permit approves an approximately 6,000 square foot tavern and outdoor seating patio with extended hours of operation for indoor and outdoor operations to 11:00 PM on Friday and Saturday, a new perimeter fence along Park Street and San Jose Avenue, and live entertainment activities with amplified sound subject to the conditions below.
6. Compliance with City Ordinances. The approved use is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies including the County of Alameda Department of Environmental Health, and the Department of Alcohol Beverage Control. The applicant shall obtain a Type 41 ABC license prior to commencement of alcohol sales related activity.

7. Posting of Use Permit and Conditions: A copy of this Use Permit and conditions of approval shall be posted on the premises at all times. Tavern employees shall be informed of these conditions of approval and limits of this Use Permit.
8. Hours of Operation: Hours of operation for the indoor and outdoor operations shall be from 7:00 AM to 11:00 PM on Friday and Saturday only, and normal business hours from 7:00 AM to 10:00 PM Sunday through Thursday.
9. Outdoor Music. Live music events performing outdoors with amplified sound exceeding the ambient noise levels in the area (i.e. live band, DJ) shall:
  - a. Be limited to no more than three (3) days per calendar month on either a Friday or Saturday. The applicant shall provide a calendar of scheduled events and provide such calendar to the City upon request.
  - b. Friday events shall be limited to the hours of 4:00 pm to 8:00 pm.
  - c. Saturday events shall be limited to the hours of 2:00 pm to 8:00 pm.
  - d. Be limited to a total of three (3) hours per day, plus an additional one (1) hour maximum for pre-event sound checks only.
  - e. Set up and breakdown activities may occur for up to 3 hours before and 2 hours after events.
  - f. Comply within a maximum noise level up to 85 dBA when measured at adjacent residential property lines. Upon three-verified violations of the maximum noise level, the Planning Board shall hold a revocation hearing of the Use Permit at the cost of the applicant as outlined in Condition 21.
10. Organizer Contact and Event Schedule. Applicants will provide their contact information to residential and commercial neighbors by posting information on the site that informs the public who to call so that they may report on issues and concerns. Applicants shall also post an up to date calendar of events on the site.
11. Noise Ordinance. The events not covered by condition #9 above shall strictly comply with the Alameda Noise Ordinance (AMC Section 4-10). The applicants shall monitor noise level at every event and ensure compliance with the maximum allowable noise levels in Section 4-10.4.b.
12. Final Architectural Details: Prior to issuance of building permits, the Applicant shall do the following to the satisfaction of the Planning Director:
  - a. Provide final details on the brick wall materials and mesh fencing in the final plans submitted for building permits.

- b. Evaluate the possibility of planting the potted trees into the ground after Soil Excavation Corrective Action Implementation Plan with the County has been complete. If possible, amend final improvement plans to plant trees into the ground.
  - c. Revise the brick masonry wall design to provide visibility into the outdoor patio area from the street.
  - d. Explore providing a covered or interior connection between the restaurant and tap room for dining service.
13. Dark Skies Ordinance: Building Permit plans shall demonstrate compliance with the Alameda Dark Skies Ordinance (AMC Section 30-5.16.c), as applicable.
14. Bird Safe Ordinance: Building Permit plans shall demonstrate compliance with the Alameda Bird-Safe Building Ordinance (AMC Section 30-5.16.b), as applicable.
15. Public Art Requirement: Prior to final building inspection, the Applicant shall demonstrate compliance with the Public Art Ordinance (AMC Section 30-98).
16. Bicycle Parking: The project shall provide the required bike parking spaces consistent with AMC Section 30-7.6 Off-Street Bicycle Parking Requirements. The locations for bicycle parking consistent with the AMC bicycle requirements shall be shown on the Building Permit plans. The bicycle facility shall 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, Building & Transportation Director.
17. Water Efficiency Landscape Ordinance: Prior to issuance of building permits or improvement plans, Applicant shall submit a complete WELO Landscape Document Package, as defined by Alameda Municipal Code (AMC) Section 30-58.3(d), subject to the approval of the Planning, Building, and Transportation Director.
18. Urban Runoff / Stormwater Requirements:
- a. Applicant must ensure that no pollutants, including food waste/grease, liquid wastes, garbage/debris, litter, and/or other materials, are discharged to the City's storm drain system (including roadways and storm drains), or the paved use areas or wind-dispersed off-site.
  - b. Applicant will be required to pick up, remove, and dispose of all garbage, refuse or litter consisting of foodstuffs, wrappers, and/or materials dispensed, and any residue deposited on the street and the paved use areas from the operation thereof, and otherwise maintain in a clean and debris-free condition the entire area within a 25-foot radius of the tavern location.

- c. Applicant will be required to pick up, remove and properly dispose of all wastes, debris and trash from the use site daily.
- d. Applicant shall use best management practices and dry methods of cleaning to prevent accumulation or discharge of any materials to the City's storm drain system (including roadways and storm drains) and the paved use areas.
- e. Applicant shall ensure that any wash water from surface cleaning activities shall be collected and discharged to the sanitary sewer system and shall implement surface cleaning best management practices described in the Bay Area Stormwater Management Agencies Association (BASMAA) "Pollution From Surface Cleaning" guidance document.

19. Integrated Waste Requirements:

- a. Applicant shall provide customers sufficient garbage, recycling, and organic collection receptacles.
- b. All garbage facilities shall be secured within the building or within a fenced area protected from access by raccoons or other vermin. In no circumstances will uncovered garbage, grain, refuse or other edible materials be placed outside the building in an open bin or can.
- c. Applicant shall place graphically rich signs or labels on or adjacent to containers so customer discards are more thoughtfully sorted.
- d. All receptacles shall be covered or secured when operations are closed. Applicant will discourage the scavenging of bottles and cans from use area.
- e. Applicant understands that disposable food service ware that uses polystyrene foam (aka Styrofoam™) is prohibited within jurisdictional limits.
- f. Use of City waste receptacles is prohibited.

20. Six-Month Review: The Use Permit approval is valid for six months from the date of the start of business. The applicant shall submit a use permit application and pay application fees for the use permit renewal prior to six months after the date of Certificate of Occupancy, at which point the use 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 six month anniversary of the issuance of the Certificate of Occupancy the use permit shall expire, and use of the outdoor amplified music shall be prohibited.

21. Revocation: This Use Permit may be modified or revoked by the Zoning Administrator, Planning Board, or City Council, pursuant to Alameda Municipal Code Section 30-21.3d should the Zoning Administrator, Planning Board, and/or City

Council 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.

HOLD HARMLESS. To the maximum extent permitted by law, the applicant (or its successor in interest) shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, its City Council, City Planning Board, officials, employees, agents and volunteers (collectively, "Indemnitees") from and against any and all claims, actions, or proceedings against Indemnitees to attack, set aside, void or annul an approval by Indemnitees relating to this project. This indemnification shall include, but is not limited to, all damages, losses, and expenses (including, without limitation, legal costs and attorney's fees) that may be awarded to the prevailing party arising out of or in connection with an approval by the Indemnitees relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding and the applicant (or its successor in interest) shall reimburse the City for its reasonable legal costs and attorneys' fees.

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

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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 February 2023, by the following vote to wit:

AYES: (7) Ariza, Cisneros, Curtis, Hom, Ruiz, Saheba, and Teague

NOES: (0)

ABSENT: (0)

ATTEST:



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Allen Tai, Secretary  
City of Alameda Planning Board

CITY OF ALAMEDA PLANNING BOARD  
**RESOLUTION NO. PB-23-02**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA RECOMMENDING THAT THE CITY COUNCIL AMEND THE ALAMEDA LANDING WATERFRONT MIXED USE MASTER PLAN AND BAY 37 DEVELOPMENT PLAN WITHIN THE ALAMEDA LANDING WATERFRONT MIXED USE PROJECT LOCATED AT 2800 FIFTH STREET.

WHEREAS, the 2017 Alameda Landing Waterfront Mixed Use Master Plan and Bay 37 Waterfront Development Plan authorize residential development along the waterfront at 2800 Fifth Street, provided that the development include 5,000-square-feet of space for commercial, retail, and/or commercial recreational uses; and

WHEREAS, an application was made on August 22, 2022 by Pulte Home Company, LLC (Pulte) for Master Plan/Development Plan Amendment Application No. PLN22-0401 to amend the 2017 Alameda Landing Waterfront Mixed Use Master Plan and Bay 37 Waterfront Development Plan to allow one of four options on an approximately 5,150-square-foot site located at 2800 Fifth Street (“Proposed Amendment”):

- Alternative #1. Two Moderate-Income Single-Family Detached Units and a Community Building on a separate lot conveyed to the City at no cost.
- Alternative #2. Neighborhood Park and public access easement
- Alternative #3. Two Low-Income Single Family Detached units and smaller neighborhood park
- Alternative #4. Five Low-Income Multifamily Homes; and

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

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

WHEREAS, the subject property is located within the MF (Multi-Family Residential Combining Zone) Overlay District; and

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

WHEREAS, on January 2, 2007, the City Council adopted Ordinance 2957 approving the Alameda Landing/Bayport Mixed Use Development Master Plan; and

WHEREAS, on September 5, 2017, the City Council adopted Ordinance No. 3188 amending the Alameda Landing Master Plan and approved an Addendum to the Supplemental EIR; and

WHEREAS, on October 14, 2019, the Planning Board approved the Development Plan, Density Bonus Application, and Tentative Map to construct 357 residential units, 5,000-square-feet of commercial space, internal roadways and alleys, parks and open space; and

WHEREAS, on December 9, 2019, the Planning Board adopted Resolution No. PB-19-20 and approved Design Review for the Alameda Landing Waterfront Mixed Use project to construct the 357 residential units within the approximately 17.2-acre site located at 2800 Fifth Street, which included a site for the 5,000-square-foot commercial development on Fifth Street adjacent to the waterfront park subject to conditions of approval. One condition of approval required the applicant to return to the Planning Board for design review for the commercial building; and

WHEREAS, on December 13, 2021, the Planning Board amended Resolution No. PB-19-21 to modify the timing for Design Review approval of the commercial building to avoid a delay in housing construction at the site. The Planning Board agreed with the applicant that a retail commercial use at the site would be difficult to maintain given the uncertain economic outlook for retail spaces, and noted the importance of having a community space next to the waterfront park. The Board directed the applicant to work with staff to return with a plan that included some form of community benefit; and

WHEREAS, on October 10, 2022, the Planning Board held a duly noticed public hearing to consider a recommendation from City staff and Pulte Homes to amend the 2017 Master Plan and Bay 37 Development Plan to replace the 5,000 square foot commercial building with a 1,500-square-foot one-story community building and two 2,500-square-foot single family units. The community building would be donated to the City of Alameda Recreation and Parks Department for public use, and the two residential units would be deed-restricted at the moderate-income level (up to 120% average median income (AMI)). At the meeting several Bay 37 residents opposed the staff recommendation and the Planning Board motion to approve failed. The Board advised the applicant to seek input from the community and evaluate alternative proposals; and

WHEREAS, following the Planning Board's direction, Pulte Homes and City staff continued to explore additional alternatives, and hosted a community meeting with the Bay 37 residents to discuss the alternatives; and

WHEREAS, on February 13, 2023, the Planning Board held a duly noticed public hearing to consider the Proposed Amendment on an approximately 5,150-square-foot site located at 2800 Fifth Street; and examined all pertinent application materials and public testimony.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds the environmental effects of the proposed project were considered and disclosed in the Previous CEQA Documents. No further environmental review is required under CEQA Guidelines Sections 15162 and 15163. The proposed mixed-use development will not result in any new environmental impacts or cause any previously disclosed significant impacts to become more

severe, and all mitigations specified in the Previous CEQA Documents are included as conditions of approval for the project as required by the Alameda Landing Master Plan; and

BE IT FURTHER RESOLVED, that the Planning Board hereby recommends the City Council approve Planning File No. PLN22-0401 to amend the 2017 Alameda Landing Waterfront Mixed Use Master Plan and Bay 37 Waterfront Development Plan to replace the requirement for 5,000 square feet of commercial space located in the Residential Sub Area at the Alameda Landing waterfront with:

- One market-rate single-family detached home with a maximum building height of 20 feet on half of the site, and
- A community park on the remaining half of the site adjacent to the Bohol Circle Immigrant Park and Fifth Street, and
- Two below market rate units among the unsold units in the development that is deed-restricted at the Very-Low Income level (50% of Area Median Income); and

BE IT FURTHER RESOLVED, that the Planning Board has made the following findings relative to recommended Proposed Amendment (Master Plan, AMC Section 30-4.20.c.; Development Plan, AMC Section 30-4.13, 30-4.20.g.3.):

- 1. The development is a more effective use of the site than is possible under the regulations for which the PD district is combined (AMC Section 30-4.13).** The Proposed Amendment implements the City of Alameda General Plan, the MX Mixed Use and MF Multifamily Zoning District requirements for the site, and is a more effective use of the site than the current requirement for a commercial building. Economic factors and vacancy rates of nearby retail establishments indicate that a commercial building will likely fail to attract viable business tenants and will remain vacant space. Instead, the Proposed Amendment provides other means to utilize the site for either more affordable housing and/or community space consistent with the Master Plan's mixed use intent.
- 2. 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 (AMC Section 30-21.3).** The Proposed Amendment consists of minor changes that will implement the General Plan and provides for a mixed-use development pursuant to the MX Mixed Use Planned Development Zoning District. The Proposed Amendment is consistent with the General Plan and MX District. In-lieu of a commercial building, the Proposed Amendment provides more affordable housing and/or community space consistent with the Master Plan's mixed use intent.
- 3. 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 (AMC Section 30-21.3).** The Proposed Amendment consists of minor changes that qualify 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 Proposed Amendment conforms to the General Plan Waterfront Mixed Use and Medium Density Residential land use 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.

4. **The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities (AMC Section 30-21.3).** The Proposed Amendment consists of minor changes designed to be compatible with pedestrian, bicycle, and transit facilities approved for the Alameda Landing Waterfront Mixed Use Development and ensures that the development of the property is compatible with existing and potential contiguous uses.
5. **The proposed use relates favorably to the General Plan (AMC Section 30-21.3).** As documented in the February 13, 2023 Planning Board staff report and associated materials, the Proposed Amendment is minor relative to the overall Alameda Landing Waterfront Mixed Use Project and does not change the Planning Board's 2017 finding that the Master Plan is in substantial conformance with, and implements, the City of Alameda General Plan, Housing Element, and Zoning Ordinance policies and standards for the site.
6. **The Development Plan qualifies for approval under the Alameda Landing Master Plan and satisfies the purpose of the Mixed Use zoning regulations (AMC Section 30-4.20.g.3.).** The Proposed Amendment consist of minor changes that are consistent with the Alameda Landing Master Plan Amendment at this location. The Proposed Amendment qualifies for approval under AMC Section AMC Section 30-4.20(g) as it satisfies the purpose of the regulations to facilitate mixed use development by providing a mix of uses.
7. **The Development Plan is designed in a manner compatible with existing and potential contiguous uses. The Development Plan also provides a sufficient vehicular and non-vehicular circulation system within the project with the least amount of duplication, and the Plan provides the best interface with other systems (AMC Section 30-4.20.g.3.).** The Proposed Amendment is designed in a manner compatible with existing and potential contiguous uses. The project integrates into the approved pedestrian network, bicycle access, and street network that complement and support the planned surrounding uses within the Alameda Landing Waterfront Mixed Use project. The development contributes to the completion of the development to serve the final phases of the Alameda Landing Master Plan.
8. **The Development Plan provides and maintains adequate landscaping using, where appropriate, native plants and taking maximum advantage of the screening capabilities of landscaping (AMC Section 30-4.20.g.3.).** The Proposed Amendment integrates into the approved open space comprised of native plants and landscaping that are consistent with Bay Friendly standards and comply with state water efficient landscape requirements. The ground level landscaping provides a good transition between the public sidewalks, interior site circulation, and open space within the development.
9. **The amount of land proposed for any particular use can be marketed for that use within a reasonable time after development is complete (AMC Section 30-4.20.g.3.).** This Proposed Amendment provides for the development of the site under the Planning Board recommendation which is a more effective use of the site than the current requirement for a commercial building. Economic factors and vacancy rates of nearby

retail establishments indicate that a commercial building will likely fail to attract viable business tenants and will remain vacant space. Instead, the Proposed Amendment provides other means to utilize the site for either more affordable housing and/or community space consistent with the Master Plan's mixed use intent and will be marketed for that use within reasonable time after development is complete.

- 10. The Development Plan provides sufficient area, and encourages adequate public accessibility and usage of the water/land interface (AMC Section 30-4.20.g.3.).** The Proposed Amendment integrates into the approved pedestrian corridor provides public access between Mitchell Avenue, Fifth Street, and the waterfront and Bay Trail through the development. The development plan provides a variety of outdoor spaces such as paseos, bike paths, pedestrian pathways, pocket parks, and other common open space facilitate harmonious transitions between the surrounding uses and the waterfront park.
- 11. The Development Plan provides a comprehensive, coordinated, controlled system of informational and directional graphic signage throughout the development (AMC Section 30-4.20.g.3.).** The Proposed Amendment consists of multiple clear points of entry along Fifth Street, the western greenway, and the pedestrian paseos, which will provide signage for public access to the waterfront park and the pocket parks in the development.
- 12. The Development Plan demonstrates progressive techniques for the conservation of, and decreased consumption of, nonrenewable energy (AMC Section 30-4.20.g.3.).** The Proposed Amendment will be 100% electric powered without any gas infrastructure serving the homes or the commercial development as recommended by the City of Alameda Climate Action and Resiliency Plan. All residential units will include solar panels on the roof; and

BE IT FURTHER RESOLVED, that the Planning Board hereby recommends the City Council include the following conditions of approval:

1. Master Plan/Development Plan Amendment: This Proposed Amendment shall not become effective until and unless the Alameda City Council approves the recommended Master Plan Amendment necessary to allow the developer to proceed with the selected Alternative in lieu of the current requirement to provide 5,000 square feet of space for commercial, retail, and/or commercial recreational uses. In the event that the Proposed Amendment is not approved, the Applicant shall redesign the project for Planning Board review consistent with the minimum commercial space requirement.
2. Deadline for Delivering the Alternative: Any building, grading or other construction permits associated with the selected Alternative shall be eligible for the "Ready to Issue" status in the City's permit system prior to the issuance of the 343<sup>rd</sup> building permit. The permits for the alternative shall be in "Issued" status prior to the final inspection for the building permit of the 350<sup>th</sup> unit. The Planning Director may extend the deadline by up to 90 days to accommodate any unforeseen circumstances.
3. Design Review: The applicant shall obtain Design Review approval for any alternative that includes a recreation community building.

Indemnification. To the maximum extent permitted by law, the applicant (or its successor in interest) shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, its City Council, City Planning Board, officials, employees, agents and volunteers (collectively, "Indemnitees") from and against any and all claims, actions, or proceedings against Indemnitees to attack, set aside, void or annul an approval by Indemnitees relating to this project. This indemnification shall include, but is not limited to, all damages, losses, and expenses (including, without limitation, legal costs and attorney's fees) that may be awarded to the prevailing party arising out of or in connection with an approval by the Indemnitees relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding and the applicant (or its successor in interest) shall reimburse the City for its reasonable legal costs and attorneys' fees.

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 Planning, Building and Transportation 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 27th day of February 2023, by the following vote to wit:

AYES: (6) Ariza, Cisneros, Curtis, Hom, Ruiz, and Teague

NOES: (1) Saheba

ABSENT: (0)

ATTEST:



Allen Tai, Secretary  
City of Alameda Planning Board

CITY OF ALAMEDA PLANNING BOARD  
**RESOLUTION NO. PB-23-03**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA AMENDING THE RULES AND PROCEDURES OF THE CITY PLANNING BOARD.

WHEREAS, the Planning Board maintains written rules and procedures to ensure efficient, effective and transparent public decision making on all land use and development decisions in Alameda; and

WHEREAS, the Planning Board must periodically review and update the rules and regulations to ensure that those rules and regulations are consistent with current State and local regulations and local expectations and priorities for public decision making; and

WHEREAS, at the request of the City Clerk, the Planning Board reviewed the Rules and Procedures of the City Planning Board at the regularly scheduled Planning Board meeting of February 27, 2023; and

WHEREAS, adoption of rules and procedures is not a project under the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board of the City of Alameda hereby amends and re-adopts the Rules and Procedures of the City Planning Board, attached hereto.

\* \* \* \* \*

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 27th day of February 2023, by the following vote to wit:

AYES: (6) Ariza, Cisneros, Curtis, Ruiz, Saheba, and Teague  
NOES: (0)  
ABSENT: (1) Hom

ATTEST:



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Allen Tai, Secretary  
City of Alameda Planning Board

February 27, 2023  
Planning Board Meeting

**RULES AND PROCEDURES  
OF THE CITY PLANNING BOARD  
REVISED FEBRUARY 27, 2023**

PREAMBLE

The City Planning Board shall have such powers and duties as may be delegated by City ordinance. It shall have power to investigate and recommend plans for the future development, improvement and beautification of the City, including landscaping, planting and care of trees on public streets, parks and playgrounds, the improvement and development of harbor facilities, the location and improvement of public buildings and works and the subdivision and zoning of land. (Section 14-1 of the City Charter of the City of Alameda).

**A. GENERAL PROVISIONS**

1. These rules of procedure shall be known as "Rules and Procedures of the City Planning Board." A copy of these rules as amended from time to time, shall be filed in the office of the Planning Department for examination by the public.
2. These rules, and any amendments hereto, shall be effective on the date of the adoption hereof and shall govern the conduct of hearings by the Planning Board.
3. These rules of procedure may be amended hereafter by resolution or motion of the Planning Board.
4. These rules shall supersede all previous administrative or other rules of procedure of the Planning Board.

**B. OFFICERS**

1. The officers of the Board shall be:

President: who shall preside at all meetings, call all special meetings, appoint committees and perform other proper duties of a presiding officer.

Vice-President: who, in the absence of the President or her/his inability to act, shall preside at meetings and perform other duties of the President.

Secretary: who shall keep a written record of all business transacted by the Board, notify members of meetings, maintain the official records of the Board, and perform such other duties as the Board may direct.

2. The President and Vice-President shall be elected by a quorum of the Board from its membership at the first meeting after July 1 of each year when the Board is fully constituted. The Planning Director or his or her designee shall serve as Secretary to the Board.

**C. MEETINGS**

1. The meetings shall be held normally on the second and fourth Mondays of the month, at 7:00 p.m., unless a holiday occurs on Monday, then the Planning Board meeting will be held on the next available date.
2. Special meetings may be called by the Board Secretary, the President of the Board, or by majority vote of the full Board, provided notice of such meeting is provided consistent with State and local noticing regulations.
3. Meetings shall adjourn no later than 11:00 p.m., unless the meeting is extended by a majority vote of the Board. If the Board extends three (3) meetings in a row past 11:00 p.m., the Board shall also be required, as part of the motion to extend the meeting, to increase the number of regular meetings of the Board in order to accomplish the business before the Board before 11:00 p.m. No new items will begin after 10:30 p.m. unless a super-majority of the Board votes to allow the items to be heard.
4. Presentation of evidence shall be limited to three (3) minutes per person, excluding the applicant. Presentation by an applicant or his or her representative shall be limited to ten (10) minutes. If necessary to facilitate the public hearing process, the President of the Board may,
  - Limit or extend the time period for presentation of evidence,
  - Allow an individual to speak more than once to introduce additional important information, or comment on additional new information, that has not already been introduced.
  - Terminate the speaking period of any person when the time taken by the person becomes excessive, repetitious or irrelevant, and/or
  - Re-open the public hearing to consider new information.

**D. AGENDA**

1. The agenda shall be set in the following order:

Pledge of Allegiance

1. Roll Call
2. Agenda Changes
3. Non-Agenda Public Comment
4. Consent Calendar
5. Regular Agenda Items
6. Staff Communications
7. Board Communications
8. Non-Agenda Public Comment
9. Adjournment

2. The Planning Director or his or her designee shall set on the Consent Calendar only those items that are unlikely to be discussed by the Board or members of the public. Items listed under the "Consent Calendar" are considered routine and will be approved or accepted by one motion, unless a request for removal for discussion or explanation is received from any Member of the Board or a member of the public.
3. The Regular Agenda Items shall include items such as public hearings, Departmental Reports, and matters previously continued for further Board consideration, which items are not considered appropriate for being placed on the Consent Calendar. In setting the agenda order, the Secretary shall give consideration to the following:
  - a. those items for which a number of people are likely to attend should be set early on the agenda.
  - b. those items for which representatives of City Departments or other government entities are in attendance should be set early on the agenda.
  - c. those items continued from a previous meeting should be set early on the agenda.
4. The item of business entitled "Board Communications," is to permit any Board Member to speak on any matter. Limited action may be taken by the Board such as to ask staff for further information, to schedule a matter for a future meeting or to provide a brief comment or response. During Board Communications Board members should also report on meetings held with organizations, groups, or parties related to issues that are before, or may come before the Board.
5. The item of business entitled "Non-Agenda Public Comment" is to permit the public to speak on any matter within the subject matter jurisdiction of the Board. Limited action may be taken by the Board such as to ask staff for further information, to request for the matter to be placed on a future agenda or to provide a brief comment or response.

**E. FAILURE OF APPLICANT TO APPEAR**

If the applicant fails to appear at the time his/her application is regularly called by the City Planning Board, and the applicant has not requested a continuance, the matter may be dropped from the agenda, continued, denied, approved or withdrawn by the Board at its discretion.

**F. EVIDENCE**

1. The Secretary or appropriate staff member shall first present the staff report and all documents and exhibits in a manner in which the public can hear and see them. Whenever possible, staff should attempt to complete the presentation in ten minutes or less, unless the issues being presented are unusually complex.
2. All those wishing to give testimony or other evidence shall thereafter be heard on the record. The Planning Department shall retain copies of all documents or exhibits presented.

3. A member of the Board or public may ask the applicant questions with the consent of the President. All questions shall be asked through the President, and all responses and answers shall be made to the Board.
4. No evidence shall be taken after the closing of the public hearing. The public hearing may be reopened for the taking of further evidence, at the discretion of the City Planning Board upon a majority vote of the Board Members present.

**G. DELIBERATIONS AND DECISIONS**

1. The City Planning Board shall not deliberate nor make a decision on the application until the close of the public hearing.
2. A Board Member who abstains from a vote need not indicate a reason for abstention.
3. A Board Member who has a conflict of interest, following the announcement of the agenda item to be discussed or voted upon but before either the discussion or vote commences, shall publicly disclose any such conflict-of-interest and then physically remove herself or himself from the proceedings. Recusal requires that the Board Member leave the room where Board discussion is occurring and the Board Member may not re-enter the meeting space until after the consideration (including any votes taken).
4. Deliberations and decisions shall be based on the staff report, documents and exhibits, evidence presented at the hearing and such open and widely known facts. A member of the Board shall not introduce new information or facts for public consideration after the closing of the public hearing. Members of the Board who were absent during a portion of the public hearing are encouraged to review the audio and/or videotapes of the missed meeting before voting on that issue at a subsequent meeting. The Board Member who was absent and reviewed the audio and/or video shall so state prior to voting on the item.
5. In applications for which public hearings are required, the public hearings may be continued to a subsequent meeting of the City Planning Board before action is taken unless such a continuance would result in approval or denial of the application by operation of law. The Board may direct staff or applicants to provide specific items of information prior to the continued hearing.

**H. CONDITIONS**

1. The draft resolution on applications wherein the City Planning Board has authority to conditionally approve the application shall contain the list of conditions of approval recommended by staff.
2. The City Planning Board may accept, reject, amend or add conditions of its own to the draft resolution.

**I. FINDINGS**

1. Whenever findings are required by the Alameda Municipal Code, State law, and/or other laws, the staff report and/or draft resolution shall list proposed findings for either approval or denial, which could be accepted, modified, or rejected by the Planning Board. In appropriate cases, findings for both actions may be included.
2. The record of each action taken by the City Planning Board shall disclose facts sufficient to support findings that support the action of the Board.

**J. NOTICE**

All public hearings shall be noticed. Unless a different period is required by law, publication of notice shall be given ten (10) calendar days prior to a public hearing.

**K. MINUTES**

1. General Policy Statement on Minutes of Meetings. It is the policy of the Planning Board to prepare draft minutes of the deliberations of the Planning Board including both public hearings and closed discussions. These minutes will include speakers on every question and the basic position taken on the issue addressed or as required in the Sunshine Ordinance.
2. Availability. It is the policy of the Planning Board to prepare draft minutes within 10 working days after the meeting. These minutes will be available in draft form to the public when they have been transcribed.
3. Public Comment: Any member of the public during Non-Agenda Public Comment may request that corrections or deletions be made to the minutes within 45 days of the meeting in question. These requests may be acted upon by the Planning Board with appropriate review and deliberation.
4. Method of Documentation: It is the policy of the Planning Board to retain recordings documenting Planning Board deliberations indefinitely.
5. Approval of Minutes: Minutes are considered routine items and shall be considered on the Consent Calendar. In the event the minutes are removed from the Consent Calendar, they shall be heard at the end of the agenda.

CITY OF ALAMEDA PLANNING BOARD  
**RESOLUTION NO. PB-23-04**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING A REQUEST FOR A TIME EXTENSION OF AN APPROVED DESIGN REVIEW APPLICATION NO. PLN17-0538 FOR THE CONSTRUCTION OF A FOUR-STORY HOTEL WITH 96 ROOMS AT THE SOUTHWEST CORNER OF PARK STREET AND CLEMENT AVENUE.

WHEREAS, on January 28, 2019, the Planning Board adopted resolution PB-19-02 initially approving the proposed hotel project at 1825 Park Street; and

WHEREAS, the project was appealed to the Alameda City Council, which held a public hearing on March 19, 2019 and adopted a resolution denying the appeal and remanding the design review for further consideration by the Planning Board; and

WHEREAS, on July 22, 2019, the Planning Board considered a revised design and unanimously adopted resolution PB-19-17 approving the final architectural design of the project; and

WHEREAS, the project site is located within a NP-G, North Park Street Gateway sub district; and

WHEREAS, the project site is designated as Community Mixed Use in the Alameda General Plan 2040 Land Use Diagram; and

WHEREAS, hotels are permitted by right in the NP-G, North Park Street Gateway sub-district; and

WHEREAS, progress on the project stalled in 2020 due to the impacts of the COVID-19 Pandemic; and

WHEREAS, the Planning Director approved a two year extension on the Design Review approval pursuant to AMC 30-37.6, which is now set to expire on July 22, 2023; and

WHEREAS, in order to qualify for construction financing and to aide in moving the project forward, the applicant formally requested an additional extension or renewal of the Design Review approval; and

WHEREAS, on February 27, 2023, the Planning Board held a duly noticed public hearing to consider renewing its approval of said project application and examined all pertinent materials.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds this project categorically exempt from environmental review pursuant to CEQA Guidelines Section February 27, 2023  
Planning Board Meeting

15332 In-Fill Development Projects, and finds that none of the exceptions to the categorical exemptions apply:

- 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.** The project site is designated Community Mixed Use in the Alameda General Plan 2040. This land use designation includes Park Street and is intended for a wide range of community serving commercial uses such as hotels. The site is located in the North Park Street Gateway (NP-G) zoning district, the intent of which is to guide the redevelopment of the Park Street commercial area with attractive buildings located near the sidewalk with a mix of commercial workplace, retail, and compatible residential uses that support a pedestrian and transit friendly environment. The proposed hotel is a permitted use in the NP-G zone. The project complies with NP-G development standards in the zoning ordinance including setback requirements, lot coverage, height, and landscaping, including zero setbacks to the public sidewalks and storefront glazing to support a pedestrian environment.
- 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 located on Park Street, an urban commercial corridor within the City of Alameda. The project parcel is approximately 32,600 square feet or approximately 0.75 acres in size. The subject site was previously used as an auto dealership and is substantially surrounded by urban residential and commercial uses.
- 3. The project site has no value as habitat for endangered, rare or threatened species.** The area of the proposed development is currently used as a retail shop for imported scooters and a towing yard. The site consists of a one-story commercial building surrounded by surface parking. There are no identified wildlife habitats on the site, and there are no geographic features such as streams or waterways on, or adjacent, to the property that can provide wildlife habitat. Therefore, it can be determined with certainty that the project site has no habitat value for any endangered, rare, or threatened wildlife species.
- 4. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.** The proposed hotel will not result in any significant traffic, noise, and air quality or water quality impacts. By locating a hotel on this infill site with immediate access to public transit, services and amenities, visitors to Alameda will be less reliant on automobile trips than if they were forced to stay at hotels off island. Redeveloping the site's existing auto oriented uses with a pedestrian and transit oriented commercial hotel will reduce vehicle miles travelled. Additionally, in order to relieve automobile congestion, support biking, walking and transit use, and reduce emissions and storm water runoff, the project applicant is required to implement Transportation Demand Management measures as called for by Alameda Municipal Code Section 30-7.7. The applicant will participate in the Alameda Transportation Management

Association (ATMA), which will provide each hotel employee with a complimentary AC Transit EasyPass. The hotel will also offer 24-hour complimentary carpool ride share services and bicycle facilities to further reduce vehicle traffic generated by the hotel. The Cross Alameda Trail, a separated bicycle facility that will span the island, connecting Alameda Point to Fruitvale Avenue in Oakland, is under construction and is located directly in front of the project site on Clement Avenue.

- 5. The site can be adequately served by all required utilities and public services.** The project site is located within an urban commercial corridor that already has the basic water, sewer, and other utility infrastructure necessary to support the proposed hotel. The site has access to all other public services provided by the City; and

BE IT FURTHER RESOLVED, that the Planning Board makes the following findings relative to the project approval:

#### DESIGN REVIEW FINDINGS

- 1. The proposed design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual.** The proposed hotel design is consistent with the purpose and intent of the Community Mixed Use General Plan designation and North Park Street Gateway zoning to redevelop the old Park Street auto row into a transit and pedestrian-oriented commercial setting. The hotel design alludes to the Streamline Moderne architectural style as outlined in the Citywide Design Review Manual. The final design adds Contemporary elements to the Streamline Moderne design which are visually compatible with other Contemporary buildings in the North Park Street Gateway District. The 49'-6" four-story hotel features a roof parapet on the corner is that extends above the building roofline by five feet. The parapet enhances the building's streamline moderne architecture and provides an important architectural focal point for traffic entering Alameda on Park Street. The overall height of 56'-0" is consistent with the 60' height limit of the North Park Street Gateway District. Hotel use on the site is also consistent with the City of Alameda Economic Development Strategy recommended by the Planning Board and unanimously approved by the City Council in 2018, which identifies hotels as a critical component of the City's economic development strategy.
- 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 overall building design is in the Streamline Moderne architectural style, which complements many older and mid-century buildings in the surrounding neighborhood. The proposed design features a prominent corner entrance serving as a key feature recommended for new buildings on corner sites in the Design Review Manual. The hotel is L-shaped and is situated along the northeast corner of the lot. The building has zero setbacks along the public sidewalks with storefront windows to facilitate a harmonious pedestrian oriented experience as intended in the North Park Street Gateway district. The surface parking lot is hidden behind the

building to provide separation between the four-story building and the adjacent uses. The parking lot design also includes landscaping along the rear perimeter to facilitate a harmonious transition between the hotel and adjacent properties.

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.** The building includes exterior materials, architectural elements, and building colors to match and complement the buildings in the surrounding neighborhood. The building uses a mix of stucco and metal materials, features horizontal “eyebrow” overhangs above the windows, horizontal bands separating each floor, and uses cool lighter tone colors. The ground level has storefront windows along Park Street and Clement Avenue that have unobstructed views in to the hotel and feature canopies with clerestory windows above. The landscaping in the rear of the building is consistent with the surface parking landscape requirements; and

BE IT FURTHER RESOLVED, that the Planning Board hereby approves the Design Review for a four story, 96-room hotel, PLN17-0538 subject to compliance with the following conditions:

### **Planning**

1. **Updated Resolution:** Upon adoption, this resolution supersedes and replaces Resolutions PB-19-02 and PB-19-17, which will no longer be in effect.
2. **Building Permit Conditions:** 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 substantial compliance with the plans prepared by HRGA Architecture, dated July 5, 2019, and on file in the office of the City of Alameda Planning, Building and Transportation Department, except as modified by the conditions listed in this resolution.
4. **Architectural Elevations:** The final architectural elevations submitted for building permits shall include details for the following to the satisfaction of the Planning Director:
  - a. Decorative floor tiles at the main entrance on the corner of Park Street and Clement Avenue, including tile pattern and colors.
  - b. Smooth stucco finish for the entire building.
  - c. Window trim detail shown on Sheet 9 of the plans prepared by HRGA Architecture, dated July 5, 2019, shall include a 12” horizontal fin above the window.
  - d. The wainscot shall consist of granite slabs, or other slab material, that extend the full height of the wainscot and give a solid, high-quality look around the street frontages. Tiles and other similar smaller modules that have a

relatively insubstantial, nonstructural appearance shall not be permitted.

- e. Decorative fin shall extend 5'-1" above the top of the tower and provide sufficient space for the Holiday Inn Express "H" logo.
5. Landscape Plan: The final landscape plan shall include two (2) additional trees for a total of sixteen (16) trees within the parking lot, as required by Alameda Municipal Code Section 30-7.10. The final landscape plan shall also include three tree species along Park Street. The northernmost tree at corner of Park Street and Clement shall be a Brisbane Box (*Lophostemon confertus*) and the southern trees on Park Street shall be Silver Linden (*Tilia tomentosa*) and Red Maple (*Acer rebrum*).
6. Windows Fronting on Public Right of Way: Pursuant to AMC Section 30-4.25.d.ii.e, ground floor windows along the public sidewalk shall maintain an unobstructed view into the building for a distance of at least five (5) feet.
7. Sign Permit: The applicant shall obtain a separate sign permit for signage on the hotel pursuant to AMC Section 30-6.
8. Bio-retention Area Signage: The plans submitted for building permits shall include details for signage to be placed at the locations of bio-retention areas warning the public not to walk in the bio-retention areas. A draft of the sign with text shall be included on the building plans.
9. ATMA Membership: The applicant shall join the Alameda Transportation Management Association (ATMA) or equivalent organization that will provide one AC Transit EasyPass or equivalent pass to each full-time and part-time employee of the hotel. Proof of ATMA membership shall be provided prior to building permit final (Certificate of Approval). The applicant shall provide annual transportation funding to the ATMA in the amount of \$90 per hotel room (2022 dollars). The annual transportation payment shall be adjusted annually consistent with the increase in the San Francisco-Oakland-Hayward Consumer Price Index (All Items).
10. New Employee Information Packet: The hotel shall provide new employees with an information packet that includes their right to obtain a complimentary EasyPass and how to obtain the EasyPass. The information packet shall also describe transportation services and obligations of the hotel.
11. Carpool Ride Share Services: The hotel shall provide patrons with 24-hour complimentary carpool ride share to and from the Metropolitan Oakland International Airport, South Shore Shopping Center, Fruitvale Bay Area Rapid Transit (BART) station, Harbor Bay Ferry Terminal, Alameda Landing, Seaplane Lagoon Ferry Terminal, Main Street Ferry Terminal, and destinations within a three-mile radius from the hotel. The carpool ride share service shall be advertised to guests at check-in, on the hotel's website and marketing materials. The parking lot shall designate a safe drop-off location on the project site that is clearly marked for Transportation Network Company drop-offs.
12. Parking Regulations: Pursuant to AMC Section 30-7, the building plans shall include:
  - a. A minimum of four ADA accessible parking spaces.

- b. Ten percent of parking spaces provided (7 spaces) shall be equipped with an installed electric vehicle charging station.
  - c. Thirty percent of parking spaces provided (19 spaces) shall be Level 2 EV Capable.
  - d. Four long term and eight short term bicycle parking spaces to the standards outlined in AMC Section 30-7.6.
13. Bus Shelter on Park Street: The plans submitted for building permit shall include installation specifications, including location, for a bus shelter at the bus stop in front of the hotel on Park Street. The applicant shall install the bus shelter prior to final building inspection. The bus shelter shall be a TOLAR, Model 13NAHP-GLWG, or equivalent, with the following specifications, as determined by the Planning Director:
- a. The bus shelter shall meet the following specifications: 9' in length and have a 13' high peak non-advertising passenger shelter with high peak roof design with two circular shapes.
  - b. End walls shall be 2' width, but not full end walls. The end wall shall include a map case with 1/4" clear tempered glass and tamper proof fasteners.
  - c. The shelter shall include a perforated metal bench, with back, anti-vagrant bars.
  - d. The shelter and bench shall have durable baked powder coat finish color RAL 6005 Moss Green.
  - e. Installation of the shelter shall be in accordance with manufacturer's recommendation, and the location set back from face of curb to conform with AC Transit standards, to the satisfaction of the Planning Director.
14. Trash Enclosure: The location of the trash enclosure shall be constructed at the location shown on the site plan prepared by HRGA Architecture, dated July 5, 2019.
15. Public Art: Prior to issuance of building permits for the project, the applicant shall satisfy all applicable Public Art requirements pursuant to AMC Section 30-98 and install a mural on the south elevation adjacent to the southerly property line. Modification of this condition shall require final approval by the Planning Board.
16. Environmental Sustainability: Building plans shall be accompanied by evidence that the project design shall meet a LEED Silver or comparable standard for environmental sustainability as determined by the Building Official.

## **Public Works**

### **General**

17. The project shall comply with Chapter 30, Article 6 of the Alameda Municipal Code (Real Estate Subdivision Regulations) and Chapter 22 of the Alameda Municipal Code (Streets and Sidewalks) as determined by the City Engineer.
18. The project shall comply with all current, applicable, plans, standards, policies and guidelines including the Alameda Municipal Code (AMC), Standard Plans and

Specifications, and Standard Subdivision Specifications and Design.

19. Prior to issuance of building permits, a current title report, less than 6 months old, shall be submitted to identify current ownership and any existing easements or land use restrictions.
20. An Encroachment Permit is required for all work within the Public Right-of-Way. The Encroachment Permit is required prior to issuance of any Building Permits for the proposed development. The encroachment permit application shall address circulation in and around the site, including pedestrians, cyclists, fire trucks, private vehicles, solid waste trucks, buses, and parking. The application shall address all construction phases.
21. No permanent structures or portions of structures shall project over the City right-of-way. Awnings and signage are acceptable with approval of appropriate sign/encroachment permits.
22. The applicant shall assess and verify for the potential of PCBs in Building Demolition materials by:
  - Reviewing the packet “PCBs in Priority Building Materials: Model Screening Assessment Applicant Package (Rev. Nov. 2019)” (Packet);
  - Completing the two-page “PCBs Screening Assessment Form” (pp 18-19 in the Packet) AND submitting a signed copy to Public Works for review; AND
  - IF Part 3 of the “PCBs Screening Assessment Form” is applicable and necessary, submit all necessary assessment records also referenced in attached guidance document prior to issuance of building/demolition permit AND provide verification to the City prior to close out of the permit of the proper management and disposal of the relevant materials.

### **Improvement Plans**

23. The Applicant shall submit for review and approval construction Improvement Plans for all on- and off-site improvements, including design calculations, for all improvements listed below, as applicable. The plans shall be prepared, signed, and stamped as approved by a registered civil engineer licensed in the State of California. The Improvement Plans shall be approved by the Public Works Department prior to issuance of a Building Permit for the development.
24. The fee for plan checking and inspection shall be calculated in accordance with the latest Schedule of Fees & Charges as approved by the City Council.
25. Plans shall identify datum. If not NADV88, show conversion.
26. Site plans shall include applicable Standard Construction Notes, latest edition, from Public Works.
27. The developer shall provide as built drawings of all site and right of way improvements prior to issuance of final Certificate of Occupancy. Provide drawings in both durable hard copies and pdfs.
28. The Applicant shall enter into a Public Improvement Agreement with the City, pay all fees, and provide a security in a form and amount acceptable to the City prior to

approval of parcel/final map.

29. An Engineer's Cost estimate for frontage and site improvements shall be submitted. The developer shall provide a construction performance bond(s) equivalent to the cost of the public improvements within the right-of-way along the project frontage.
30. The applicant shall construct and dedicate to the public full street improvements equal to the centerline of Clement Avenue including concrete curb, gutter, sidewalk, paving, drainage system, streetlights and street trees, all to the satisfaction of the City Engineer. The existing street section shall be repaved to the centerline of the street if the existing pavement is either damaged or the structural section is determined by the City Engineer to be inadequate for the intended traffic.
31. The roadway in front of the driveway entrance shall be striped "KEEP CLEAR".
32. The Applicant shall submit a soils investigation and geotechnical report for the proposed development, subject to the review and approval of the City Engineer. The report shall address the structural and environmental analysis of existing soils and groundwater and provide recommendations for all grading, retaining walls, 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. Prior to issuance of the first Temporary Certificate of Occupancy, 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 developments shall be designed to account for future predicted sea level rise to Elevation 13 feet, NAVD88 Datum.

### **Drainage and Stormwater Treatment**

36. All on site surface drainage shall be collected and conveyed in an adequately designed underground storm drainage system in a manner to be approved by the City Engineer. The downstream drainage system shall be analyzed and inadequacies, if any, corrected as determined by the City Engineer. The site shall be graded so that no runoff is directed to adjacent properties.
37. Projects proposed for construction between October 1st and April 15th, shall have an erosion and sedimentation control program approved, and implemented to the maximum extent possible, prior to the start of on-site earthwork. Installation of all components of these plans shall be completed by October 1.

38. 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.
39. Improvement plans shall clearly show the extent of public vs private storm drainage facilities, including basins, pipes, structures, and pump stations. All public drainage facilities shall be in public streets or in public drainage easements.
40. The developer shall be responsible to maintain access to and function of existing storm drain lines that run onto and/or through the developer's property.
41. Stormwater shall be dispersed, diffused, detained, or otherwise infiltrated on-site to the extent feasible. Downspouts shall not be directly connected to public or private storm drain facilities. Use of splash blocks directed towards landscape areas is encouraged. Stormwater, including roof drainage, shall not be directed across sidewalks or driveways.
42. Prepare and submit for City engineering review and approval a preliminary, signed, City of Alameda Stormwater Treatment Measure Design Criteria Certification Form (Certification Form) for all DMAs and C3 measures consistent with the Preliminary Stormwater Control Plan (Sheet C3.0) presented with the project application materials to demonstrate and verify appropriate site stormwater treatment and low impact development (LID) design and sizing.  
<https://www.alamedaca.gov/files/assets/public/departments/alameda/comm-services/formsandhandouts/public-works/c3f-cert-form-alameda.pdf>
43. All projects shall incorporate permanent stormwater low impact development (LID) design techniques and source control measures to manage the quantity and quality of stormwater runoff from the planned development to prevent and minimize impacts to water quality, in accordance with the City of Alameda's National Pollution Discharge Elimination System (NPDES) Permit, and consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual. Project plans shall indicate the efforts taken to minimize impervious surface areas, especially directly connected impervious surface areas.
44. The development is subject to full trash capture requirements of the City's NPDES permit, regardless of impervious surface area. The developer shall provide a full trash capture system, device, or series of devices that traps all particles retained by a 5mm mesh screen and has a design treatment capacity of not less than the peak flow rate Q resulting from a one-year, one-hour storm in the sub-drainage area. Plan sheets shall include location, detail and cross-sectional drawings of the stormwater full trash capture device(s) necessary to treat the entirety of the site. The developer

shall confirm that the full trash capture device(s) included in the development plan are on the State Water Resources Control Board's list of certified full trash capture systems. Trash capture shall occur on site, not in the public right of way downstream. Applicant shall submit an O&M plan detailing the necessary maintenance tasks and schedule required to maintain all on-site trash capture devices.

45. The Applicant shall submit a Stormwater Quality Management Plan complete with the individual drainage management areas identified, a completed Stormwater Requirements Checklist, and a stamped, signed City of Alameda C3 certification form from a qualified independent (i.e. different engineering firm) 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.
46. Prior to issuance of the Permit, the Applicant shall submit for review and approval by the 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. The development 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.
47. 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.
48. 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.

49. The Civil Improvement Plans shall provide the Public Works Department Clean Water Program the construction-phase appropriate erosion and sedimentation control program and plan for review and approval. The plans shall describe construction activity best management practices to be implemented in conformance with the City's erosion, sediment and discharge-control "Urban Runoff Best Management Practices Standards", consistent with 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 construction activity pollution prevention, sediment, and erosion control.
50. 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**

51. The proposed work shall comply with all current, applicable, plans, standards, policies and guidelines including Alameda's Bicycle Master Plan; Pedestrian Master Plan; Long Range Transit Plan; Transportation Demand Management and Transportation System Management (TSM/TDM) Plan; Multimodal Circulation Plan; Transportation Element of the General Plan; Transportation Choices Plan; Bicycle Facility Design Standards; Pedestrian Design Guidelines; Guidelines for Multiway Stop Signs, Crosswalks, and Pedestrian Paddles; as well as the Caltrans Design Manual and Standard Plans and the California MUTCD. Alameda Point development shall comply with the various Alameda Point key documents. All documents can be found at the City's Public Works webpage, under Key Documents, at <https://www.alamedaca.gov/Departments/Public-Works>.
52. All sidewalks shall comply with ADA and Title 24 requirements for cross slope, including driveway approaches and curb ramps. Where existing driveways are removed, the developer shall replace the curb, gutter, and full width of sidewalk to current standards.
53. 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.
54. Prior to the issuance of an Encroachment Permit, a traffic control plan that addresses pedestrian circulation around the site and parking and/or travel lane closures on the surrounding streets shall be submitted for review and approval by the City Engineer.
55. Parking layout shall be constructed in conformance with the City's off-street parking design standards, Alameda Municipal Code 30-7 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.

56. 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**

57. All utilities shall be directed to Clement Avenue. No utilities will be permitted on Park Street.

58. Sanitary sewerage shall be in accordance with the EBMUD Regional Standards for Sanitary Sewer Installation. All permits, easements, and/or approvals for modifications to the sewer system required by EBMUD shall be obtained prior to issuance of any building permits by the City.

59. Improvement plans shall clearly state extents of public and private sewerage, including pipes, structures, and pump stations. Lower (public) and upper (private) sewer laterals shall be separated by a two-way cleanout or manhole. All public sanitary sewer facilities shall be in public streets or in public utility easements.

60. 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 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.

61. The Applicant 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 or parcel/final map, whichever comes first. All permits, easements, and/or approvals for modifications to the sewer system required by EBMUD shall be obtained prior to the Certificate of Occupancy.

62. 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 project must be issued a Compliance Certificate by EBMUD. Please review the program requirements and cost for Compliance Certificates: <http://www.eastbaypsl.com/eastbaypsl/>.

63. 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.

64. The Applicant shall design and construct water, power, telecom, gas, and other utilities in accordance with applicable utility standards.

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

66. 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.

67. All utilities along the project frontage(s) shall be undergrounded. If utility poles are to remain, accessible paths shall be provided around these poles whether existing or new. If poles to be removed support street lighting, new street light poles shall be installed.
68. For projects proposing new light poles/fixtures, furnish two additional street light 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 facilities. The applicant shall be responsible for all costs associated with the transportation, handling and delivery of the poles/fixtures to a Public Works storage yard designated by the City Engineer. The applicant shall coordinate and schedule the delivery of the poles/fixture with the Public Works Department.
69. Work with AMP to locate a transformer and pad, if needed, on private property with appropriate maintenance access.

#### **Other Standard Conditions**

70. The sidewalks fronting the building shall be rebuilt from the building face to the curb. Reinforcing or WWM shall be placed over the shallow culvert.
71. When replacing or repairing concrete at an existing arch culvert, remove and replace the corrugated metal arch "lid" and associated hardware.
72. The project shall be designed to accommodate three waste streams: recycling, organics, and trash; as required by the City of Alameda Municipal Code – Solid Waste and Recycling (Chapter 21). Signage clearly identifying how to sort materials into three waste streams shall be posted at each storage area. The storage/disposal area(s) and the individual bins and containers provided within shall be adequate in capacity, number and distribution to serve the anticipated demand, consistent with written City guidance and as determined by the Public Works Director.
73. The design, location, access, and provisions for waste hauler collection of all external enclosures for solid waste, recycling, and organics shall be of sufficient size and design to serve the development as approved by the Public Works Department prior to approval of the improvement plans, parcel/final map(s), or the building permit, whichever comes first. The trash enclosure shall be located as close as reasonably possible to the Clement Avenue driveway to reduce noise from the backup alarms of the trash collection trucks.
74. 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 and 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. Design shall incorporate a solid roof, impervious floor, solid walls on three sides, and a lockable gate on the fourth side. Trash enclosures attached to buildings shall have fire sprinklers.

75. 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. For safety reasons, a turnaround must be provided for any street that would otherwise require the collection truck to back up a distance greater than 150 feet.
76. A 40-foot turning radius or equivalent hammer head must be provided for any street or alley that would otherwise require the collection truck to back up a distance greater than 150 feet.
77. The design and construction of storage area(s) shall:
- Be compatible with the surrounding structures and land uses;
  - Storage area(s) must be able to accommodate three (3), four (4) cubic yard bins consistent with the current methods of collection provided by the City's Franchised Hauler
  - 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.
  - Maintain a minimum space of 12 inches between the dumpster(s) and the wall 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-collectable, noxious, unsafe, or in the case of recyclable materials, unmarketable.
78. A sign clearly identifying each exterior solid waste and recyclable and organic 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.
79. Trash enclosures serving restaurant and other food-related uses shall include a water supply, a drain to the sanitary sewer, and a grease trap and/or water/oil separator.
80. Provide a concrete pad in front of the trash enclosure to accommodate the truck weight while serving the dumpsters.
81. The Development shall comply with 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.
82. Prior to approval of the Permit, the applicant shall submit for review and approval by the Public Works Department a Waste Management Plan (WMP) demonstrating

how the project will achieve California's Green Building Standards Code (CALGreen) diversion requirements for construction waste and achieve a minimum recycling rate of 65%. The WMP shall be consistent with the City's written guidance and can be completed by creating an account and submitting a plan via <http://alameda.wastetracking.com>.

83. The landscape and irrigation plans shall be prepared, and signed and stamped as approved, by a licensed landscape architect. The plans shall be in accordance with the most recent version of the "Bay-Friendly Landscape Guidelines" developed by StopWaste.Org, and the Bay Friendly Coalition, the AMC, the Alameda Master Tree Plan, the Alameda Tree Removal Policy, the Integrated Pest Management Policy, as well as conditions of approval by the Planning Board, and other applicable standards, as applicable. Landscaping shall be designed to improve curb appeal while promoting low maintenance plant material and xeriscaping.
84. All irrigation mains and laterals under paved areas shall be sleeved.
85. The Developer 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.
86. 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.

#### **Public Works Clean Water Program**

87. Prior to issuance of the grading, combination grading/building permit, or approval of the Civil Improvement Plans, whichever comes first:
  - The applicant/developer shall include with the Civil Improvement Plans a finalized Stormwater Control Plan complete with a drainage management areas (DMAs) site map, corresponding stormwater treatment measures, inventory and summary area values.
  - The applicant/developer shall submit for Public Works Department review a completed, stamped, signed, City of Alameda Provision 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 Stormwater Control Plan and stormwater treatment measure designs of the finalized improvement plans meet the established sizing design criteria for stormwater treatment measures. These will be at the 100% complete level.
  - The final Civil Improvement Plans 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.

- The Civil Improvement Plans shall indicate the structural stormwater trash capture measure(s) being installed on the project site to ensure that all the stormwater drainage from the project site is subject to full trash capture. Include reference to the specific make and model description of the stormwater full trash capture devices. Plan sheets shall include detail and cross-sectional drawings of any stormwater full trash capture device(s). These devices shall be consistent with City's municipal stormwater permit definition of a full trash capture device and shall be on the list of pre-approved devices. This list can be reviewed at: [http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/docs/trash\\_implementation/a1\\_certified\\_fcd.pdf](http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/trash_implementation/a1_certified_fcd.pdf) 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.
- 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 include an appropriate plant palette, be designed to minimize runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution.
- The Civil Improvement Plans shall list the City's construction-phase erosion and sediment control standards and provide detail drawings and installation specifications for all construction-phase water quality protection measures consistent with industry standards.
- The applicant/developer shall be responsible for ensuring that all contractors and sub-contractors install and regularly maintain all construction-phase stormwater quality protection measures 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 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.
- 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 (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.
- The Improvement Plans shall indicate that all new storm drain inlets shall be clearly marked with the words "No Dumping! Drains to Bay," or equivalent,

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

### **Alameda Municipal Power**

88. 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.
89. 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](http://www.alamedamp.com)) and provide completed "Service Planning Sheets" for AMP's review prior to submitting plans for building permits. Note that the transformer pad might be about 60"x84" (Drawing 1-L-406), depending on the submitted load and the transformer should be three feet away from any obstruction on the side of the transformer with no doors and there should be eight feet clear space in front of the doors of the transformer (Drawing 1-L-521). Typically, a 10'x10' easement is required for a transformer installation.
90. 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.
91. 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.
92. 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.
93. 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.
94. There should be a 36" clear space in front of the meter as well as side to side of the meter. Said meter should be 10" inches or more away from any wall or obstruction.
95. 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.

96. 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. If entry is locked, a key must be provided to AMP prior to energizing the service. Remote metering is not permitted.
97. 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.
98. Any existing overhead electric facilities within, and/or adjacent to the project site shall be undergrounded at no cost to AMP. The existing 12 kV circuits on the north side of the project (south side of Clement) should be undergrounded up to the next poles going west to east of the project along Clement Avenue and tie in to existing facilities. In lieu of actual undergrounding of said overhead facilities, the project applicant may elect to install the necessary substructures along the project frontage required to underground at a later date. All work shall be performed according to AMP STANDARDS/SPECIFICATIONS or to the satisfaction of the AMP Engineering Supervisor. Due to the existence of communication lines on the poles, the project applicant shall coordinate with the other telecommunication utilities for a possible joint trench.
99. The utility poles will need guy wires added if the overhead wires are relocated underground. Each pole may require 2 guy wires each which would attach to anchors 25 to 40 feet away from the base of each pole. These guy wires may interfere with the planned placement of street trees and with the driveway entrance on Clement.
100. Should the overhead electric facilities not be undergrounded, horizontal clearance of conductors at rest from any buildings shall be a minimum of 6 feet.
101. 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.
102. The Applicant shall submit, with the site improvement plans, detailed drawings showing the required site electric utility facilities.
103. 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 padmounted transformer.
104. Any relocation of existing AMP distribution facilities necessitated by

development, site improvements and/or modifications shall be approved by AMP and paid by the requesting party. The existing service to the auto repair shop will need to be relocated since it is currently located across the proposed building.

**Hold Harmless**

105. Hold Harmless. To the maximum extent permitted by law, the applicant (or its successor in interest) shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, its City Council, City Planning Board, officials, employees, agents and volunteers (collectively, "Indemnitees") from and against any and all claims, actions, or proceedings against Indemnitees to attack, set aside, void or annul an approval by Indemnitees relating to this project. This indemnification shall include, but is not limited to, all damages, losses, and expenses (including, without limitation, legal costs and attorney's fees) that may be awarded to the prevailing party arising out of or in connection with an approval by the Indemnitees relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding and the applicant (or its successor in interest) shall reimburse the City for its reasonable legal costs and attorneys' fees.

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 Planning, Building, and Transportation 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 27th day of February 2023, by the following vote to wit:

AYES: (6) Ariza, Cisneros, Curtis, Ruiz, Saheba, and Teague

NOES: (0)

ABSENT: (1) Hom

ATTEST:



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Allen Tai, Secretary  
City of Alameda Planning Board

CITY OF ALAMEDA PLANNING BOARD  
RESOLUTION NO. PB-23-05

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA RECOMMENDING THAT THE CITY COUNCIL APPROVE PARCEL MAP NO. 11349 TO SUBDIVIDE ALAMEDA POINT SITE A BLOCK 10 (APN: 074-1378-001-00) INTO TWO PARCELS

WHEREAS, an application was made on January 25, 2023 by Marilyn Hubbard on behalf of Alameda Point Partners LLC for Parcel Map No. 11349 (PLN23-0012) to subdivide Alameda Point Site A Block 10 (APN: 074-1378-001-00) into two individual parcels; and

WHEREAS, this application was accepted as complete on March 14, 2023; and

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

WHEREAS, the subject property is located in the AP-WTC, Alameda Point Waterfront Town Center Zoning District; and

WHEREAS, on July 25, 2022 the Planning Board approved a Development Plan Amendment for Alameda Point Site A which allows 179 residential units, 90 affordable-rate and 89 market-rate units on Site A Block 10; and

WHEREAS, the Planning Board held a duly noticed public hearing on April 24, 2023 for this Parcel Map application, and examined all pertinent maps, drawings, and documents.

NOW, THEREFORE, BE IT RESOLVED, that 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, and none of the exceptions apply; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board of the City of Alameda hereby makes the following findings regarding Parcel Map No. 11349:

1. **The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan and Zoning (Gov. Code § 66474).** The proposed Parcel Map is consistent with the Mixed Use General Plan designation and Alameda Point Waterfront Town Center zoning regulations for the property. Approval of Parcel Map No. 11349 will allow for the future development of up to 179 residential units, which will be a part of Alameda Point's 1,482 residential units identified as helping meet the City's RHNA.
2. **The site is physically suitable for the type and density of development (Gov. Code § 66474).** The Alameda Point Site A Development Plan was amended to allow up to 179 residential units on two separate parcels on the project site. The

project site is fully served by the utilities and transportation facilities completed under Phase 1 of the Alameda Point Master Infrastructure Plan.

3. **The design of the subdivision and improvements is not likely to cause environmental damage or substantially and avoidably injure fish or wildlife or their habitat (Gov. Code § 66474).** The design of the subdivision and improvements will not cause environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The project site is located outside of the boundary of areas deemed sensitive to the nearby Wildlife Refuge as described in Biological Opinion # 1-1-98-F-2.
4. **The design of the subdivision and its improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (Gov. Code § 66474).** The proposed subdivision preserves existing easements for Emergency Vehicles and public utilities. As conditioned Parcel Map No. 11349 will grant a Temporary Construction, Buckthorn Access, Drainage, and Relocated Stormwater Improvement easement to Block 11.
5. **The design of the subdivision and its improvements is not likely to cause serious public health problems (Gov. Code § 66474).** The design of the subdivision and the type of improvements are not likely to cause serious public health problems. The site is served by public sewer and water facilities and the review process of future development proposals will take those concerns into consideration and their design will be required to be in conformance with City standards.
6. **The subdivision is design to provide for future passive or natural heating or cooling opportunities (Gov. Code § 66473.1).** The design of the subdivision allows for future buildings to be oriented on an east-west alignment allowing for southern exposure for passive heating and cooling. Homes proposed on the project site will comply with the CalGreen building code.
7. **The subdivision will not result in the discharge of waste into the sewer system that would violate regional water quality control regulations (Gov. Code § 66474.6).** No discharge violation currently exists and sewer capacity is available for this subdivision. The project would not discharge any waste other than domestic sewage and all sewage would be discharged into the city's sanitary sewer system for ultimate treatment. Urban stormwater runoff is required to meet the City's RWQCB permit requirements for urban development.
8. **In recommending approval of Parcel Map No. 11349, the Planning Board has considered its effect upon the housing needs of the region, balanced with the public service needs of Alameda residents and available fiscal and environmental resources (Gov. Code § 66412.3); and**

BE IT FURTHER RESOLVED, that the Planning Board hereby recommends that the City Council approve Parcel Map No.11349 (PLN23-0012), subject to compliance with the following conditions of approval:

### **General**

1. All maps filed pursuant to this approval shall be in substantial compliance with the map titled, "Parcel Map No. 11349" prepared by BKF dated March 2023, and on file in the office of the Alameda Planning, Building and Transportation Department.
2. Plans shall be prepared, signed, and stamped as approved by a registered civil engineer licensed in the State of California.
3. The proposed work shall comply with Chapter 30, Article 6 of the Alameda Municipal Code (Real Estate Subdivision Regulations) and Chapter 22 of the Alameda Municipal Code (Streets and Sidewalks) as determined by the City Engineer.
4. The proposed work shall comply with Alameda's Standard Plans and Specifications and Standard Subdivision Specifications and Design.
5. 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.

### **Maps and Easements**

6. Prior to the recordation of Parcel Map No. 11349, the Parcel Map shall be amended to reflect the easements granted by Block 10 to Block 11 as described in the Easement Agreement ("Agreement") made and executed between Alameda Point Partners, LLC and UDR AP Block 11 Owner, LLC, on file at the Planning, Building, and Transportation Department. Specifically the following easements shall be shown on the Final Map:
  - a. "Temporary Construction Easement" wherein Block 10 Owner grants and convey to Block 11 Owner and its successors and assigns for use by Block 11 owner and its successors and assigns, contractors, agents, customers and invitees, a temporary, non-exclusive and appurtenant easement on, over, in under and across that certain portion of the Block 10 Parcel, as depicted on Exhibit C-1 and more particularly described on Exhibit C-2 of the "Agreement", for pedestrian and vehicular access, ingress and egress purposes and for construction activities.
  - b. "Buckthorn Access Easement" wherein Block 10 Owner grants and conveys to Block 11 owner and its successors and assigns, for use by Block 11 owner and its successors and assigns, contractors, agents, tenants, customers and invitees, a non-exclusive and appurtenant easement over Buckthorn Street and adjacent property as depicted on Exhibit D-1 and more particularly described on Exhibit D-2 of the "Agreement", for pedestrian and vehicular access, ingress and egress purposes.
  - c. "Drainage Easement" wherein Block 10 Owner hereby grants and conveys to Block 11 owner and its successors and assigns, for use by Block 11 owner

and its successors and assigns, contractors, agents, tenants, customers and invitees, a non-exclusive and appurtenant easement to permit the surface flow of stormwater from a portion of the Block 11 Parcel over the Buckthorn Access Easement Area to the Initial Stormwater Improvement Area as depicted on Exhibit E-1 and more particularly described on Exhibit E-2 and, when constructed and relocated, the Relocated Stormwater Improvement Area described on Exhibit F-1 and more particularly described on Exhibit F-2 of the "Agreement."

7. 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 subdivision maps to discuss submittal requirements, project review timeline, and fees associated with the processing, filing, and construction of this development.
8. A current title report shall be submitted to identify current ownership and any existing easements or land use restrictions.
9. The Applicant shall pay all fees prior to approval of final map.
10. The Final Map shall show all existing and proposed easement locations, uses and recording information. The Owner's Statement shall list all public right-of-way and easements to be dedicated and the Certificate of City Clerk shall list all public easements and right-of-way to be abandoned with recording information as part of the final map.
11. The subdivider shall pay for all reasonable office and engineering costs expended by the City Engineer's office, including overhead, in conjunction with reviewing the Final Map, easements, and in obtaining the map signature of the City's consulting surveyor.
12. The subdivider shall provide a Mylar and a digital copy acceptable to the City Engineer.
13. Hold Harmless. To the maximum extent permitted by law, the applicant (or its successor in interest) shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, its City Council, City Planning Board, officials, employees, agents and volunteers (collectively, "Indemnitees") from and against any and all claims, actions, or proceedings against Indemnitees to attack, set aside, void or annul an approval by Indemnitees relating to this project. This indemnification shall include, but is not limited to, all damages, losses, and expenses (including, without limitation, legal costs and attorney's fees) that may be awarded to the prevailing party arising out of or in connection with an approval by the Indemnitees relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding and the applicant (or its successor in interest) shall reimburse the City for its reasonable legal costs and attorneys' fees.

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 Planning, Building, and Transportation 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 24th day of April 2023, by the following vote to wit:

AYES: (7) Ariza, Cisneros, Curtis, Hom, Saheba, and Teague

NOES: (0)

ABSENT: (1) Ruiz

ATTEST:



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Allen Tai, Secretary  
City of Alameda Planning Board

CITY OF ALAMEDA PLANNING BOARD  
**RESOLUTION NO. PB-23-06**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING DESIGN REVIEW AND VARIANCE APPLICATION NO. PLN23-0016 TO ALLOW CONSTRUCTION OF A SECOND STORY ADDITION AT AN EXISTING SINGLE-FAMILY RESIDENCE AT 1019 MORTON STREET.

WHEREAS, an application was made on January 12, 2023, by Donald Thompson, requesting Design Review and a Variance for the construction of an approximately 1,290 square foot second story addition at the residence located at 1019 Morton Street; and

WHEREAS, the proposed project exceeds the maximum building height limit of 30 feet above grade. The existing non-conforming building height is 32' – 6" and the proposed building height for the addition is 33 feet 6 inches. The maximum height limit in the R-1 district is 30 feet pursuant to AMC Section 30-4.1. The proposed variance is to allow the addition to exceed the existing non-conforming roof height of 32' - 6" by one foot to a final height of 33' - 6"; and

WHEREAS, the application was accepted as complete on April 20, 2023; and

WHEREAS, the project site is located within a R-1, Residential District; and

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

WHEREAS, on May 8, 2023, the Planning Board held a duly-noticed public hearing on the Variance and Design Review application and examined all pertinent material and public testimony.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds this project is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301(e)(2), which allows additions to existing structures provided that the addition will not result in an increase of more than 10,000 square feet if: (A) 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 (B) The area in which the project is located is not environmentally sensitive. The project complies with these criteria. Furthermore, none of the exceptions to the categorical exemptions in CEQA Guidelines Section 15300.2 apply; and

BE IT FURTHER RESOLVED, that the Planning Board makes the following findings relative to the Design Review application:

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

addition is consistent with the General Plan Low-Density Residential areas where neighborhoods are predominantly single family detached homes. The proposed design is a second story addition to an existing Victorian Cottage over a high basement. The design incorporates building elements from the Design Review manual such as steep roof lines, gables, and bay windows; details such as wood brackets, trim and railings; and materials that include horizontal v-groove wood siding and octagonal wood accent shingles that are characteristic of the architectural style of the building and the neighboring buildings.

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 addition utilizes the existing attic space and extends the roof line by replacing the existing hips with gables at each end. New intersecting side gables are proposed to create additional headroom for the new habitable space. The addition of a turret at the front corner visually punctuates the massing of the front façade, and the front balcony adds a horizontal element that reduces the scale of the new gable behind it. The features and materials proposed in the design are compatible with the neighboring buildings and remain true to the original architectural style of the building.
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 design will utilize compatible materials including horizontal siding, stucco, wood trim and composite roof shingles which are materials that are found on residential buildings in the neighborhood. The proposed design incorporates architectural elements from the existing two-story Victorian houses on either side of the property which include a turret and bay windows. The wood siding, trim, brackets, bargeboard, and decorative shingles at the gables are consistent with the materials and features of the existing structure and homes in the neighborhood; and

BE IT FURTHER RESOLVED, that the Planning Board hereby makes the following findings relative to the Variance application to allow the addition to exceed the existing non-conforming roof height of 32'-6" by one foot to a final height of 33'-6" in the R-1 District where the maximum height limit is 30':

1. **There are exceptional or extraordinary circumstances applying to the property involved or to the proposed use of the property:** The subject property is located in a unique neighborhood surrounding Franklin Park that is characterized by large Victorian homes with very tall, steep roofs typical of the Queen Anne style of architecture that exceed the 30-foot maximum height for the R-1 District. The proposed design requires the additional foot in height to incorporate the vertical features characteristic of the existing homes in the neighborhood.

2. **Because of such exceptional or extraordinary circumstances, the literal enforcement of specified provisions of this section would result in practical difficulty or unnecessary hardship such as to deprive the applicant of a substantial property right possessed by other owners of property in the same class of district:** Many of the existing homes in the neighborhood have nonconforming roof heights that exceed the 30-foot maximum height for the R-1 District and are also taller than the subject property. The existing neighboring buildings would be allowed to be rebuilt, for instance because of a fire, at the taller roof heights to match the existing architecture pursuant to Alameda Municipal Code 30-20.4b. *Restoration of Damaged Buildings*. Therefore, the literal enforcement of the height regulation would deny the applicant of the ability to build a second story in the same vertical design style as the existing building and neighboring buildings.
  
3. **The granting of the variance will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to persons or property in the vicinity.** The intent of the height requirement is to limit the height and bulk of buildings within the R-1 Residential District. Because the lot is 7,000 square feet which exceeds the 5,000 square foot requirement for the district by 2,500 square feet, the neighboring buildings are far apart – approximately 20 feet with an approximately 43-foot rear yard. Given this separation, the height of the building can be taller without being detrimental to the public welfare or properties within the vicinity, and the bulk is reduced by the steeply pitched roofs. The addition of one foot to the existing nonconforming height for the existing and new roofs will not be detrimental to the public or the neighborhood because the shadow study confirms that there is no significant shading impacts on adjacent property. In addition, there are no designated views that would be blocked; and

BE IT FURTHER RESOLVED, that the Planning Board hereby approves application no. PLN23-0016 for Design Review and a Variance to allow the addition to exceed the existing non-conforming roof height of 32' - 6" by one foot to a final height of approximately 33' - 6", subject to the following conditions of approval:

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 Saul Picardo received on April 26, 2023 and on file in the office of the City of Alameda Planning, Building and Transportation Department, except as modified by the conditions in this resolution.
3. Expiration: The Design Review approval for the project shall expire and become void unless substantial construction under valid permits has occurred within three (3) years after this approval. A one-time extension for an additional two years may be granted by the Planning, Building and Transportation Director upon written request and payment of applicable fees.
4. The Final Building Permit Plans shall reflect the following to the satisfaction of the

Planning Director prior to issuance of Building Permits:

- a. Detailed information of the railings, bargeboards, brackets, siding, trim and other relevant details shall be consistent with the neighboring homes.
  - b. Architectural details for corner trim and window and door casings shall be consistent with homes in the neighborhood.
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 additional exterior changes shall be submitted to the Planning, Building, and Transportation Department for review and approval prior to construction.
6. The Applicant shall erect a sign that provides contact information and phone number during construction that is visible and readable from the sidewalk. The sign shall remain posted for the entire duration of the construction of this project and until the issuance of a Certificate of Occupancy.
7. **HOLD HARMLESS**. To the maximum extent permitted by law, the applicant (or its successor in interest) shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, its City Council, City Planning Board, officials, employees, agents and volunteers (collectively, "Indemnitees") from and against any and all claims, actions, or proceedings against Indemnitees to attack, set aside, void or annul an approval by Indemnitees relating to this project. This indemnification shall include, but is not limited to, all damages, losses, and expenses (including, without limitation, legal costs and attorney's fees) that may be awarded to the prevailing party arising out of or in connection with an approval by the Indemnitees relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding and the applicant (or its successor in interest) shall reimburse the City for its reasonable legal costs and attorneys' fees.

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 Planning, Building, and Transportation 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 8<sup>th</sup> day of May, 2023, by the following vote to wit:

AYES: (4) Ariza, Cisneros, Curtis and Hom,

NOES: (2) Ruiz and Teague,

ABSENT: (1) Saheba

ATTEST:



Allen Tai, Secretary  
City of Alameda Planning Board

CITY OF ALAMEDA PLANNING BOARD  
**RESOLUTION NO. PB-23-07**

APPROVING DEVELOPMENT PLAN AND RECOMMENDING APPROVAL OF A DRAFT DEVELOPMENT AGREEMENT (PLN 23-0167) FOR AN APPROXIMATELY 8 ACRE MIXED USE DEVELOPMENT IN THE MAIN STREET NEIGHBORHOOD SPECIFIC PLAN AREA OF THE ALAMEDA POINT PROJECT REFERRED TO AS “REBUILDING THE EXISTING SUPPORTIVE HOUSING AT ALAMEDA POINT” (RESHAP)

WHEREAS, an application was made by MidPen Housing Corporation (MidPen), for a Development Plan and Development Agreement for an approximately 8-acre mixed use development at Alameda Point referred to as “RESHAP,” which is within the Main Street Neighborhood Specific Plan area of the Alameda Point Project; and

WHEREAS, the proposed RESHAP project consists of 309 multi-family residential units and community uses, which would occupy new buildings and streetscape improvements; and

WHEREAS, the proposed RESHAP project is a 100% supportive housing mixed use project; and

WHEREAS, RESHAP is consistent with the General Plan density and use regulations for the land in the General Plan; and

WHEREAS, RESHAP is consistent with the Main Street Neighborhood Specific Plan and the Alameda Point Main Street Neighborhood zoning district density and use regulations for the land; and

WHEREAS, the RESHAP project is a Housing Opportunity Site and a priority program in the 2022 City of Alameda Housing Element; and

WHEREAS, the Main Street Neighborhood Specific Plan is a Specific Plan adopted pursuant to Government Code Section 65450 et seq. for a mixed-use, mixed-income development of the area bounded by Main Street, West Tower, and Pan Am Orion Way; and

WHEREAS, the Main Street Neighborhood Specific Plan requires that the Planning Board approve a Development Plan application prior to redevelopment and reuse of RESHAP; and

WHEREAS, pursuant to the streamlining provision of Public Resources Section 21083.3 and Section 15183 of the CEQA Guidelines, no further environmental review is required because the RESHAP project is consistent with an adopted Specific Plan for the area; the environmental impacts of the development of the area consistent with the Specific Plan were considered in the Alameda Point Project (APP) Final Environmental Impact Report (FEIR) adopted by the City Council on February 4, 2014, in compliance with the California Environmental Quality Act (CEQA); the RESHAP project is consistent with, is specifically listed, and implements the City of Alameda Housing Element adopted on November 15, 2022; the

environmental impacts of the Housing Element and the development of the sites included in the Housing sites inventory were considered in the General Plan Update EIR adopted by the City Council on November 30, 2021; and as documented in the project CEQA Checklist, the RESHAP project would not result in significant impacts that: (1) are peculiar to the project or project site; (2) were not already identified as significant effects, cumulative effects, or off-site effects in the FEIR; or (3) were previously identified as significant effects; but are determined to be substantially more severe than discussed in the EIR; and

WHEREAS, the Planning Board held a duly noticed public hearing on May 8, 2023 for this Development Plan application, and examined pertinent maps, drawings, and documents.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds that the environmental effects of the RESHAP Project, including the Main Street Neighborhood Specific Plan containing RESHAP have been adequately evaluated, and that:

1. RESHAP is consistent with the General Plan, Zoning Ordinance, and Main Street Neighborhood Specific Plan densities and use regulations; and
2. RESHAP is consistent with the General Plan Housing Element; and
3. The FEIR was certified by the City Council for the Alameda Point Project, including amendments to the General Plan and Zoning Ordinance, as well as the Main Street Neighborhood Specific Plan; and
4. There are no environmental impacts peculiar to RESHAP that were not analyzed in the FEIR, or any such impact can be substantially mitigated by imposition of uniformly applied development policies or standards previously adopted by the City; and
5. There are no significant effects of the RESHAP project that were not analyzed as significant effects in the FEIR; and
6. There are no potentially significant off-site impacts of the proposed RESHAP project and there are no cumulative impacts to which the proposed RESHAP project makes a considerable contribution which were not discussed in the FEIR; and
7. There are no previously identified significant impacts of the proposed RESHAP project which, as a result of substantial new information which was not known at the time the EIR was certified, have been determined to have a more severe adverse impact than discussed in the FEIR.
8. Pursuant to the streamlining provisions of Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183, no further environmental review of the Development Plan is required; and

BE IT FURTHER RESOLVED that the Planning Board finds that the following findings can be made in support of the Development Plan:

1. **The development is an effective use of the site.** The Development Plan provides for the construction of new residential development, with agricultural uses, community space and open space. The Development Plan provides effective redevelopment and reuse of RESHAP, which has been substantially vacant since the departure of the United States Navy (Navy) from the site in 1996 and removes old, dilapidated buildings

from the area. The Development Plan achieves City policy goals and objectives to create a mixed use, mixed-income development supported by new infrastructure, streets, parks and public open spaces.

2. **The proposed use is consistent with and relates favorably to the General Plan.** The Development Plan supports General Plan policies for the development of Alameda Point and helps balance jobs and housing through the provision of affordable housing and community uses that help create an economically balanced mixed-use project. The Development Plan also provides for open spaces and a community space to be used as a central gathering place for residents. The Development Plan is consistent with the use and density standards established for the property by the General Plan and Main Street Neighborhood Specific Plan.
3. **The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity and will not have substantial deleterious effects on existing business districts or the local economy.** The proposed mix of uses and physical improvements is designed to eliminate existing blighted conditions and buildings on the site, and replace substandard storm water, potable water, fire water, wastewater, and other essential utility and other facilities that do not meet current State or local codes, are not able to be owned and maintained by the local utility companies in their current form and contribute to ongoing pollution in the San Francisco Bay. The proposed Development Plan is designed to be compatible with adjacent future uses by providing attractive improvements and pedestrian and bicycle amenities and with transit services contemplated in the approved Alameda Point Transportation Demand Management Plan (TDM Plan). The Development Plan is also subject to the environmental protections and mitigations imposed by the FEIR, and federal biological requirements stemming out of the U.S. Fish and Wildlife Service Biological Opinion.
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 Development Plan is designed to provide compatible residential land uses within an area of Alameda Point that is identified for housing in the Specific Plan. Conditions requiring future design review approvals ensure that the proposed project will be architecturally and aesthetically compatible with the surrounding developments.
5. **The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.** The Development Plan provides for a network of internal streets to support pedestrian, bicycle and auto use. The Plan area is bounded by major arterials, transit, and separated bike paths and cycle tracks. The project will also be served by the Alameda Transportation Management Association services and programs consistent with and in compliance with the Alameda Point TDM Plan.
6. **Supportive Housing.** The project is a 100% affordable housing project that is eligible for an exception from the City of Alameda EV Charging provisions if the exception is required to address cost constraints.

BE IT FURTHER RESOLVED, that the Planning Board of the City of Alameda recommends that the Alameda City Council approve the draft Development Agreement with the following additional provision to streamline and expedite the construction of the project:

Design Review for individual buildings shall be conducted ministerially by City of Alameda Planning Department staff. The review shall ensure compliance with the Development Plan, Main Street Neighborhood Specific Plan, and Citywide Objective Design Standards for Residential Buildings Adopted by Planning Board Resolution No. PB-21-01 on February 22, 2021 with the exception that: 1) RESHAP buildings may have blank walls without articulation or window or door openings for areas with ramps, at service edges (MEP/utility rooms, trash rooms etc. where art or planting can be damaged) and at screened stair locations; 2) RESHAP buildings have Main entries that are not oriented to face the street; 3) RESHAP buildings may have open/unconditioned circulation and unenclosed/unconditioned stairs, provided that stairs are screened by perforated metal panel, wood slats, or other protective material, 4) RESHAP mixed use buildings may have floor to ceiling heights of 12 feet; 5) RESHAP mixed-use buildings shall maintain 60 percent transparency for non-residential ground-floor uses, except in locations of garage entries and building service areas, 6) RESHAP mixed use buildings will maintain 20% for ground floor residential uses along ground floor elevations facing public rights of way; and 7) RESHAP Buildings may be exempted from the EV charging provisions of Section 30-7 if it is determined necessary by Developer to address the cost constraints on a 100% affordable supportive housing project.

BE IT FURTHER RESOLVED, that the Planning Board of the City of Alameda hereby approves the Development Plan prepared by David Baker Architects dated May 8, 2023 PLN23-0167 (Exhibit 2), subject to the following conditions:

1. Design Review Approval: Prior to issuance of any building permit or site improvement permit in preparation of vertical development, an application for Design Review shall be submitted for review and approval by the City of Alameda. The plans submitted for the Design Review approval shall be in substantial compliance with the Main Street Specific Plan and the plans prepared by David Baker Architects dated May 8, 2023 on file in the office of the City of Alameda Planning Department, which include main building entries that face inward toward the center of the campus.
2. Infrastructure Improvement Plans: Prior to issuance of a building permit, there must be approved infrastructure improvement plans for the improvement of the on-site and adjacent off-site streets, open space, wastewater, storm water, potable water, recycled water, power, and communications facilities required for each phase of development. The improvement plans shall be reviewed for consistency with the DDA, and subject to the requirements of the MIP and AMC. 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. All

required public frontage and street improvements shall be designed, built, and dedicated to the City in accordance with City ordinances, Public Works Department standards and the Subdivision Improvement Agreement with respect to such improvements and shall include curbs, gutters, sidewalks, street trees, storm water treatment controls, landscaping and irrigation, streetlights, etc.

3. Building Permit Plans: The plans submitted for the Building Permit shall be in substantial compliance with the plans prepared by David Baker Architects dated May 8, 2023, on file in the office of the City of Alameda Community Development Department and the Design Review plans, described above, once approved by the Planning Board.
4. CEQA Mitigation Measure Monitoring: Prior to issuance of a building permit or site improvement permit, the applicant shall submit a Mitigation Measure Compliance Checklist confirming compliance with all required environmental mitigation measures contained in the RESHAP MMRP (See Streamlined Checklist and MMRP) adopted by the Planning Board for the redevelopment of RESHAP. Prior to issuance of a design review, building or site improvement permit, a Biological Opinion Compliance Checklist must be submitted confirming compliance with all required conditions set forth in the Declaration of Restrictions for the Former Naval Air Station Alameda (Declaration) consistent with the Biological Opinion issued by the U.S. Department of Fish and Wildlife, and Exhibit C of the Memorandum of Agreement between the City of Alameda and Department of Veteran's Affairs (Alameda Point Lighting Mitigation Measures).
5. Affordable Housing: Prior to the issuance of the first building permit for vertical improvements for new construction, an Affordable Housing Agreement with the City of Alameda shall be executed. The Affordable Housing Agreement will require, in part, phased construction of 301 deed-restricted residential units affordable to low- and very low -income households and up to eight units for on-site property management.
6. Conformance with Local Codes. Building Permit submittals shall be consistent with all local City of Alameda municipal codes including, but not limited to:
  - a. Universal Design Ordinance, AMC 30-18.
  - b. LEED or Green Point Rating Requirements, AMC 13-19
  - c. Bird Safe Ordinance, AMC 30-5.16.b.
  - d. Dark Skies Ordinance, AMC 30-5.16.c, and
  - e. Parking and TDM Requirements, AMC 30-7. The applicant shall be eligible for waivers or reductions in the EV charging provisions of Section 30-7, if the applicant is able to demonstrate that such exception is required to address cost constraints, unique site constraints, or any unique or special characteristics of the use.
7. Water Efficiency Landscape Ordinance: Prior to issuance of building permits or improvement plans, Applicant shall submit a complete WELO Landscape Document Package, as defined by Alameda Municipal Code (AMC) Section 30-58.3(d), subject to the approval of the Planning, Building, and Transportation Director.

8. Dust Control: Prior to issuance of building or grading permits, the Applicant shall ensure that a dust control program is implemented consistent with City and BAAQMD requirements. Construction activities shall be subject to the requirements of the Alameda Municipal Code, which restricts construction to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturday, unless a permit is first secured from the City Manager or designee based upon a showing of significant financial hardship.
9. Automobile and Bicycle Parking: Site improvement plans shall be consistent with the maximum permitted automobile parking ratios and minimum permitted bicycle parking ratios described in AMC 30-7. The plans shall specify the number of parking spaces to be equipped with electric charging stations.
10. Landscape Plans: All landscape plans shall be in accordance 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.
11. Vesting: This Development Plan approval shall expire and become void unless actual construction under valid permits has commenced within two years after this approval or unless this Development Plan is vested for a longer period than five years by a Development Agreement or other vesting document.
12. Modifications: Minor modifications to the project site design, building placement, or building footprints may be approved by the Planning and Building Director provided that the Director is able to make the finding that the modification is necessary in support of the project and in substantial conformance with the illustrative design approved by the Planning Board. 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 development plan or these conditions shall be subject to review and approval of the Planning Board.
13. Other Agency Approvals: Prior to issuance of building permit(s) for work within jurisdictional lands, evidence that all required approvals, permits, or waivers from Regional Water Quality Control Board (RWQCB), including a possible 401 Certification for the construction of a stormwater outfall, and/or the Army Corp. of Engineers, if any, have been obtained shall be provided. The final improvement plans shall incorporate all other agency requirements. Prior to construction, provide evidence of all relevant submittals required by the State's Construction General Stormwater Permit

## **Improvement Plans**

14. Improvement Agreement: To guarantee completion of the required on-site and off-site improvements consistent with the MIP and DDA, an Improvement Agreement with the City must be entered into and security in a form and amount acceptable to the City provided prior to issuance of a building permit for vertical construction.

15. Engineer Approved: Prior to the approval of a building permit for vertical construction, improvement plans shall be prepared, signed, and stamped as approved by a registered civil engineer licensed in the State of California and be consistent with the Alameda Point Master Infrastructure Plan (MIP). The engineer shall also assume responsibility for inspection of the on-site construction work, and shall certify to the City, prior to acceptance of the work or issuance of any occupancy permit, that the installation of the on-site work (excluding the building and foundation) was constructed in accordance with the approved plans.
16. Easements: The improvement plans and Parcel or Final Maps shall show all existing and proposed easement locations, uses and recording information. The Owner's Statement shall list all easements to be dedicated and the Certificate of City Clerk shall list all public easements to be abandoned (with recording information) as part of the Parcel or Final Map.
17. Potable Water: The improvement plans shall include potable water infrastructure consistent with the MIP to serve the project, whose design shall be shown on the Improvement Plans to the satisfaction of EBMUD, the Public Works Director, and the Fire Chief.
18. Storm Water Quality and Treatment Controls: The improvement plans shall incorporate 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 be consistent with the MIP and any existing or future conditions of a 401 certification for Alameda Point (401 Certification Conditions) and the Provision C3 requirements of the City's municipal stormwater permit. Efforts shall be taken to minimize impervious surface areas, especially directly connected impervious surface areas. Roof drains shall discharge and drain to an unpaved area wherever practicable. Design techniques may include green roofs, rainwater harvesting, vegetated swales, vegetated buffer zones, bio retention units, retention/detention basins and ponds, tree well systems, and the incorporation of pervious surface areas and LID measures. The Improvement Plans shall provide details sufficient to ensure that the storm water design and treatment measures shall be constructed consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual, the MIP and the 401 Certification Conditions. Applicants may also refer to the Bay Area Storm water Management Agencies Association (BASMAA) *Start at the Source Manual* for technical guidance. All storm water design and treatment measures for private development pads shall be consistent with the C3 requirements and 401 Certification Conditions and be located on the development pad or an adjacent private development pad and shall not be located on property planned for public parks or public rights of way.
19. Landscape Plans: The improvement plans shall include landscape and irrigation plans for improvements consistent with the Development Plan, Main Street Neighborhood Plan, DDA and MIP. The plans shall be prepared, signed, and stamped by a licensed landscape architect and civil engineer for flood and sea-level rise protection improvements and shall be in accordance with the AMC and other regional jurisdictional requirements. The

landscape architect shall also assume responsibility for inspection of the work and shall certify 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.

20. Waste Water: A sanitary sewage flow analysis, identifying the total peak sanitary sewage flow quantities 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 the analysis to an independent consultant who will assess the impact of the proposed development on the City's sanitary sewer system and determine if any improvements to the City's system are required to ensure sufficient sewage capacity for this project and any anticipated growth within the associated sewer sub-area. The applicant/developer will pay for the cost of the modeling study. The applicant/developer will incorporate any recommended improvements from the sewer study into the project's improvements plans and be consistent with the MIP.
21. Waste Water Capacity: A sanitary sewage treatment capacity analysis for wet weather flows associated with the development, compared to existing or previous conditions, 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 capacities. The improvements plans will include any recommended improvements and be consistent with the MIP.
22. Storm Drainage: 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 improvements plans will include any recommended improvements and be consistent with the MIP.
23. Fire Water: The improvement plans for the project site shall include a Fire Water System consistent with the MIP. The system shall be designed to the satisfaction of EBMUD and the Alameda Fire Department. The Applicant shall be responsible for the placement of on-site hydrants. The location and number of hydrants shall be established in improvements plans. Placement shall be shown on the improvement plans and shall be to the satisfaction EBMUD, the City Fire Chief and the City Engineer.
24. Fire Sprinklers: The improvement plans and building permit plans shall include fire sprinkler systems within each residential unit including the garage and attic spaces.
25. Fire Safety: Prior to approval of the Improvement Plans, plans for review and approval by the Public Works Director and the Fire Chief shall be submitted, that:
  - a. Provide fire hydrants spaced throughout the project as required in California Fire Code Appendix C. Ensure sufficient fire flow for the development compliant with California Fire Code Appendix B and AMC 15-1.2 where a maximum reduction of the fire flow can be reduced by 50% for fire sprinklered buildings.
  - b. Fire hydrant flows shall be a minimum of 1,500 G.P.M. from any one hydrant;

- c. Provide adequate turn around space or acceptable emergency vehicle through access for any street greater than 150 feet in length;
- d. Ensure that all roads that are required to be fire access roads have an adequate turning radii for fire apparatus (inside turning radius of 28" and outside turning radius of 44'8"); and
- e. For all roads designated as fire access roads shall have a minimum fire lane width of 26' unobstructed for buildings taller than 30'. Should parking within the fire lane be required, the fire lane width shall be increased as required to meet fire access requirements.

26. Utilities: The improvement plans shall include facilities and improvements to ensure that utility services are maintained for existing users throughout the construction process and the access to such service for maintenance purposes is preserved throughout the construction process for new utilities. The improvement plans shall preserve access to the Cartwright Substation throughout the construction process.
27. Geotechnical Report: A geotechnical report, including recommendations shall be prepared by a registered geotechnical engineer licensed in the State of California. The improvement plans shall incorporate all geotechnical recommendations in the report and be consistent with the MIP and DDA. The geotechnical engineer shall sign and stamp the improvement plans as conforming to its recommendations. The geotechnical engineer shall also assume responsibility for inspection of the work and shall certify to the City, prior to acceptance of the work that the work performed is adequate and complies with their recommendations.

### **Public Improvements**

28. Maintenance: Maintenance of improvements not within the public ROW shall be the responsibility of the new development.

### **Water Quality**

29. Best Management Practices: T All contractors and sub-contractors shall install, implement and effectively maintain appropriate sediment control, erosion control and other water quality protection measures to prevent any pollutants from entering the municipal storm water drainage system or the Seaplane Lagoon, either directly or indirectly, during all construction activities. All implemented measures shall be consistent with the City's urban runoff Best Management Practices (BMPs) standards. Payment shall be required for any required cleanup, testing, and/or City administrative costs resulting from consequence of construction materials entering the storm water drainage system.
30. Hydro Seeding: Hydro seeding of all disturbed pervious surface areas shall be completed in compliance with the requirements included in the State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ.
31. Storm Water Quality Management Plan: A stormwater quality management plan, consistent and concurrent with the finalized improvement plans, shall be submitted to demonstrate and verify appropriate site design for LID and stormwater treatment consistent with the

Provision C3 requirements, the MIP and the 401 Certification Conditions. This Plan shall include: a completed City of Alameda's Stormwater Requirements Checklist; the determination and identification of drainage management areas (DMAs) for all proposed impervious surface areas on the proposed project site; the establishment of Provision C3-compliant stormwater quality measures for each DMA; a site plan map and inventory identifying each DMA and corresponding C3-compliant measure, including area values (in square feet) for all areas; a stamped, signed City of Alameda certification form from a qualified independent civil engineer with stormwater treatment facility design experience, licensed in the State of California, and acceptable to the Public Works Department that indicates the Plan and all LID and treatment measure designs meet the established sizing design criteria for stormwater treatment measures consistent with Provision C3 of the municipal stormwater permit;

32. Storm Water Pollution Prevention Program: Prior to the initiation of any site grading at the project site or the issuance of the first combination grading/building permit, or approval of Civil Improvement Plans, whichever comes first, provide the Public Works Department Clean Water Program, with copies 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](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.
33. Certification Report: Prior to issuance of the occupancy permits for each phase/block of the RESHAP project site, 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, verifications 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; 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.
34. Storm Water Trash Capture: Prior to the issuance of the first grading/building/combo 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 stormwater drainage from the project site is subject to full trash capture consistent with the City's municipal stormwater permit definition of a full trash capture device. Improvement plan sheets shall provide sufficient plan views and details of the full trash capture device

installation(s) necessary for engineering review and approval. A full trash capture system or device is any single device or series of devices that trap all particles retained by a 5mm mesh screen and has a design treatment capacity of not less than the peak flow Q resulting from a one-year, one-hour storm in the sub-drainage area. Plan sheets shall include detail and cross-sectional drawings of any stormwater full trash capture device.

35. 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.
36. Operations and Maintenance Plan: Submittal of a stormwater treatment measures Operations and Maintenance (O&M) plan is required for review and approval by the Public Works Department prior to the approval of and consistent with the improvement plans for each phase. The O&M plan shall include, but not be limited to: treatment and design measure(s) descriptions and summary inventory; a legible, recordable, reduced-scale (8.5"x11") copy(-ies) of the Site Plan indicating the treatment and design measure(s) location(s) and site drainage patterns; treatment measure(s) maintenance requirements and maintenance schedule; the approved plant list and planning plan; detailed description of the integrated pest management principals and techniques and/or Bay Friendly Landscaping Program techniques to be utilized during landscape maintenance to ensure pesticide/herbicide use-minimization in landscaped areas; name and contact information of current maintenance personnel; and template of the annual O&M report submittal to the City. The O&M plan(s) for all stormwater treatment and design measures to be maintained privately shall be incorporated with the CC&Rs of the relevant private entity.
37. Stormwater Agreement: A Stormwater Treatment Measures Maintenance Agreement (Stormwater Agreement) shall be executed with the City for any stormwater treatment or design measure not to be privately maintained, prior to the issuance of the certificate of occupancy. The Stormwater Agreement shall include, but not be limited to: the O&M plan for all approved stormwater treatment measures; identification of the party responsible for implementing the O&M plan; assurances of access to inspect and verify the treatment system O&M for the life of the project; and assurances of the submittal of the annual O&M report to the City. The executed Stormwater Agreement shall be recorded, at applicant/developer's expense, with the County Recorder's Office of the County of Alameda.
38. Landscape Plans: Landscaping plans shall be designed to minimize runoff, promote surface infiltration, incorporate Bay Friendly Landscaping approaches, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution and be consistent with the MIP and 401 Certification Conditions
39. Backflow Prevention: Backflow prevention devices shall be installed on all new and existing domestic, commercial, irrigation, and fire water services and as required by the East Bay Municipal Utility District (EBMUD).

## Transportation Facilities

40. Traffic Circulation Plan: Traffic striping and signage plan shall be submitted 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 traffic circulation plan shall include plan(s) showing truck turning templates including rear/front wheel and body tracking movement and shall include delivery trucks, fire engines, moving vans and waste management trucks. The Public Works Department will review and approve the internal and external circulation of the parking lot, including lane widths and access points. 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 Director prior to approval of the improvement plans or Parcel or Final Map, whichever comes first. The plan shall include all necessary striping to ensure safe ingress and egress from the project site to the adjacent public streets.
41. 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, a Traffic Control Plan (TCP) shall be provided 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, prior approval from AC Transit of any proposed traffic detours or temporary closure of bus stops is required. Construction work may not commence until the TCP is approved by the Public Works Director.
42. 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 and the light standards adopted for Alameda Point.

## Solid Waste

43. Waste Management Plan: A Waste Management Plan (WMP) shall be submitted 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](http://greenhalosystems.com)) prior to start of the demolition, remodeling, or construction work. This must be done using Green Halo's web interface. The Public Works Environmental Services Division will review the WMP, and will provide comments that shall be incorporated into the plans for the project. The project is subject to the WMP requirement of section 21-24 of the AMC, and must recycle at least

50% of total debris hauled from the project.

44. External Enclosures: Design of all external enclosures for solid waste, recycling, and organics consistent with this condition shall be approved by the Public Works Director prior to approval of the improvements plans, parcel/final map(s), or the building permit, whichever comes first. These facilities are to be designed to prevent water run-on to the area, runoff from the area, and to contain litter, trash, and other pollutants, so that these materials are not dispersed by the wind or discharged to the storm drain system. External enclosures are to be roofed and/or enclosed. Any enclosures containing food waste shall have floor drains connected to the sanitary sewer system. If the enclosures are attached to buildings they shall have fire sprinklers. Internal collection and storage area(s) and the individual bins and containers provided, shall be adequate in capacity, number, and distribution to serve the anticipated demand for trash, recycling, and organics as determined by the Public Works Director.
45. 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. All roads that are required to be used by trash collection trucks shall have an adequate turning radii. The trash collection areas shall be accessible to residents and employees. Each storage area shall be no more than 250 feet from any dwelling unit, or in the garage. Trash enclosures and/or recycling area shall be covered; no other area shall drain onto these areas. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. The applicant shall contact the City and East Bay Municipal Utility District (EBMUD) for specific connection and discharge requirements prior to building permit issuance. Discharges to the sanitary sewer are subject to the review, approval, and conditions of the City and EBMUD.
46. 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**

47. Hazardous Materials. Documentation shall be provided by 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. 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. All construction crews shall be properly trained and made aware of any site contamination issues consistent with the Alameda Point Site Management Plan (SMP) and MMRP.
48. Truck Plan: Prior to issuance of a grading permit, a Truck Route Plan for hauling shall be

approved by the City Engineer. The Plan must be incorporated into any construction documents for every contract.

49. Notice to Neighbors: At least two weeks prior to initiating any construction activities at the site, a notice shall be provided 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.
50. 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.
51. Dust Control: A dust program of dust control shall be implemented consistent with City, MMRP, and BAAQMD, prior to issuance of building or grading permits.
52. 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.
53. 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**

54. Fire Access: Adequate turn around space or through access for any street greater than 150 feet in length shall be provided to the satisfaction of the Fire Chief and the City Engineer. Emergency Vehicle Access roads shall have an adequate turning radius for fire apparatus (inside turning radius of 28 feet, outside turning radius 44 feet 8 inches, minimum height 13 feet 6 inches, minimum width 20 feet) and 26 feet wide in the immediate vicinity or portion thereof buildings 30 feet or taller. All streets and courts within the development that are required to be fire access roads, shall be marked as fire access roads to the satisfaction of the Fire Chief. All roads that are required to be fire access roads shall be designed to handle fire apparatus weight of up to 35,000 pounds per axle. Parking shall be prohibited within the streets and alleys that are dedicated as fire lanes. CC&R's shall include an enforcement mechanism.

### **Alameda Municipal Power (AMP)**

55. Compliance with 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](http://www.alamedamp.com)) and completed "Service Planning Sheets" shall be provided for AMP's review prior to submitting plans for building permits.

56. Information on the location of transformers and total load in kilowatts or kilowatt/volts (KVA) shall be provided to AMP for approval prior to building permit issuance. If necessary, (at no charge to AMP) an easement and access to all AMP facilities on the property shall be provided prior to issuance of building permits.

57. Improvement Plans shall be concurrently submitted and coordinated 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.

58. Street lighting shall be consistent with light standards and luminaires approved for all of Alameda Point with the Site A project., which use a luminaire LED light engine no greater than 3,000K CCT (Correlated Color Temperature) and consistent with City's standard specifications and City'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. No signs shall be installed or mounted on street light poles owned and/or maintained by City. All new signs shall be installed on dedicated sign posts.

59. Improvement Plans shall have all streetlights included in the Improvement Plans, installed, fully functional and operating prior to issuance of a Certificate of Occupancy for any building unless a phasing plan is approved by the Director of Public Works. Applicant/Developer shall pay to City 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.

60. Two streetlight poles and LED fixtures of each type installed shall be furnished, at no cost, to City as a stock for future pole/fixture replacement on the public street. Two additional streetlight assemblies (e.g. pole, fixture, arm, shroud, etc.) of each type shall be provided if City agrees to maintain private streetlights,
61. All public streets shall be lit with LED lighting. Streetlight layout shall be staggered for a more uniform light distribution. Alternate design can be provided if a better efficient light distribution is met. LED fixtures approved for Alameda Point shall be used. LED streetlight fixtures shall offer tri-level lighting with the mid-level setting meeting IES RP-8-14.
62. 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.
63. An easement for electric utility vehicle access to AMP's Cartwright Station shall be provided. 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. Planting any trees that will grow in fullness to the point they may encroach into the perimeter easement shall be avoided
64. All electric pull boxes and vaults in-line with the conduit joint trench shall be installed. 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.
65. Provision of an oil containment facility is required 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. AMP shall be contacted to verify all dimensions, elevations, and orientation before commencing work.
66. Code-size service cables in code-size conduit shall be furnished and installed 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.
67. 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.
68. Prior to issuance of Certificate of Occupancy, service equipment for each building shall be furnished and installed. 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.

69. Concurrent with acceptance of work by City Council, ownership shall be dedicated 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.

70. The Applicant/developer shall be responsible for all expenses involved in the duct/joint trench system engineering design, plan check, project coordination, and electrical construction inspection. The Applicant shall be responsible for the cost of AMP assigned inspector during construction.

71. Detailed drawings showing the required electric utility facilities shall be submitted with the site improvement plans.

**HOLD HARMLESS.** To the maximum extent permitted by law, the applicant (or its successor in interest) shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, its City Council, City Planning Board, officials, employees, agents and volunteers (collectively, "Indemnitees") from and against any and all claims, actions, or proceedings (including, without limitation, legal costs and attorneys' fees) that may be awarded to the prevailing party arising out of or in connection with an approval by the Indemnitees relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding and the applicant (or its successor in interest) shall reimburse the City for its reasonable legal costs and attorneys' fees.

**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 Planning 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 8th day of May 2023, by the following vote to wit:

AYES: (6) Ariza, Cisneros, Curtis, Hom, Ruiz, and Teague

NOES: (0)

ABSENT: (1) Saheba

ATTEST:



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Allen Tai, Secretary  
City of Alameda Planning Board

CITY OF ALAMEDA PLANNING BOARD  
**RESOLUTION NO. PB-23-08**

RECOMMENDING THE CITY COUNCIL APPROVE A DEVELOPMENT AGREEMENT FOR AN APPROXIMATELY 26 ACRE RESIDENTIAL MIXED-USE DEVELOPMENT IN THE MAIN STREET NEIGHBORHOOD SPECIFIC PLAN AREA OF THE ALAMEDA POINT PROJECT REFERRED TO AS “WEST MIDWAY PROJECT AT ALAMEDA POINT”, AND FINDING THE PROPOSED DISPOSITION OF THE WEST MIDWAY PROPERTY IS IN CONFORMITY WITH THE CITY’S GENERAL PLAN (PLN22-0367)

WHEREAS, an application was made by Catellus Development Corporation and Brookfield Properties (“Applicants”) for a Development Plan, Development Agreement, Use Permit, and “Universal Design Waiver” for the “West Midway Property,” which is an approximately 26-acre City-owned land within the Main Street Neighborhood Specific Plan area of the Alameda Point Project. The Use Permit is for exceeding the maximum off-street parking requirements of the Main Street Neighborhood Specific Plan; and

WHEREAS, the proposed project (the “West Midway Project” or “Project”) consists of approximately 478 residential units, 10,000 square feet of non-residential uses (including but not limited to, retail, commercial, civic and other commercial) space, internal streets, alleys, parks, and bicycle trails; and

WHEREAS, on February 4, 2014, per City Resolution No. 14891, the City Council certified a Final Environmental Impact Report (State Clearinghouse No. 201312043) (“APP FEIR”) under the California Environmental Quality Act (“CEQA”), California Public Resources Code Section 21000 et seq., and adopted written findings, a Statement of Overriding Considerations (“APP SOC”), and a Mitigation Monitoring and Reporting Program (“MMRP”) for the Alameda Point Project; and

WHEREAS, on December 1, 2021, per City Resolution No. 15841, the City Council certified a FEIR (State Clearinghouse No. 2021030563) (“General Plan Update EIR”) under CEQA, and adopted written findings, a Statement of Overriding Considerations (“GPU SOC”), and an MMRP for the General Plan Amendment to Update the Alameda General Plan (“General Plan Update”); and

WHEREAS, the West Midway Development Plan is consistent with the General Plan, Main Street Neighborhood Specific Plan, the Alameda Point Main Street Neighborhood zoning district applicable to the West Midway Property, the Alameda Point Master Infrastructure Plan, and the applicable provisions of the Alameda Municipal Code including the density and use regulations for the land thereunder; and

WHEREAS, the West Midway Property is a Housing Opportunity Site and a priority program in the Housing Element and is critical to the City of Alameda’s commitment to construct at least 5,353 housing units between 2023 and 2031; and

WHEREAS, the Main Street Neighborhood Specific Plan is a Specific Plan adopted pursuant to Government Code Section 65450 et seq. for a mixed-use, mixed-income development of the area bounded by Main Street, West Tower Avenue, and Pan Am Way; 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 contained in Alameda Municipal Code Chapter XXX, Article

VII, Code Sections 30-91 through 30-95 (the "City Development Agreement Regulations"), and which require the Planning Board to make a recommendation to the City Council regarding any development agreement that is under consideration; and

WHEREAS, pursuant to the streamlining provision of Public Resources Sections 21166 and 21083.3 and Sections 15162 and 15183 of the CEQA Guidelines, no further environmental review is required because the West Midway project is consistent with the development density in an adopted Specific Plan for the area; the environmental impacts of the development of the area consistent with the Specific Plan were considered in the APP FEIR adopted by the City Council on February 4, 2014, in compliance with the California Environmental Quality Act (CEQA); the West Midway project is consistent with the development density of, is specifically listed in, and implements the City of Alameda's Housing Element adopted on November 15, 2022; the environmental impacts of the Housing Element and the development of the sites included in the Housing sites inventory were considered in the General Plan Update EIR adopted by the City Council on November 30, 2021; and as documented in the project CEQA Checklist, the West Midway project would not result in new or substantially more severe significant impacts than identified in the APP FEIR due to changes in the project, changed circumstances, or new information and there are no new or considerably different feasible mitigation measures or alternatives from those identified in the APP FEIR that would substantially reduce one or more significant effects that the project proponent declines to adopt; and the West Midway project would not result in significant impacts that: (1) are peculiar to the project or project site; (2) were not already identified as significant effects, cumulative effects, or off-site effects in the General Plan Update FEIR; or (3) were previously identified as significant effects; but are determined to be substantially more severe than discussed in the General Plan Update FEIR; and

WHEREAS, the Planning Board held a duly noticed public hearing on May 22, 2023 for the West Midway Development Agreement application, and examined pertinent maps, drawings, and documents, including a draft of the proposed Development Agreement, attached hereto.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds that the environmental effects of the West Midway Project within the Main Street Neighborhood Specific Plan area have been adequately evaluated, and that:

1. The West Midway Project is consistent with the General Plan Land Use Element, Housing Element, Zoning Ordinance, and Main Street Neighborhood Specific Plan densities and use regulations; and
2. The APP FEIR was certified by the City Council on February 4, 2014; and
3. On March 21, 2017, the City Council approved the Main Street Neighborhood Specific Plan and found it to be consistent with the prior APP EIR; and
4. The General Plan Update FEIR was certified in 2021 by the City Council for the 2021 General Plan update and the 2022 Housing Element Update; and
5. There are no environmental impacts peculiar to the West Midway Project that were not analyzed in the prior APP FEIR or General Plan Update FEIR, or any such impact can be substantially mitigated by imposition of uniformly applied development policies or standards previously adopted by the City; and
6. There are no significant effects of the West Midway Project that were not analyzed as significant effects in the prior APP FEIR or General Plan Update FEIR; and
7. There are no potentially significant off-site impacts of the proposed West Midway Project and there are no cumulative impacts to which the proposed West Midway Project makes a considerable contribution which were not discussed in the FEIRs; and

8. There are no previously identified significant impacts of the proposed West Midway Project which, as a result of changes in the project, changed circumstances, or new information which was not known at the time the prior FEIRs were certified, have been determined to have a substantially more severe adverse impact than discussed in the APP FEIR or General Plan Update FEIR; and
9. There are no new or considerably different feasible mitigation measures or alternatives from those identified in the APP FEIR that would substantially reduce one or more significant effects that the project proponent declines to adopt; and
10. Pursuant to the streamlining provisions of Public Resources Code Sections 21166 and 21083.3 and CEQA Guidelines Sections 15162 and 15183, no further environmental review of the West Midway Project is required; and

BE IT FURTHER RESOLVED, that the Planning Board adopts the Mitigation Monitoring and Reporting Program for the West Midway Project, attached hereto as Exhibit 4 and the Planning Board readopts and incorporates as though fully set forth herein the Alameda Point Project EIR and General Plan EIR Statements of Overriding Considerations; and

BE IT FURTHER RESOLVED that the Planning Board finds that the following findings can be made in support of the draft Development Agreement (AMC Sections 30-4.13.f., 30-92.5):

1. **The development is an effective use of the site.** The Development Plan provides for the construction of new residential mixed-use development, including community space and open space. The Development Plan provides effective redevelopment and reuse of the land, which has been substantially vacant or underutilized since the departure of the United States Navy (Navy) from the site in 1996 and removes old dilapidated buildings from the area. The Development Plan achieves City policy goals and objectives to create a mixed use, mixed-income development supported by new and upgraded infrastructure, streets, publicly accessible parks and open spaces.
2. **The proposed use relates favorably to the General Plan and the Development Agreement is consistent with the objectives, policies, general land uses and programs specified in the General Plan.** The Development Plan and Development Agreement implement the General Plan, including the policies for the development of Alameda Point, and helps balance jobs and housing through the provision of housing and community uses that help create an economically balanced mixed-use project. The Project is critical to the implementation of the General Plan Housing Element Regional Housing Needs objectives and programs, consistent with the West Midway Property's identification as a Housing Opportunity Site. The Project is consistent with the use and density standards established for the West Midway Property by the General Plan and Main Street Neighborhood Specific Plan.
3. **The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity and will not have substantial deleterious effects on existing business districts or the local economy.** The Development Plan's proposed mix of uses and physical improvements is designed to eliminate existing blighted conditions and buildings on the site, and replace and upgrade substandard storm water, potable water, fire water, wastewater, and other essential utility and other facilities that do not meet current State or local codes, are not able to be owned and maintained by the local utility companies in their current form, and contribute to ongoing pollution in the San Francisco Bay. The proposed Development Plan is designed to be compatible with adjacent future uses by providing attractive improvements and pedestrian and bicycle amenities and with transit services contemplated in the approved Alameda Point Transportation Demand

Management Plan (TDM Plan). The Development Plan is also subject to the applicable environmental protections and mitigations imposed by the mitigation monitoring and reporting program for the West Midway Project and federal biological requirements stemming out of the U.S. Fish and Wildlife Service Biological Opinion.

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 and the Development Agreement is compatible with the uses authorized in, and the other regulations prescribed for, the use of land.** The Development Plan and Development Agreement are designed to provide a variety of compatible residential land uses with complementary non-residential uses (potentially including retail, commercial, and civic space) within an area of Alameda Point that is identified for such types of development in the Main Street Neighborhood Specific Plan. Conditions requiring future design review approvals ensure that the proposed project will be architecturally and aesthetically compatible with the surrounding developments.
5. **The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.** The Development Plan provides for a network of internal streets to support pedestrian, bicycle, transit, and auto use. The Plan area is bounded by major arterials, transit, and separated bike paths and cycle tracks. The project will also be served by the Alameda Transportation Management Association services and programs consistent with and in compliance with the Alameda Point TDM Plan.
6. **The introduction of four story buildings up to 50 feet in height is necessary and appropriate to improve the architectural design of the buildings and the architectural character of the entire project.** A four story building with four 10 foot floors results in an unattractive box-like building with fewer opportunities for incorporating architectural details that can create visual interest and break up the box-like appearance like four story buildings up to 50 feet in height do, and the overall design of the neighborhood is improved and becomes more interesting with the addition of the four story buildings up to 50 feet in height and the resulting visual interest in a mix of building heights that helps break up the visual monotony that arises from uniformly-sized buildings.

BE IT FURTHER RESOLVED, that the Planning Board of the City of Alameda hereby recommends that the City Council approve the draft Development Agreement,

HOLD HARMLESS. To the maximum extent permitted by law, the applicant (or its successor in interest) shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, its City Council, City Planning Board, officials, employees, agents and volunteers (collectively, "Indemnitees") from and against any and all claims, actions, or proceedings (including, without limitation, legal costs and attorneys' fees) that may be awarded to the prevailing party arising out of or in connection with an approval by the Indemnitees relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding and the applicant (or its successor in interest) shall reimburse the City for its reasonable legal costs and attorneys' fees.

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 Planning 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 22th day of May 2023, by the following vote to wit:

AYES: (5) Ariza, Cisneros, Ruiz, Saheba, and Teague

NOES: (0)

ABSENT: (2) Curtis and Hom

ATTEST:



Allen Tai, Secretary  
City of Alameda Planning Board

CITY OF ALAMEDA PLANNING BOARD  
**RESOLUTION NO. PB-23-09**

APPROVING DEVELOPMENT PLAN (PLN 23-0367), USE PERMIT FOR EXCEEDING MAXIMUM OFF-STREET PARKING REQUIREMENTS, AND UNIVERSAL DESIGN WAIVER, ADOPTING CEQA FINDINGS, AN APPROXIMATELY 26 ACRE RESIDENTIAL MIXED USE DEVELOPMENT IN THE MAIN STREET NEIGHBORHOOD SPECIFIC PLAN AREA OF THE ALAMEDA POINT PROJECT REFERRED TO AS “WEST MIDWAY PROJECT AT ALAMEDA POINT”, AND FINDING THE PROPOSED DISPOSITION OF THE WEST MIDWAY PROPERTY IS IN CONFORMITY WITH THE CITY’S GENERAL PLAN

WHEREAS, an application was made by Catellus Development Corporation and Brookfield Properties (“Applicants”) for a Development Plan, Development Agreement, Use Permit, and “Universal Design Waiver” for the “West Midway Property,” which is an approximately 26-acre City-owned land within the Main Street Neighborhood Specific Plan area of the Alameda Point Project. The Use Permit is for exceeding the maximum off-street parking requirements of the Main Street Neighborhood Specific Plan; and

WHEREAS, the proposed project (the “West Midway Project” or “Project”) consists of approximately 478 residential units, 10,000 square feet of non-residential uses (including but not limited to, retail, commercial, civic and other commercial) space, internal streets, alleys, parks, and bicycle trails; and

WHEREAS, on February 4, 2014, per City Resolution No. 14891, the City Council certified a Final Environmental Impact Report (State Clearinghouse No. 201312043) (“APP FEIR”) under the California Environmental Quality Act (“CEQA”), California Public Resources Code Section 21000 et seq., and adopted written findings, a Statement of Overriding Considerations (“APP SOC”), and a Mitigation Monitoring and Reporting Program (“MMRP”) for the Alameda Point Project; and

WHEREAS, on December 1, 2021, per City Resolution No. 15841, the City Council certified a FEIR (State Clearinghouse No. 2021030563) (“General Plan Update EIR”) under CEQA, and adopted written findings, a Statement of Overriding Considerations (“GPU SOC”), and an MMRP for the General Plan Amendment to Update the Alameda General Plan (“General Plan Update”); and

WHEREAS, the West Midway Project includes at least 44 moderate income deed restricted units and is providing infrastructure and site preparation services valued at over \$20 million for the 309 unit supportive housing development for very low income, low income and transitional housing units on the property adjacent to the West Midway Property (“RESHAP project”); and

WHEREAS, the West Midway Development Plan is consistent with the General Plan, Main Street Neighborhood Specific Plan, the Alameda Point Main Street Neighborhood zoning district applicable to the West Midway Property, the Alameda Point Master Infrastructure Plan, and the applicable provisions of the Alameda Municipal Code including the density and use regulations for the land thereunder; and

WHEREAS, the West Midway Property is a Housing Opportunity Site and a priority program in the Housing Element and is critical to the City of Alameda’s commitment to construct at least 5,353 housing units between 2023 and 2031; and

WHEREAS, the Main Street Neighborhood Specific Plan is a Specific Plan adopted pursuant to Government Code Section 65450 et seq. for a mixed-use, mixed-income development of the area bounded by Main Street, West Tower Avenue, and Pan Am Way; and

WHEREAS, the Main Street Neighborhood Specific Plan requires that the Planning Board approve a Development Plan application prior to redevelopment and reuse of the West Midway Property; and

WHEREAS, the Main Street Neighborhood Specific Plan has a maximum height of four stories (40 feet) unless the Planning Board grants an exception to exceed the applicable maximum height requirements pursuant to Main Street Neighborhood Specific Plan Section 5.4.1.B.

WHEREAS, the West Midway Project includes 1.57 off-street parking spaces per unit where the Main Street Neighborhood Specific Plan authorizes a maximum 1.5 off-street parking spaces per unit unless the Planning Board approves a Use Permit to exceed the applicable maximum off-street parking requirements pursuant to Main Street Neighborhood Specific Plan Section 5.3.4; and

WHEREAS, the Main Street Neighborhood Specific Plan requires all new construction within Alameda Point to comply with Universal Design and Visitability requirements of the Alameda Municipal Code unless the Planning Board approves a waiver of those requirements ("Universal Design Waiver") pursuant to Alameda Municipal Code Section 30-18.5; and

WHEREAS, the Main Street Neighborhood Specific Plan has inclusionary obligations ("Inclusionary Obligations") that require at least six percent of units be made affordable to very low-income households, at least 10 percent be made affordable to low income households, and at least nine percent be made affordable to moderate income households; and

WHEREAS, Renewed Hope Settlement Agreement ("Settlement Agreement") requires that 25 percent of newly constructed residential units at Alameda Point must be made affordable as follows: (1) 10 percent shall be made affordable to low income households (i.e., households with incomes at or below 80% of median income); and (2) the remaining 15 percent shall be made affordable under the criteria set forth in Health and Safety Code Section 33413(b)(2), as that section may be amended "Settlement Agreement Obligations"); 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 contained in Alameda Municipal Code Chapter XXX, Article VII, Code Sections 30-91 through 30-95 (the "City Development Agreement Regulations"), and which require the Planning Board to make a recommendation to the City Council regarding any development agreement that is under consideration; and

WHEREAS, pursuant to the streamlining provision of Public Resources Sections 21166 and 21083.3 and Sections 15162 and 15183 of the CEQA Guidelines, no further environmental review is required because the West Midway project is consistent with the development density in an adopted Specific Plan for the area; the environmental impacts of the development of the area consistent with the Specific Plan were considered in the APP FEIR adopted by the City Council on February 4, 2014, in compliance with the California Environmental Quality Act (CEQA); the West Midway project is consistent with the development density of, is specifically listed in, and implements the City of Alameda's Housing Element adopted on November 15, 2022; the environmental impacts of the Housing Element and the development of the sites included in the Housing sites inventory were considered in the General Plan Update EIR adopted by the City Council on November 30, 2021; and as

documented in the project CEQA Checklist, the West Midway project would not result in new or substantially more severe significant impacts than identified in the APP FEIR due to changes in the project, changed circumstances, or new information and there are no new or considerably different feasible mitigation measures or alternatives from those identified in the APP FEIR that would substantially reduce one or more significant effects that the project proponent declines to adopt; and the West Midway project would not result in significant impacts that: (1) are peculiar to the project or project site; (2) were not already identified as significant effects, cumulative effects, or off-site effects in the General Plan Update FEIR; or (3) were previously identified as significant effects; but are determined to be substantially more severe than discussed in the General Plan Update FEIR; and

WHEREAS, the Planning Board held a duly noticed public hearing on May 22, 2023 for the West Midway Development Plan, Use Permit, Universal Design Waiver, and Development Agreement application, and examined pertinent maps, drawings, and documents, including a draft of the proposed Development Agreement, attached hereto.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds that the environmental effects of the West Midway Project within the Main Street Neighborhood Specific Plan area have been adequately evaluated, and that:

1. The West Midway Project is consistent with the General Plan Land Use Element, Housing Element, Zoning Ordinance, and Main Street Neighborhood Specific Plan densities and use regulations; and
2. The APP FEIR was certified by the City Council on February 4, 2014; and
3. On March 21, 2017, the City Council approved the Main Street Neighborhood Specific Plan and found it to be consistent with the prior APP EIR; and
4. The General Plan Update FEIR was certified in 2021 by the City Council for the 2021 General Plan update and the 2022 Housing Element Update; and
5. There are no environmental impacts peculiar to the West Midway Project that were not analyzed in the prior APP FEIR or General Plan Update FEIR, or any such impact can be substantially mitigated by imposition of uniformly applied development policies or standards previously adopted by the City; and
6. There are no significant effects of the West Midway Project that were not analyzed as significant effects in the prior APP FEIR or General Plan Update FEIR; and
7. There are no potentially significant off-site impacts of the proposed West Midway Project and there are no cumulative impacts to which the proposed West Midway Project makes a considerable contribution which were not discussed in the FEIRs; and
8. There are no previously identified significant impacts of the proposed West Midway Project which, as a result of changes in the project, changed circumstances, or new information which was not known at the time the prior FEIRs were certified, have been determined to have a substantially more severe adverse impact than discussed in the APP FEIR or General Plan Update FEIR; and
9. There are no new or considerably different feasible mitigation measures or alternatives from those identified in the APP FEIR that would substantially reduce one or more significant effects that the project proponent declines to adopt; and
10. Pursuant to the streamlining provisions of Public Resources Code Sections 21166 and 21083.3 and CEQA Guidelines Sections 15162 and 15183, no further environmental review of the West Midway Project is required; and

BE IT FURTHER RESOLVED, that the Planning Board adopts the Mitigation Monitoring and Reporting Program for the West Midway Project, attached hereto as Exhibit 4 and the

Planning Board readopts and incorporates as though fully set forth herein the Alameda Point Project EIR and General Plan EIR Statements of Overriding Considerations; and

BE IT FURTHER RESOLVED that the Planning Board makes the following findings in support of the Development Plan:

1. **The development is an effective use of the site.** The Development Plan provides for the construction of new residential mixed-use development, including community space and open space. The Development Plan provides effective redevelopment and reuse of the land, which has been substantially vacant or underutilized since the departure of the United States Navy (Navy) from the site in 1996 and removes old dilapidated buildings from the area. The Development Plan achieves City policy goals and objectives to create a mixed use, mixed-income development supported by new and upgraded infrastructure, streets, publicly accessible parks and open spaces.
2. **The proposed use relates favorably to the General Plan and is consistent with the objectives, policies, general land uses and programs specified in the General Plan.** The Development Plan and Development Agreement implement the General Plan, including the policies for the development of Alameda Point, and helps balance jobs and housing through the provision of housing and community uses that help create an economically balanced mixed-use project. The Project is critical to the implementation of the General Plan Housing Element Regional Housing Needs objectives and programs, consistent with the West Midway Property's identification as a Housing Opportunity Site. The Project is consistent with the use and density standards established for the West Midway Property by the General Plan and Main Street Neighborhood Specific Plan.
3. **The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity and will not have substantial deleterious effects on existing business districts or the local economy.** The Development Plan's proposed mix of uses and physical improvements is designed to eliminate existing blighted conditions and buildings on the site, and replace and upgrade substandard storm water, potable water, fire water, wastewater, and other essential utility and other facilities that do not meet current State or local codes, are not able to be owned and maintained by the local utility companies in their current form, and contribute to ongoing pollution in the San Francisco Bay. The proposed Development Plan is designed to be compatible with adjacent future uses by providing attractive improvements and pedestrian and bicycle amenities and with transit services contemplated in the approved Alameda Point Transportation Demand Management Plan (TDM Plan). The Development Plan is also subject to the applicable environmental protections and mitigations imposed by the mitigation monitoring and reporting program for the West Midway Project and federal biological requirements stemming out of the U.S. Fish and Wildlife Service Biological Opinion.
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 and the Development Agreement is compatible with the uses authorized in, and the other regulations prescribed for, the use of land.** The Development Plan and Development Agreement are designed to provide a variety of compatible residential land uses with complementary non-residential uses (potentially including retail, commercial, and civic space) within an area of Alameda Point that is identified for such types of development in the Main Street Neighborhood Specific Plan. Conditions requiring future design review approvals ensure that the proposed project will be architecturally and aesthetically compatible with the surrounding developments.

5. **The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.** The Development Plan provides for a network of internal streets to support pedestrian, bicycle, transit, and auto use. The Plan area is bounded by major arterials, transit, and separated bike paths and cycle tracks. The project will also be served by the Alameda Transportation Management Association services and programs consistent with and in compliance with the Alameda Point TDM Plan.
6. **The introduction of four story buildings up to 50 feet in height is necessary and appropriate to improve the architectural design of the buildings and the architectural character of the entire project.** A four story building with four 10 foot floors results in an unattractive box-like building with fewer opportunities for incorporating architectural details that can create visual interest and break up the box-like appearance like four story buildings up to 50 feet in height do, and the overall design of the neighborhood is improved and becomes more interesting with the addition of the four story buildings up to 50 feet in height and the resulting visual interest in a mix of building heights that helps break up the visual monotony that arises from uniformly-sized buildings.

BE IT FURTHER RESOLVED that the Planning Board finds that the West Midway project's provision of infrastructure and site preparation services in support of the adjacent RESHAP project and the inclusion of the West Midway project's very low and low income, and a portion of its moderate income, Inclusionary Obligations and Settlement Agreement Obligations on the adjacent RESHAP property, and the inclusion of the balance of the West Midway Project's moderate income obligations on the West Midway Project site, implements the goals and objectives of the Housing Element of the City of Alameda General Plan, satisfies the West Midway Project's Inclusionary Obligations and Settlement Agreement Obligations, reduces the effects on housing affordability caused by new residential development, and meets the need for housing affordable to persons of very low-, low-, and moderate income.

BE IT FURTHER RESOLVED, that the Planning Board makes the following findings in support of the request for Use Permit approval to exceed the 1.5 per unit parking space maximum to a maximum of 1.57 spaces per unit (AMC Sections 30-7.3.e., 30-21.3.b.):

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.** (See finding #4 above.)

**The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.** (See finding #5 above)

2. **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.** (See finding #3 above.)
3. **The proposed use relates favorably to the General Plan.** (See finding #2 above)
4. **Transportation demand management measures will reduce the need for the additional off-street parking.** The West Midway project will comply with the Transportation Demand Management Plan for Alameda Point (TDM Plan). The project will be added to Community Facilities District 17-1 and will therefore be contributing annual funds to support the Alameda Transportation Management Association, which provides transit passes to all households at

Alameda Point, electric bicycle rebates, and other transportation demand management services.

5. **The additional parking demand cannot reasonably be accommodated through formal arrangements such as shared parking or reciprocal parking agreements that make use of other available off-site parking.** Shared parking arrangements with adjacent commercial or residential uses is not a viable option for the West Midway project residents. The adjacent residential developments have limited public parking opportunities and nearby public facilities such as the public parking for the shoreline park and Ferry Terminal are not suitable for shared parking for the West Midway residential project.
6. **There are unique characteristics of the users or the land use activity that result in a high level of automobile parking demand.** Market rate townhome buyers include a large percentage of families and extended families as compared to the residents of nearby multifamily rental buildings, which are typically smaller households and single person households. The 1.50 parking ratio reserved for “Dwelling unit” does not distinguish between townhomes, duets, and other mid-rise housing products and high-rise multi-family apartments. Townhomes typically have a higher parking demand per unit than multi-family apartments. Townhomes typically are larger than multi-family apartments, which generally corresponds with more occupants per unit, and results in a higher parking demand per unit than multi-family apartments. The larger family households result in a higher level of automobile demand. The townhome product is typically three and four bedroom homes, whereas the nearby rental buildings are mostly one bedroom, studios, and a small number of two bedroom units.
7. **The project provides positive environmental, social, or other community benefits that outweigh the adverse effects of additional parking, such as improving public safety, or improving and/or preserving access for pedestrians, cyclists or users of public transit.** The West Midway project will be providing funding on an annual basis to support transit and alternative modes of transportation to reduce automobile generated greenhouse gas emissions. The plan also includes extensive bicycle facilities, protected two way bikeways, and separated one way bikeways throughout the project to support active transportation.

BE IT FURTHER RESOLVED, that the Planning Board make the following findings in support of the Universal Design Waiver (AMC Section 30-18.5):

1. **The requested waiver is necessary to support the provision of affordable housing units.** The West Midway Project supports the construction of at least 147 very low, low and moderate income units through the provision moderate income units on site and the provision of infrastructure and site preparation services valued at over \$20 million for the RESHAP project, which includes 309 supportive housing units reserved for very low income, extremely low income, low income, and transitional households. In order for the West Midway Project to be financially viable including accounting for the additional costs associated with the provision of infrastructure and site preparation services for the RESHAP project, the West Midway Project needs to include a housing mix that incorporates townhomes, duets, and mid-rise condo buildings (e.g., three-story and four-story). However, these types of housing products are characterized by smaller ground floor space than detached single-family dwellings and do not support the financial feasibility of installing elevators such as in high-rise multi-family apartment buildings, making it challenging for these products to meet the Universal Design and Visitability requirements. Accordingly, the requested waiver is necessary for the West Midway Project to be financially feasible and to support the provision of affordable housing units.

2. **The requested waiver is necessary to avoid an undue and substantial financial hardship caused by topographical conditions on the site; the size or configuration of the site; and/or other site constraints; and/or legal constraints and equivalent facilitation is not available.** The topographical conditions of the West Midway Property, specifically changes in grade needed to comply with storm water retention requirements and sea level rise requirements makes it prohibitively expensive to comply with the applicable accessibility requirements. In order to comply with the requirements, additional land must be provided for each unit or elevators must be included in each unit. These additional costs could potentially jeopardize the feasibility of the West Midway Project. Accordingly, the requested waiver is necessary to avoid an undue and substantial financial hardship caused by topographical conditions of the West Midway Property.

BE IT FURTHER RESOLVED, that the Planning Board of the City of Alameda, in accordance with Government Code Section 65402, has reviewed the proposed disposition of the West Midway Property, including the location, purpose, and extent of such disposition, for conformity with the City's General Plan, and has determined that such disposition is consistent with and advances the goals, objectives, and principles, of the General Plan, including, but not limited to, because the West Midway Property is a Housing Opportunity Site and a priority program in the Housing Element of the General Plan and is critical to the City of Alameda's commitment to construct at least 5,353 housing units between 2023 and 2031, and based thereon finds that the proposed disposition of the West Midway Property is in conformity with the General Plan.

BE IT FURTHER RESOLVED, that the Planning Board of the City of Alameda hereby approves the Development Plan prepared by KTG Y Group, INC. dated May 4, 2023 (Exhibit 2), Use Permit, and Universal Design Waiver for the West Midway project, subject to the following conditions:

1. Design Review Approval: Prior to issuance of any building permit or site improvement permit in preparation of vertical development, an application for Design Review shall be submitted for review and approval by the City of Alameda. The plans submitted for the Design Review approval shall be in substantial compliance with the plans prepared by KTG Y Group, INC. dated May 4, 2023 on file in the office of the City of Alameda Planning Department. Design Review shall be conducted by the Planning Board to ensure consistency of the Design Review plans with the approved Development Plan, the Main Street Neighborhood Specific Plan's Development and Design Guidelines (Section 5.4.2) , and the Planning Board's adopted Objective Design Review Standards. Design Review plans shall include:
  - i. Architectural design for five or more architecturally distinct sub-neighborhoods within the West Midway project site.
  - ii. Architectural design for the commercial building at the corner of Pan Am and West Tower Avenue.
  - iii. Street, sidewalk, and bikeway design details, street tree placement and size, and intersection treatments to support the urban forest and pedestrian, bicycle, and vehicle safety.
  - iv. Alternative roundabout designs for the city owned right of way for the West Midway/Stargell/Main intersection.
  - v. Locations for mailboxes and mail delivery.
  - vi. Landscaping treatment for t-intersections and at major intersections which serve as gateways into the project.
  - vii. Architectural design treatments for homes facing West Midway and the future Central Park on the north side of West Midway.
  - viii. Front elevations on the sides of units where the side faces a street or public paseo.

- ix. Architectural design treatments or changes in setbacks to ensure an architecturally diverse, pedestrian friendly, interesting mix of front elevations facing West Tower Avenue.
2. CEQA Mitigation Measure Monitoring: Prior to issuance of a building permit or site improvement permit, the applicant shall submit a Mitigation Measure Compliance Checklist confirming compliance with all required environmental mitigation measures contained in the West Midway MMRP adopted by the Planning Board for the redevelopment of West Midway. Prior to issuance of a design review, building or site improvement permit, a Biological Opinion Compliance Checklist must be submitted confirming compliance with all required conditions set forth in the Declaration of Restrictions for the Former Naval Air Station Alameda (Declaration) consistent with the Biological Opinion issued by the U.S. Department of Fish and Wildlife, and Exhibit C of the Memorandum of Agreement between the City of Alameda and Department of Veteran's Affairs (Alameda Point Lighting Mitigation Measures).
  3. Transportation Demand Management Funding. The project shall provide annual funding through Community Facilities District 17-1 for transportation demand management services consistent with the requirements of the West Midway DDA.
  4. Phasing. The West Midway Project shall be constructed in phases in accordance with the Development Plan phasing plans. Each phase shall comply with all applicable conditions of approval and allow for studies, plans, approvals, and improvements to be undertaken, approved, and implemented on a phase-by-phase basis
  5. Infrastructure Improvement Plans: Pursuant to the Alameda Point Master Infrastructure Plan and Main Street Specific Plan, prior to issuance of a building permit, there must be approved infrastructure improvement plans for the improvement of the on-site and adjacent off-site streets, open space, waste water, storm water, potable water, recycled water, power, and communications facilities required for each phase of development. The improvement plans shall be reviewed for consistency with the Disposition and Development Agreement, and subject to the requirements of the MIP and AMC. 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. All required public frontage and street improvements shall be designed, built, and dedicated to the City in accordance with City ordinances, Public Works Department standards and the Subdivision Improvement Agreement with respect to such improvements and shall include curbs, gutters, sidewalks, street trees, storm water treatment controls, landscaping and irrigation, streetlights, etc. All references in these conditions of approval to the Subdivision Improvement Agreement shall mean an agreement in substantially the form attached as an exhibit to the DDA.
  6. Gas Infrastructure Prohibited. All heating, cooling, cooking and other facilities shall be electric powered, unless permitted by the applicable exceptions set forth in the City's local amendments to the California Energy Code .
  7. Affordable Housing: Prior to the issuance of the first final map or first building permit for vertical improvements for new construction, whichever occurs first, an Affordable Housing Agreement with the City of Alameda for the on-site moderate income units shall be executed consistent with the requirements of the West Midway Disposition and Development Agreement.

8. Landscape Plans: All landscape plans shall be in accordance 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. Prior to issuance of building permits or improvement plans, Applicant shall submit a complete WELO Landscape Document Package, as defined by Alameda Municipal Code (AMC) Section 30-58.3(d), subject to the approval of the Planning, Building, and Transportation Director.
9. On-Street Parking and Intersection Design. All infrastructure improvement plans submitted with the Tentative Map shall ensure that all streets and on-street parking is designed as required by the Main Street Specific Plan, and the final design and configuration of all intersections shall be subject to the review and approval of the Public Works Director.
10. Vesting: This Development Plan approval shall expire and become void unless actual construction under valid permits has commenced within two years after this approval or unless this Development Plan is vested for a longer period than two years by a Development Agreement or other vesting document.
11. Modifications: Minor modifications to the project site design, building placement, or building footprints requested by the applicant may approved by the Planning and Building Director provided that the Director is able to make the finding that the modification is necessary in support of the project and in substantial conformance with the illustrative design approved by the Planning Board. 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 development plan or these conditions shall be subject to review and approval of the Planning Board.
12. Other Agency Approvals: Prior to issuance of building permit(s) for work within jurisdictional lands, evidence that all required approvals, permits, or waivers from Regional Water Quality Control Board (RWQCB), including a possible 401 Certification for the construction of a stormwater outfall, and/or the Army Corp. of Engineers, if any, have been obtained shall be provided. The final improvement plans shall incorporate all other agency requirements. Prior to construction, provide evidence of all relevant submittals required by the State's Construction General Stormwater Permit
13. Development Agreement. Provided that the Development Agreement for the Project remains in effect, all references in these conditions of approval to compliance with the Alameda Municipal Code and other City plans, policies, ordinances, standards, specifications, regulations, and guidelines, payment of fees, issuance of subsequent project approvals, and other obligations of Applicants and the City (collectively "Requirements") shall be the versions/amounts of such requirements applicable to the Project in accordance with the terms of the Development Agreement.

## **Public Works Conditions of Approval**

### General

1. Prior to issuance of a Building Permit the applicant shall apply for a Public Works Development Permit (PWD).
2. Provide draft Conditions, Covenants, and Restrictions outlining the maintenance responsibility of private infrastructure (utilities, roadways, etc.).
3. Plans for each phase shall be prepared, signed, and stamped as approved by a registered civil engineer licensed in the State of California. The Improvement Plans and all documentation

listed below, except as noted, shall be approved by the Public Works Department prior to approval of the Final Map or issuance of any Building Permit for the development.

4. The proposed work shall comply with Chapter 30, Article 6 of the Alameda Municipal Code (Real Estate Subdivision Regulations) and Chapter 22 of the Alameda Municipal Code (Streets and Sidewalks) as determined by the City Engineer.
5. The proposed work shall comply with Alameda's Standard Plans and Specifications and Standard Subdivision Specifications and Design.
6. 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.
7. Plans shall identify datum. If not NADV88, show conversion.
8. Site plans shall include applicable Standard Construction Notes, latest edition, from Public Works.
9. The developer shall provide as built drawings of all site and right of way improvements prior to issuance of final Certificate of Occupancy. Provide drawings in both durable hard copies and pdfs.
10. The applicant's engineer's cost estimate for frontage and site improvements shall be submitted to the City Engineer. A cash security deposit or construction performance bond of an amount as determined by the City Engineer in accordance with a subdivision improvement agreement prior to issuance of a Public Works Development (PWD) permit that involve the public ROW.
11. An Encroachment Permit is required for all work within the Public Right-of-Way. The Encroachment Permit is required prior to issuance of any Building Permits for the proposed development. The encroachment permit application shall address circulation in and around the site, including pedestrians, cyclists, fire trucks, private vehicles, solid waste trucks, buses, and parking. The application shall address all construction phases. The Encroachment Permit application and requirements can be found at the link below:

<https://www.alamedaca.gov/files/content/public/departments/planning-building-and-transportation/permit-center/formshandoutsver2/en-package-ptcp-2021-07a.pdf>

#### Maps and Easements

12. 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 subdivision maps or improvement plans to discuss submittal requirements, project review timeline, and fees associated with the processing, filing, and construction of this development.
13. A current title report shall be submitted to identify current ownership and any existing easements or land use restrictions.
14. The Applicant shall enter into a Subdivision Improvement Agreement with the City in substantially the form attached to the DDA, pay all applicable fees, and provide a security in a form and amount acceptable to the City in accordance with the Subdivision Improvement Agreement prior to approval of the applicable Final Map.
15. Each Final Map shall show all existing and proposed easement locations, uses and recording information. The Owner's Statement shall list all public right-of-way and easements to be dedicated and the Certificate of City Clerk shall list all public easements and right-of-way to be abandoned with recording information as part of the parcel/final map.

16. The subdivider shall pay all applicable City processing fees City Engineer's office review of the Final Map, improvement plans, easements, and in obtaining the map signature of the City's consulting surveyor.
17. The subdivider shall provide five copies of the permit approved site/off-site civil improvement plans, landscape plans, and specifications along with a Mylar or other reproducible set (plans only), and a digital copy acceptable to the City Engineer.
18. The developer shall dedicate public streets to the public upon acceptance of the required public improvements by City Council.
19. The Final Map shall denote what utilities are to be maintained by the City.

#### Streets, Sidewalks, Parking and Traffic Control

20. All intersections with Orion Street, Skylark Street and Ardent Way shall comply with Section 8-8.5 of the Alameda Municipal Code "Intersection Visibility Zones," which prohibits parking within 20ft of a crosswalk or curb return.
21. The proposed work shall comply with all current, applicable, plans, standards, policies and guidelines including Alameda Point Master Infrastructure Plan, Alameda's Active Transportation Plan, Alameda Point Transportation Demand Management Plan; Transportation Choices Plan; Bicycle Facility Design Standards; Pedestrian Design Guidelines; Guidelines for Multiway Stop Signs, Crosswalks, and Pedestrian Paddles; as well as the Caltrans Design Manual and Standard Plans and the California MUTCD. Alameda Point development shall comply with the various Alameda Point key documents. All documents can be found at the City's Public Works webpage, under Key Documents, at <https://www.alamedaca.gov/Departments/Public-Works> .
22. All sidewalks shall comply with ADA and Title 24 requirements for cross slope, including driveway approaches and curb ramps. Where existing driveways are removed, the developer shall replace the curb, gutter, and full width of sidewalk to current standards.
23. The street section for any private access roads shall be designed by a registered civil engineer and is subject to approval by the City Engineer.
24. When replacing or repairing concrete at an existing arch culvert, remove and replace the corrugated metal arch "lid" and associated hardware.

#### Grading and Floodplain

25. The Applicant shall submit a soils investigation and geotechnical report for the proposed development, subject to the review and approval of the City Engineer. The report shall address the structural and environmental analysis of existing soils and groundwater and provide recommendations for all grading, retaining walls, bulkheads, surface and sub-surface drainage, lot drainage, utility trench backfilling, construction dewatering, 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.
26. 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.
27. Prior to issuance of the Temporary Certificate of Occupancy, 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.

### Drainage

28. All on-site surface drainage shall be collected and conveyed in an adequately designed underground storm drainage system in a manner to be approved by the City Engineer. The downstream drainage system shall be analyzed and inadequacies, if any, corrected to the extent needed to support the project 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.
29. 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 to the extent needed to support the project into the project's improvements.
30. Improvement plans and subdivision map shall clearly show the extent of public vs private storm drainage facilities, including basins, pipes, structures, and pump stations. All public drainage facilities shall be in public streets or in public drainage easements.
31. The developer shall be responsible to maintain access to and function of existing storm drain lines that run onto and/or through the developer's property.
32. Stormwater shall be dispersed, diffused, detained, or otherwise infiltrated on-site to the extent feasible. Downspouts shall not be directly connected to public or private storm drain facilities. Use of splash blocks directed towards landscape areas is encouraged. Stormwater, including roof drainage, shall not be directed across sidewalks or driveways.

### Stormwater Quality Protection and Treatment

33. All projects shall incorporate permanent stormwater low impact development (LID) design techniques and source control measures to manage the quantity and quality of stormwater runoff from the planned development to prevent and minimize impacts to water quality, in accordance with the City of Alameda's National Pollution Discharge Elimination System (NPDES) Permit, and consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual. Project plans shall indicate the efforts taken to minimize impervious surface areas, especially directly connected impervious surface areas.
34. The Civil Improvement Plans shall be consistent with the approved Stormwater Quality Management Plan submittal. Prior to issuance of the Permit, the Applicant shall submit for review and approval by the City Engineer a completed Stormwater Requirements Checklist consistent with the Civil Improvement Plans and 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. The development 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.

35. The development is subject to full trash capture requirements of the City's NPDES permit, regardless of impervious surface area. The developer shall provide a full trash capture system, device, or series of devices that traps all particles retained by a 5mm mesh screen and has a design treatment capacity of not less than the peak flow rate Q resulting from a one-year, one-hour storm in the sub-drainage area. Plan sheets shall include location, detail and cross-sectional drawings of the stormwater full trash capture device(s) necessary to treat the entirety of the site. The developer shall confirm that the full trash capture device(s) included in the development plan are on the State Water Resources Control Board's list of certified full trash capture systems. Trash capture shall occur on site, not in the public right of way downstream. Applicant shall submit an O&M plan detailing the necessary maintenance tasks and schedule required to maintain all on-site trash capture devices.
36. Prior to acceptance of public improvement or issuance of any certificate of occupancy, the Property Owner(s) shall provide the following:
  - a. Executed 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.
  - b. Verification that the following have all been incorporated with the CC&Rs of the relevant HOA: O&M plans for all stormwater treatment, trash control and design measures to be maintained by any homeowners' association or property owners' association, the template for annual self-reporting, and assurances for property access for City verification inspections.
  - c. 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.
37. The Civil Improvement Plans shall provide the Public Works Department Clean Water Program the construction-phase appropriate erosion and sedimentation control program and plan for review and approval. The plans shall describe construction activity best management practices to be implemented in conformance with the City's erosion, sediment and discharge-control "Urban Runoff Best Management Practices Standards", consistent with 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 construction activity pollution prevention, sediment, and erosion control.
38. The developer 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 the issuance of the Permit for 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, the City's "Urban Runoff Best Management Practices Standards", and other generally accepted engineering practices for construction activity pollution prevention, sediment, and erosion control.

39. Prior to and for each building demolition permit, the applicant shall assess and verify for the potential of PCBs in Building Demolition materials by:
  - a. Reviewing the packet "PCBs in Priority Building Materials: Model Screening Assessment Applicant Package (Rev. Nov. 2019)" (Packet);
  - b. Completing the two-page "PCBs Screening Assessment Form" (pp 18-19 in the Packet) for each building proposed for demolition AND submitting a signed copy to Public Works (ATTN: Clean Water Program) for review; AND
  - c. IF Part 3 of the "PCBs Screening Assessment Form" is applicable and necessary, submit all necessary assessment records also referenced in attached guidance document prior to issuance of building/demolition permit AND provide verification to the City prior to close out of the permit of the proper management and disposal of the relevant materials
40. The Developer 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, and Army Corps of Engineers.
41. Projects proposed for construction between October 1st and April 30th, shall have an erosion and sedimentation control program approved, and implemented in accordance with standard construction best practices , prior to the start of on-site earthwork. Installation of all components of these plans shall be completed by October 1.
42. All new storm drain inlets shall be clearly marked with the words "No Dumping! Drains to Bay," or equivalent, as approved by the Public Works Director.

#### Sewer and Water

43. Sanitary sewerage shall be in accordance with the EBMUD Regional Standards for Sanitary Sewer Installation. All permits, easements, and/or approvals for modifications to the sewer system required by EBMUD shall be obtained prior to issuance of any building permits by the City for improvements served by such improvements.
44. Improvement plans and subdivision map shall clearly state extents of public and private sewerage, including pipes, structures, and pump stations. Lower (public) and upper (private) sewer laterals shall be separated by a two-way cleanout or manhole. All public sanitary sewer facilities shall be in public streets or in public utility easements.
45. The applicant/developer shall provide information necessary to run the City's hydraulic model, to assess the impact on trunk sewer capacity to determine if additional capacity is required. The applicant/developer is responsible for cost associated with the model run/assessment. After the above information is provided but prior to the model run, the applicant/developer will be provided an estimated cost for approval. The applicant/developer is required to provide the following data to the City:
  - Project name:
  - Site location (APN and street names) (attach map if available):
  - Location of proposed connection point(s) to sewer mainline (identify by pipe/manhole ID if known, or attach map):

- Current site use Details of proposed development land uses
  - Type (e.g., single-family residential, apartments, office, retail, restaurant, etc.)
  - Number of residential units by type
  - Square footage of non-residential building floor space (by type of use)
  - Other details as applicable (e.g., number of students, beds, etc.)
  - Similar information for any existing development to be removed or replaced
  - Weekly and diurnal flow pattern if not typical residential or commercial pattern
  - Estimated average and peak daily flow if atypical land use and significant discharge
46. The City participates in the EBMUD Regional Private Sewer Lateral Program; therefore the Applicant shall comply with the provisions of this program prior to the issuance of Certificate of Occupancy. Each sewer lateral must be issued a Compliance Certificate by EBMUD. Please review the program requirements and cost for Compliance Certificates: <http://www.eastbaypsl.com/eastbaypsl/>.
47. The Applicant 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 plans or Final Map, whichever comes first.
48. The Applicant shall secure all necessary permit approvals from EBMUD regarding the installation of all water service for the project.

Power, Telecom, and Street Lighting:

49. The Applicant shall design and construct power, telecom, and other utilities in accordance with applicable utility standards.
50. Street lighting shall be designed in accordance with the City of Alameda Street Lighting Design Guide, 2023 . 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.
51. All utilities along the project frontage(s) except the KV 115 power lines on Main Street shall be undergrounded. If utility poles are to remain, accessible paths shall be provided around these poles whether existing or new. If poles to be removed support street lighting, new street light poles shall be installed.
52. **For projects proposing new Public light poles/fixtures:** Furnish two additional street light 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 facilities. The applicant shall be responsible for all costs associated with the transportation, handling and delivery of the poles/fixtures to a Public Works storage yard designated by the City Engineer. The applicant shall coordinate and schedule the delivery of the poles/fixture with the Public Works Department.
53. Work with AMP to locate a transformer and pad, if needed, on private property with appropriate maintenance access.
54. In accordance with Alameda's Climate Action and Resiliency Plan, natural gas is not permitted for new residential units.

Solid Waste

55. The project shall be designed to accommodate three waste streams: recycling, organics, and trash; as required by the City of Alameda Municipal Code – Solid Waste and Recycling (Chapter 21). Signage clearly identifying how to sort materials into three waste streams shall be posted at each storage area. The storage/disposal area(s) and the individual bins and containers provided within shall be adequate in capacity, number and distribution to serve the anticipated demand, consistent with written City guidance and as determined by the Public Works Director.

56. The design, sizing, location, access, and provisions for waste hauler collection of all external enclosures and containers for solid waste, recycling, and organics shall be sufficient to serve the development, consistent with written City guidance, and as approved by the Public Works Department.
57. 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. For safety reasons, a turnaround must be provided for any street that would otherwise require the collection truck to back up a distance greater than 150 feet.
58. A 40-foot turning radius or equivalent hammer head must be provided for any street or alley that would otherwise require the collection truck to back up a distance greater than 150 feet.
59. Trash enclosure(s)/staging area 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 and 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. Design shall incorporate a solid roof, impervious floor, solid walls on three sides, and a lockable gate on the fourth side. Trash enclosures attached to buildings shall have fire sprinklers.
60. The design and construction of storage area(s) shall:
  - a. Be compatible with the surrounding structures and land uses;
  - b. Storage area(s) must be able to accommodate three (3), four (4) cubic yard bins consistent with the current methods of collection provided by the City's Franchised Hauler
  - 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/staging area walls to protect them from damage by the dumpster.
  - e. Maintain a minimum space of 12 inches between the dumpster(s) and the wall 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-collectable, noxious, unsafe, or in the case of recyclable materials, unmarketable.
61. A sign clearly identifying each exterior solid waste and recyclable and organic 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.
62. Provide a concrete pad in front of the trash enclosure/staging area to accommodate the truck weight while serving the dumpsters.
63. The Development shall comply will Chapter 21, Article 6 of the Alameda Municipal Code and submit a Waste Management Plan documenting the diversion of project related construction and demolition debris to the satisfaction of the Public Works Director.
64. Per Chapter 4, Article I of the Alameda Municipal Code, persons distributing merchandise of any kind, including food and beverage, shall provide adequate interior and exterior disposal containers, and frequent enough removal of their contents, to enable patrons to deposit all waste material generated by said merchandise therein.

65. Prior to approval of the Permit, the applicant shall submit for review and approval by the Public Works Department a Waste Management Plan (WMP) demonstrating how the project will achieve California's Green Building Standards Code (CALGreen) diversion requirements for construction waste and achieve a minimum recycling rate of 65%. The WMP shall be consistent with the City's written guidance and can be completed by creating an account and submitting a plan via <http://alameda.wastetracking.com>.

Landscaping

66. The landscape and irrigation plans for on-site and public right-of-way improvements shall be prepared, and signed and stamped as approved, by a licensed landscape architect. The plans shall be in accordance with the most recent version of the "Bay-Friendly Landscape Guidelines" developed by StopWaste.Org, and the Bay Friendly Coalition, the AMC, the Alameda Master Tree Plan, the Alameda Tree Removal Policy, the Integrated Pest Management Policy, as well as conditions of approval by the Planning Board, and other applicable standards, as applicable. Landscaping shall be designed to improve curb appeal while promoting low maintenance plant material and xeriscaping.

HOLD HARMLESS. To the maximum extent permitted by law, the applicant (or its successor in interest) shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, its City Council, City Planning Board, officials, employees, agents and volunteers (collectively, "Indemnitees") from and against any and all claims, actions, or proceedings (including, without limitation, legal costs and attorneys' fees) that may be awarded to the prevailing party arising out of or in connection with an approval by the Indemnitees relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding and the applicant (or its successor in interest) shall reimburse the City for its reasonable legal costs and attorneys' fees.

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 Planning 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 22th day of May 2023, by the following vote to wit:

AYES: (5) Ariza, Cisneros, Ruiz, Saheba, and Teague

NOES: (0)

ABSENT: (2) Curtis and Hom

ATTEST:



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Allen Tai, Secretary  
City of Alameda Planning Board

CITY OF ALAMEDA PLANNING BOARD  
**RESOLUTION NO. PB-23-10**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING DESIGN REVIEW APPLICATION NO. PLN22-0304 TO ALLOW THE CONSTRUCTION OF AN APPROXIMATELY 6,200-SQUARE-FOOT CENTRAL KITCHEN AND 9,800-SQUARE-FOOT WAREHOUSE AT THE ALAMEDA UNIFIED SCHOOL DISTRICT FACILITY LOCATED AT 250 SINGLETON AVENUE

WHEREAS, an application was made on June 25, 2022, by Quattrocchi Kwok Architects for Alameda Unified School District (AUSD) requesting approval for Design Review PLN22-0304 to allow the construction of an approximately 6,200 square foot central kitchen and 9,800 square foot warehouse at the AUSD facility located at 250 Singleton Avenue; and

WHEREAS, the application was accepted as complete on May 2, 2023 and

WHEREAS, the subject property is designated as Public Institutional on the General Plan Diagram; and

WHEREAS, the subject property is located within the M-2-G, General Industrial – Special Government Combining District; and

WHEREAS, the Planning Board recommended the City Council amend the City of Alameda Zoning Map to remove the G Special Government Combining District overlay from the approximately 6.73-acre site at 250 Singleton Avenue (APN 74-905-9-7) on May 22, 2023; and

WHEREAS, the Planning Board held a duly noticed public hearing for the project on May 22, 2023 and examined pertinent maps, drawings, and documents.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds that, based on substantial evidence in the record, the potential environmental impacts of the project have been evaluated and disclosed pursuant to CEQA. On November 30, 2021, by Resolution No. 15841, the City Council certified a Final Environmental Impact Report for the Alameda 2040 General Plan (State Clearinghouse No. 2021030563) in compliance with CEQA, and adopted written findings, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program for the General Plan Amendment to update the Alameda General Plan (General Plan EIR). Pursuant to CEQA Guidelines sections 15162 and 15163, none of the circumstances necessitating further CEQA review are present with respect to the General Plan EIR. Approval of the project would not require major revisions to the General Plan EIR due to new significant impacts or due to a substantial increase in the severity of the significant environmental effects. There have been no substantial changes with respect to the circumstances under which the project would be undertaken that would require major revisions of the General Plan EIR due to new or substantially increased significant environmental effects. Further, there has been no

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discovery of new information of substantial importance that would trigger or require major revisions to the General Plan EIR due to new or substantially increased significant environmental effects. For these reasons, no further environmental review is required; and

BE IT FURTHER RESOLVED, the Planning Board hereby makes the following findings relative to the Design Review application PLN22-0304:

1. The proposed project is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual. The existing AUSD facility on the site is consistent with the General Plan and Zoning Ordinance. The project will add two new buildings that will provide central kitchen and warehouse services for the facility and are consistent with all of the development standards for the property. The proposed building designs are architecturally compatible with the existing buildings on the property, the surrounding neighborhood, and are consistent with the General Plan, Zoning Ordinance, and design guidelines for set forth in the Design Review Manual.
2. The proposed project 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. This project involves the construction of two one-story facility buildings with similar building forms, setbacks and height that are consistent with the development standards of the property and are compatible with the surrounding neighborhood. The architectural features of the designs include a gabled and shed roof forms with deep roof eaves, vertical metal and stucco siding, and horizontally proportional windows similar to the existing building and the adjacent residential buildings; in keeping with these architectural elements the building complements the other buildings in the neighborhood. The building locations on the site plan include large setbacks that provide a generous buffer of landscaping between the buildings and adjacent uses. The project also proposes to provide new sidewalks along the front property line to complete the pedestrian path on the south side of Singleton Avenue. Other notable exterior features include drought tolerant landscaping and trees, upgrades to the existing perimeter fencing, and short and long-term bicycle parking for employees. Overall, the proposed buildings are compatible with neighboring buildings and its surroundings, and promotes harmonious transitions in scale and character in areas between different uses in the immediate neighborhood.
3. The proposed design of the two new buildings 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 buildings are designed to be compatible with the surrounding neighborhood and will utilize similar gabled and shed roof forms, metal and stucco siding, proportions, and deep roof eaves around the building which are compatible with the design elements found on buildings in the surrounding neighborhood; and

BE IT FURTHER RESOLVED, that the Planning Board hereby approves Design Review Application No. PLN22-0304 to allow the construction of an approximately 6,200

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square foot central kitchen and 9,800 square foot warehouse located at the AUSD facility at 250 Singleton Avenue, 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. Substantial Compliance with Approvals: The plans submitted for the building permit shall be in substantial compliance with the plans prepared by Quattrocchi Kwok Architects, received on April 2, 2023, and on file in the office of the City of Alameda Planning, Building & Transportation Department, except as modified by the conditions listed in this resolution.
3. 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 substantial changes to the approved scope of the project shall be submitted to the Planning Building and Transportation Department for review and approval.
4. Resolution Effective Date: This Resolution shall not become effective until and unless the Alameda City Council approves the Rezoning of the property to remove the "G," Special Government Combining District overlay. If the City Council ordinance is subsequently invalidated or repealed by judicial or voter action, this Resolution shall immediately be void and have no further effect.
5. Vesting: This Design Review approval shall expire three (3) years after the date of approval or by **May 22, 2026** unless substantial construction or use of the property has commenced under valid permits. A one-time extension for an additional two years may be granted by the Planning, Building and Transportation Director upon written request and payment of applicable fees.
6. Building Permit plans shall incorporate the approved window schedule.
7. The final plans submitted for Building Permit approval shall conform to all applicable codes and guidelines.
8. 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 Planning staff at least four business days prior to the requested Planning Inspection dates.
9. Prior to issuance of building permits, the applicant shall work with staff to consider the feasibility of including the following modifications:
  - a. Providing street trees along the entire edge of the northern property line adjacent to Singleton Avenue.
  - b. Providing sustainable design features such as roof top solar panels.
  - c. Providing additional windows or clerestory windows to increase the natural light in the interior spaces.

The Planning Director shall make a final determination on whether to require these project elements during building permit review.

10. Bicycle Parking: The project shall provide 2 long term and 2 short term bike parking spaces consistent with AMC Section 30-7. The locations for bicycle parking consistent with the AMC bicycle requirements shall be shown on the Building Permit plans. The bicycle facility shall 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, Building & Transportation Director.
11. Building Signage: Any temporary or permanent signage shall be subject to separate Sign Permit approval pursuant AMC Section 30-6.
12. Water Efficiency Landscape Ordinance: Prior to issuance of building permits or improvement plans, Applicant shall submit a complete WELO Landscape Document Package, as defined by Alameda Municipal Code (AMC) Section 30-58.3.d, subject to the approval of the Planning, Building & Transportation Director.
13. Bird Safe Ordinance: Building Permit plans shall demonstrate compliance with the Alameda Bird-Safe Building Ordinance (AMC Section 30-5.16.b), as applicable.
14. Dark Skies Ordinance: Plans submitted for building permits shall demonstrate compliance with the Alameda Dark Skies Ordinance (AMC Section 30-5.16.c), as applicable.
15. 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 designee. Major modifications that are not consistent with, or not in furtherance of, this design review approval or these conditions, as determined by the Planning Director, shall be subject to review and approval of the Planning Board.

### **Public Works Conditions**

16. The proposed sanitary sewer lift station shall not be owned or maintained by the City of Alameda.
17. All demolition of sidewalk within the public Right-of-Way shall extend to the nearest score joint.
18. Prior to issuance of a Building Permit the applicant shall apply for a [Public Works Development Permit](#).
19. The application for a Public Works Development Permit shall be accompanied by a fire access exhibit with fire truck turning paths shown.

20. Improvement Plans shall be prepared, signed, and stamped as approved by a registered civil engineer licensed in the State of California. The Improvement Plans and all documentation listed below, except as noted, shall be approved by the Public Works Department prior to issuance of any Building Permit for the project.
21. The proposed work shall comply Chapter 22 of the Alameda Municipal Code (Streets and Sidewalks) as determined by the City Engineer.
22. The proposed work shall comply with Alameda's Standard Plans and Specifications and Standard Subdivision Specifications and Design.
23. 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.
24. Plans shall identify datum. If not NADV88, show conversion.
25. Site plans shall include applicable Standard Construction Notes, latest edition, from Public Works.
26. The applicant shall provide asbuilt drawings of all site and right of way improvements prior to issuance of final Certificate of Occupancy. Provide drawings in both durable hard copies and pdfs.
27. An engineer's cost estimate for frontage and site improvements shall be submitted. A cash security deposit or construction performance bond of an amount as determined by the City Engineer is required prior to issuance of a Public Works Development (PWD) permit that involve the public ROW.
28. An Encroachment Permit is required for all work within the Public Right-of-Way. The Encroachment Permit is required prior to issuance of any Building Permits for the proposed development. The encroachment permit application shall address circulation in and around the site, including pedestrians, cyclists, fire trucks, private vehicles, solid waste trucks, buses, and parking. The application shall address all construction phases.

#### Streets, Sidewalks, Parking and Traffic Control

29. The proposed sidewalk along Singleton Avenue shall be a minimum of 5ft wide with a minimum of 4ft of clearance around obstacles (power poles, street signage, etc.).
30. The proposed work shall comply with all current, applicable, plans, standards, policies and guidelines including Alameda's Bicycle Master Plan; Pedestrian Master Plan; Long Range Transit Plan; Transportation Demand Management and Transportation System Management (TSM/TDM) Plan; Multimodal Circulation Plan; Transportation Element of the General Plan; Transportation Choices Plan; Bicycle Facility Design Standards; Pedestrian Design Guidelines; Guidelines for Multiway Stop Signs, Crosswalks, and Pedestrian Paddles; as well as the Caltrans Design Manual and Standard Plans and the California MUTCD. All documents can be found at the City's Public Works webpage, under Key Documents, at <https://www.alamedaca.gov/Departments/Public-Works>.

31. All sidewalks shall comply with ADA and Title 24 requirements for cross slope, including driveway approaches and curb ramps. Where existing driveways are removed, the developer shall replace the curb, gutter, and full width of sidewalk to current standards.
32. The structural section for vehicular use areas shall be designed by a registered civil engineer and is subject to approval by the City Engineer. Structural sections of Emergency Vehicle Access paths shall accommodate the weight of a fire truck.
33. Parking layout shall be constructed in conformance with City's off-street parking design standards, Alameda Municipal Code Section 30, Article 1, Chapter 7 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.

### Grading and Floodplain

34. The Applicant shall submit a soils investigation and geotechnical report for the proposed development, subject to the review and approval of the City Engineer. The report shall address the structural and environmental analysis of existing soils and groundwater and provide recommendations for all grading, retaining walls, bulkheads, surface and sub-surface drainage, lot drainage, utility trench backfilling, construction dewatering, 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.
35. 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.
36. Prior to issuance of the first Temporary Certificate of Occupancy, 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.
37. The site is located in an area designated as Marsh Crust tidal zone. A Marsh Crust Permit may be required depending on the depth of excavation. See the map for additional information.

[https://www.alamedaca.gov/files/assets/public/departments/alameda/building-planning-transportation/marsh-crust/marsh\\_crust\\_ap.pdf](https://www.alamedaca.gov/files/assets/public/departments/alameda/building-planning-transportation/marsh-crust/marsh_crust_ap.pdf)

### Drainage

38. All on-site surface drainage shall be collected and conveyed in an adequately designed underground storm drainage system in a manner to be approved by the

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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.

39. 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.
40. Improvement plans shall clearly show the extent of public vs private storm drainage facilities, including basins, pipes, structures, and pump stations. All public drainage facilities shall be in public streets or in public drainage easements.
41. The developer shall be responsible to maintain access to and function of existing storm drain lines that run onto and/or through the developer's property.
42. Stormwater shall be dispersed, diffused, detained, or otherwise infiltrated on-site to the extent feasible. Downspouts shall not be directly connected to public or private storm drain facilities. Use of splash blocks directed towards landscape areas is encouraged. Stormwater, including roof drainage, shall not be directed across sidewalks or driveways.

#### Stormwater Quality Protection and Treatment

43. All projects shall incorporate permanent stormwater low impact development (LID) design techniques and source control measures to manage the quantity and quality of stormwater runoff from the planned development to prevent and minimize impacts to water quality, in accordance with the City of Alameda's National Pollution Discharge Elimination System (NPDES) Permit, and consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual. Project plans shall indicate the efforts taken to minimize impervious surface areas, especially directly connected impervious surface areas.
44. The Applicant shall submit a Stormwater Quality Management Plan complete with:
  - a. the individual drainage management areas identified
  - b. a completed Stormwater Requirements Checklist and
  - c. a stamped, signed City of Alameda C3 certification form from a qualified independent (i.e. different engineering firm) 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.

45. The Civil Improvement Plans shall be consistent with the approved Stormwater Quality Management Plan submittal. Prior to issuance of the Permit, the Applicant shall submit for review and approval by the 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. The development 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.
46. If the Design Review Project is subject to revisions that require additional discretionary approval after **June 30th, 2023**, the project plans shall be updated with the proposed off-site improvements (including the sidewalk frontage improvements) subject to the stormwater design and treatment standards of Provision C3 of the City's current municipal stormwater Permit. The Stormwater Management Plan submitted with the Planning application would need to be revised accordingly. And, the Project's Civil Improvement Plans would also need to indicate appropriate stormwater management of the frontage improvements, consistent with the revised Stormwater Management Plan and the Provision C3 standards.
47. The development is subject to full trash capture requirements of the City's NPDES permit, regardless of impervious surface area. The developer shall provide a full trash capture system, device, or series of devices that traps all particles retained by a 5mm mesh screen and has a design treatment capacity of not less than the peak flow rate Q resulting from a one-year, one-hour storm in the sub-drainage area. Plan sheets shall include location, detail and cross-sectional drawings of the stormwater full trash capture device(s) necessary to treat the entirety of the site. The developer shall confirm that the full trash capture device(s) included in the development plan are on the State Water Resources Control Board's list of certified full trash capture systems. Trash capture shall occur on site, not in the public right of way downstream. Applicant shall submit an O&M plan detailing the necessary maintenance tasks and schedule required to maintain all on-site trash capture devices.
48. Prior to project acceptance and any certificate of occupancy, the Property Owner(s) shall provide the following:
- a. Executed 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.
  - b. 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.

49. The developer 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 the issuance of the Permit for 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, the City's "Urban Runoff Best Management Practices Standards", and other generally accepted engineering practices for construction activity pollution prevention, sediment, and erosion control.
50. The Developer 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, and Department of Fish and Wildlife.
51. Projects proposed for construction between October 1st and April 15th, shall have an erosion and sedimentation control program approved, and implemented to the maximum extent possible, prior to the start of on-site earthwork. Installation of all components of these plans shall be completed by October 1. Civil Improvement Plans shall include Notes and Details for erosion and sedimentation control program implementation consistent with SWPPP and City Urban Runoff Standards.
52. All new storm drain inlets shall be clearly marked with the words "No Dumping! Drains to Bay," or equivalent, as approved by the Public Works Director.

#### Sewer and Water

53. Sanitary sewerage shall be in accordance with the EBMUD Regional Standards for Sanitary Sewer Installation. All permits, easements, and/or approvals for modifications to the sewer system required by EBMUD shall be obtained prior to issuance of any building permits by the City.
54. Improvement plans shall clearly state extents of public and private sewerage, including pipes, structures, and pump stations. Lower (public) and upper (private) sewer laterals shall be separated by a two-way cleanout or manhole. All public sanitary sewer facilities shall be in public streets or in public utility easements.

55. The applicant/developer shall provide information necessary to run the City's hydraulic model, to assess the impact on trunk sewer capacity to determine if additional capacity is required. The applicant/developer is responsible for cost associated with the model run/assessment. After the above information is provided but prior to the model run, the applicant/developer will be provided an estimated cost for approval. The applicant/developer is required to provide the following data to the City:

- Project name:
- Site location (APN and street names) (attach map if available):
- Location of proposed connection point(s) to sewer mainline (identify by pipe/manhole ID if known, or attach map):
- Current site use Details of proposed development land uses
- Type (e.g., single-family residential, apartments, office, retail, restaurant, etc.)
- Number of residential units by type
- Square footage of non-residential building floor space (by type of use)
- Other details as applicable (e.g., number of students, beds, etc.)
- Similar information for any existing development to be removed or replaced
- Weekly and diurnal flow pattern if not typical residential or commercial pattern
- Estimated average and peak daily flow if atypical land use and significant discharge

56. The City participates in the EBMUD Regional Private Sewer Lateral Program; therefore the Applicant shall comply with the provisions of this program prior to the issuance of Certificate of Occupancy. Each parcel lateral must be issued a Compliance Certificate by EBMUD. Please review the program requirements and cost for Compliance Certificates: <http://www.eastbaypsl.com/eastbaypsl/>.

57. The Applicant 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 plans.

58. The Applicant shall secure all necessary permit approvals from EBMUD regarding the installation of all water service for the project.

#### Power, Telecom, Street Lighting and Gas

59. The Applicant shall design and construct power, telecom, gas, and other utilities in accordance with applicable utility standards.

60. All new utilities associated with the new buildings along the project frontage(s) shall be undergrounded. If utility poles are to remain, accessible paths shall be provided around these poles whether existing or new. If poles to be removed support street lighting, new street light poles shall be installed.

61. Work with AMP to locate a transformer and pad, if needed, on private property with appropriate maintenance access.

### Solid Waste

62. The waste handling provider, Alameda County Industries (ACI), must be allowed access to the trash area. Prior to issuance of the PWD permit the applicant shall provide a plan or narrative describing how ACI will access the gated area.

63. The project shall be designed to accommodate three waste streams: recycling, organics, and trash; as required by the City of Alameda Municipal Code – Solid Waste and Recycling (Chapter 21). Signage clearly identifying how to sort materials into three waste streams shall be posted at each storage area. The storage/disposal area(s) and the individual bins and containers provided within shall be adequate in capacity, number and distribution to serve the anticipated demand, consistent with written City guidance and as determined by the Public Works Director.

64. The design, location, access, and provisions for waste hauler collection of all external enclosures for solid waste, recycling, and organics shall be of sufficient size and design to serve the development as approved by the Public Works Department.

65. 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. For safety reasons, a turnaround must be provided for any street that would otherwise require the collection truck to back up a distance greater than 150 feet.

66. Provide a concrete pad in front of the trash enclosure to accommodate the truck weight while serving the dumpsters.

67. 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. Design shall incorporate a solid roof, impervious floor, solid walls on three sides, and a lockable gate on the fourth side. Trash enclosures attached to buildings shall have fire sprinklers.

68. The design and construction of the storage area(s) shall:

- a. Be compatible with the surrounding structures and land uses;
- b. Storage area(s) must be able to accommodate three (3), four (4) cubic yard bins consistent with the current methods of collection provided by the City's Franchised Hauler
- 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.
  - e. Maintain a minimum space of 12 inches between the dumpster(s) and the wall 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-collectable, noxious, unsafe, or in the case of recyclable materials, unmarketable.
69. Trash enclosures serving restaurant and other food-related uses shall include a water supply, a drain to the sanitary sewer, and a grease trap and/or water/oil separator.
70. Provide a concrete pad in front of the trash enclosure to accommodate the truck weight while serving the dumpsters.
71. The storage area(s) and the individual bins and containers provided within shall be adequate in capacity, number and distribution to serve the anticipated demand as determined by the Public Works Director.
72. 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.
73. The Development shall comply will Chapter 21, Article 6 of the Alameda Municipal Code and submit a Waste Management Plan documenting the diversion of project related construction and demolition debris to the satisfaction of the Public Works Director.
74. Per Chapter 4, Article I of the Alameda Municipal Code, persons distributing merchandise of any kind, including food and beverage, shall provide adequate interior and exterior disposal containers, and frequent enough removal of their contents, to enable patrons to deposit all waste material generated by said merchandise therein.
75. Prior to approval of the PWD Permit, the applicant shall submit for review and approval by the Public Works Department a Waste Management Plan (WMP) demonstrating how the project will achieve California's Green Building Standards Code (CALGreen) diversion requirements for construction waste and achieve a minimum recycling rate of 65%. The WMP shall be consistent with the City's written guidance and can be completed by creating an account and submitting a plan via <http://alameda.wastetracking.com>.

### Landscaping

76. The landscape and irrigation plans for on-site and public right-of-way improvements shall be prepared, and signed and stamped as approved, by a licensed landscape architect. The plans shall be in accordance with the most recent version of the "Bay-Friendly Landscape Guidelines" developed by StopWaste.Org, and the Bay

Friendly Coalition, the AMC, the Alameda Master Tree Plan, the Alameda Tree Removal Policy, the Integrated Pest Management Policy, as well as conditions of approval by the Planning Board, and other applicable standards, as applicable. **Fire Department**

77. Vehicle gates shall comply with fire safety code including the installation of Knox lock switches keyed to the City of Alameda Fire Department for emergency access.

### **Alameda Municipal Power**

78. Prior to approval of Improvement Plans, the Applicant shall coordinate with Alameda Municipal Power (AMP) regarding power requirements. Applicant should provide AMP with Single Line Diagrams for electrical power (listing detailed power load – elevators, AC, Heater, etc.), Single line diagram for existing buildings, and a Utility Site Layout (joint utilities included).
79. The Applicant shall comply with AMP's Rules and Regulations and "Material and Installation Criteria for Underground Electrical Systems" (available at [www.alamedamp.com](http://www.alamedamp.com)) which provides service options, standards, and minimum clearances from electrical transformers and other utility electrical equipment.
80. New street trees shall maintain clearances from electrical utilities as follow: a) street/pathway lights and utility poles – **15 feet**; b) joint trench and all underground electrical lines – **five feet**; c) 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).
81. All service installations to commercial/industrial, multiple dwelling units and subdivisions, shall be underground.
82. 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.
83. The applicant will also be billed for 100% cost of distribution line extension (except transformers that are rated less than 750 kVA). AMP will require a refundable deposit for transformers rated 750 kVA and higher based on their capacity utilization.
84. Applicant shall allocate space for pad-mounted transformers and switches in addition to the primary and secondary boxes and conduits that will be required to provide power to the development. AMP will require easements for all transformers, primary and secondary boxes, and conduits.

85. The Applicant shall submit, with the site improvement plans, detailed drawings showing the required site electric utility facilities.
86. 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 underground 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.
87. 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. Remote metering is not allowed.
88. The applicant shall provide (at no charge to AMP) all required easements to AMP facilities on the property.
89. The Final Map shall show all necessary easements and access to all electrical utility facilities that are in the private properties.
90. The Applicant shall provide completed "Service Planning Sheets" for AMP's review.
91. 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. The location, number and type of electric facilities, such as transformers and primary cables, cannot be finalized until electric estimates of each unit are provided. Special loads, such as EV chargers, and solar installations should be identified.
92. The Applicant shall provide all necessary underground substructures, including conduits, pull boxes, electric utility equipment pads, etc. per AMP specifications. AMP will furnish and install all required transformers, high voltage distribution cables, and secondary cables.
93. 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 Engineering Manager or designee in

writing.

94. All conduit installed within 5 feet from the existing or proposed tree shall be provided with a tree root barrier. (Refer to AMP Drawing 1-L-639)
95. 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.
96. Hold Harmless. To the maximum extent permitted by law, the applicant (or its successor in interest) shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, its City Council, City Planning Board, officials, employees, agents and volunteers (collectively, "Indemnitees") from and against any and all claims, actions, or proceedings against Indemnitees to attack, set aside, void or annul an approval by Indemnitees relating to this project. This indemnification shall include, but is not limited to, all damages, losses, and expenses (including, without limitation, legal costs and attorney's fees) that may be awarded to the prevailing party arising out of or in connection with an approval by the Indemnitees relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding and the applicant (or its successor in interest) shall reimburse the City for its reasonable legal costs and attorneys' fees.

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 Planning, Building and Transportation 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 May 22, 2023  
Planning Board Meeting

Regular Meeting of the Planning Board on the 22th day of May 2023, by the following vote to wit:

AYES: (5) Ariza, Cisneros, Ruiz, Saheba, and Teague

NOES: (0)

ABSENT: (2) Curtis and Hom

ATTEST:



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Allen Tai, Secretary  
City of Alameda Planning Board

CITY OF ALAMEDA PLANNING BOARD  
**RESOLUTION NO. PB-23-11**

A RESOLUTION OF THE PLANNING BOARD RECOMMENDING THE CITY COUNCIL AMEND THE ALAMEDA ZONING MAP FOR THE APPROXIMATELY 6.73-ACRE SITE AT 250 SINGLETON AVENUE (APN 74-905-9-7) TO REMOVE THE G SPECIAL GOVERNMENT COMBINING DISTRICT OVERLAY

WHEREAS, an application was made on June 25, 2022, by Quattrocchi Kwok Architects for Alameda Unified School District (AUSD) requesting approval for Rezoning PLN22-0304 to remove the G, Special Government Combining District overlay from the approximately 6.73-acre Alameda Unified School District (AUSD) property at 250 Singleton Avenue (APN 74-905-9-7); and

WHEREAS, the application was accepted as complete on May 2, 2022; and

WHEREAS, the property includes a G, Special Government Combining District (G Overlay) zoning designation in addition to its underlying General Industrial (Manufacturing) (M-2) District zoning designation; and

WHEREAS, the current General Plan designation for the site is Public Institutional; and

WHEREAS, the property is owned and operated by the Alameda Unified School District, and is not in Federal or State Government ownership; and

WHEREAS, the property no longer meets the intent of the G Overlay; and

WHEREAS, Alameda Municipal Code (AMC) Section 30-4.17 requires rezoning procedures to be completed to remove the G Overlay from the property prior to its sale or lease to a private party or public agency other than the federal or state government; and

WHEREAS, the Planning Board held a duly noticed public hearing for the project on May 22, 2023 and examined pertinent maps, drawings, and documents.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds that, based on substantial evidence in the record, the potential environmental impacts of the project have been evaluated and disclosed pursuant to CEQA. On November 30, 2021, by Resolution No. 15841, the City Council certified a Final Environmental Impact Report for the Alameda 2040 General Plan (State Clearinghouse No. 2021030563) in compliance with CEQA, and adopted written findings, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program for the General Plan Amendment to update the Alameda General Plan (General Plan EIR). Pursuant to CEQA Guidelines sections 15162 and 15163, none of the circumstances necessitating further CEQA review are

present with respect to the General Plan EIR. Approval of the project would not require major revisions to the General Plan EIR due to new significant impacts or due to a substantial increase in the severity of the significant environmental effects. There have been no substantial changes with respect to the circumstances under which the project would be undertaken that would require major revisions of the General Plan EIR due to new or substantially increased significant environmental effects. Further, there has been no discovery of new information of substantial importance that would trigger or require major revisions to the General Plan EIR due to new or substantially increased significant environmental effects. For these reasons, no further environmental review is required; and

BE IT FURTHER RESOLVED, that the Planning Board has reviewed the proposed rezoning and finds:

1. **The amendment relates favorably to and maintains the integrity of the General Plan.** The proposed rezoning ensures consistency between the General Plan and the Alameda Zoning Map. The underlying zoning and proposed Alameda Unified School District's use of the property is consistent with the Public Institutional General Plan designation which allows "structures and uses that support or enhance the mission of the institutions."
2. **The zoning map amendment will support the general welfare of the community.** The proposed rezoning is consistent with the existing AUSD use of the site, and will support the general welfare of the community by improving Alameda Unified School District support services that provide for the public schools within the City.
3. **The zoning map amendment is equitable.** The proposed rezoning is equitable in that it is consistent with the General Plan, the City Charter and other City documents. The map amendment is a conformance rezoning to remove the "G" overlay from the property as the overlay is no longer applicable; and

BE IT FURTHER RESOLVED, that the Planning Board of the City of Alameda recommends that the City Council amend the City of Alameda Zoning Map to remove the G Special Government Combining District overlay from the approximately 6.73-acre site at 250 Singleton Avenue (APN 74-905-9-7).

Hold Harmless. To the maximum extent permitted by law, the applicant (or its successor in interest) shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, its City Council, City Planning Board, officials, employees, agents and volunteers (collectively, "Indemnitees") from and against any and all claims, actions, or proceedings against Indemnitees to attack, set aside, void or annul an approval by Indemnitees relating to this project. This indemnification shall include, but is not limited to, all damages, losses, and expenses (including, without limitation, legal costs and attorney's fees) that may be awarded to the prevailing party arising out of or in connection

with an approval by the Indemnitees relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding and the applicant (or its successor in interest) shall reimburse the City for its reasonable legal costs and attorneys' fees.

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 Planning, Building and Transportation 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 22th day of May 2023, by the following vote to wit:

AYES: (5) Ariza, Cisneros, Ruiz, Saheba, and Teague

NOES: (0)

ABSENT: (2) Curtis and Hom

ATTEST:



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Allen Tai, Secretary

City of Alameda Planning Board

CITY OF ALAMEDA PLANNING BOARD  
RESOLUTION NO. PB-23-12

A RESOLUTION OF THE PLANNING BOARD RECOMMENDING THE CITY COUNCIL APPROVE A MASTER PLAN AMENDMENT TO THE ALAMEDA MARINA MASTER PLAN AND DENSITY BONUS TO INCREASE THE HOUSING UNIT COUNT FROM 760 UNITS TO 801 UNITS

WHEREAS, Alameda Marina, LLC (applicant) 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 Mixed Use in the Alameda 2040 General Plan, which encourages a wide variety of housing types, including multifamily housing, and a wide variety of commercial and business uses; and

WHEREAS, the Alameda Marina site is zoned 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, in July 2018, the Alameda City Council certified the Alameda Marina Final Environmental Impact Report (EIR) and approved the Alameda Marina Master Plan, which established standards, maps and diagrams for the development of 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, all of the Clement Avenue frontage improvements for all phases and all of the pile driving for the shoreline improvements for all phases occurred prior to the construction of the first residential or commercial building, and Phase I of the Master Plan project, consisting of 360 residential units is completed and Phase II, consisting of 182 townhomes is under construction; and

WHEREAS, on April 23, 2023, the Applicant applied for a Master Plan Amendment to increase the sitewide housing unit count from 760 units to 801 units and related Density Bonus application; and

WHEREAS, on July 10, 2023, the Planning Board of the City of Alameda held a duly noticed public hearing on the subject application for a Master Plan Amendment and Density Bonus and examined all pertinent application materials and public testimony.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds, based on substantial evidence in the entire record before the City, that the environmental effects of the proposed project were considered and disclosed in the Alameda Marina Master Plan Environmental Impact Report (EIR) (Alameda Marina EIR, State Clearinghouse #2016102064) and the Final EIR for the Alameda 2040 General Plan (General Plan EIR, State Clearinghouse #2021030563). None of the circumstances necessitating further environmental review exists under California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15163.

The proposed project relies on previous CEQA documents including (1) the Alameda Marina EIR, which analyzed development of 779 new residential units, a marina with 530 boat slips and a harbor master's office, approximately 250,000 square feet of maritime and commercial uses, and approximately 3.59 acres of waterfront-related public open space and parks, and (2) the General Plan EIR, which analyzed and disclosed the environmental impacts of up to 12,000 new housing units and 12,000 new jobs citywide by 2040.

The proposed project, including the Master Plan Amendment to increase the total number of residential units on the entire Alameda Marina site from 760 units to 801 units (an increase of 41 residential units, and a net increase of 22 units above what was analyzed in the Alameda Marina EIR, does not change the analysis and conclusions made in either the Alameda Marina EIR or the General Plan EIR. As CEQA review of a previously approved project requiring a further discretionary approval is limited to the incremental impacts not previously analyzed in an EIR, for purposes of the CEQA environmental analysis, the modification to the project is only an increase of 22 residential units (801 units - 779 units = 22 units). All 22 units will be contained within the same building footprint, size, and height as the Phase III development envisioned in the previously approved Master Plan, the impacts of which were analyzed and disclosed in the Alameda Marina EIR.

The proposed Phase III Wrap B residential building will not result in any new environmental impacts or cause any previously disclosed significant impacts to become substantially more severe, and all mitigation measures specified in the Alameda Marina Master Plan EIR are included as conditions of approval for the project as required by the Alameda Marina Master Plan. All other features of the project analyzed in the EIR would be the same: there are no changes to the proposed building footprint, the proposed depth of the building's foundation, or the proposed construction methods. There are no substantial changes proposed to the Alameda Marina project that would require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in severity of previously identified significant effects. Therefore, no further environmental review is required; and

BE IT FURTHER RESOLVED, that the Planning Board has made the following

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findings relative to proposed Master Plan Amendment and Density Bonus Application:

- 1. The Master Plan Amendment proposes a more effective use of the site than the previously approved Phase III of the Master Plan (AMC Section 30-4.13).** The proposed Master Plan Amendment facilitates a more effective use of the existing Wrap B phase by allowing more housing units to be built within the same building envelope as previously approved in the Master Plan. As a result, the City gains 41 total housing units toward its 5,353 unit Housing Element goal.
- 2. 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 (AMC Section 30-21.3).** The proposed Wrap B building satisfies the purposes of the MX, Mixed-Use Planned Development Zoning District and MF Multifamily Overlay District regulations by placing residential development near the commercial core and maritime uses. The design of the building is consistent with the design guidelines set forth in the Alameda Marina Master Plan, and, provides architectural, open space, view corridor, parking, and public access improvements called out in the Master Plan to ensure the project design is architecturally, aesthetically, and operationally harmonious with the community and surrounding development.
- 3. The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities (AMC Section 30-21.3).** The proposed project does not modify the overall Master Plan envision for a mixed-use, residential and commercial maritime waterfront development that supports multi-modal methods of travel. The Wrap B project will conform to the Master Plan street network, orientation of buildings toward Clement Avenue, and programming of uses along Clement Avenue and within the site. The location of bicycle facilities and pedestrian 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.
- 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 (AMC Section 30-21.3).** The proposed Master Plan Amendment and proposed Phase III Wrap B residential building will not result in any new environmental impacts or cause any previously disclosed significant impacts to become substantially more severe, and all mitigations specified in the Alameda Marina Master Plan EIR are included as conditions of approval for the project as required by the Alameda Marina Master Plan. All other features of the project analyzed in the EIR would be the same: there are no changes to the proposed building footprint, the proposed depth of the building's foundation, or the proposed construction methods. Hence, the project will not adversely affect other property in the vicinity and will not have substantial deleterious effects on existing business districts or the local economy.
- 5. The Master Plan relates favorably to the General Plan (AMC Section 30-21.3).** As

documented in the July 10, 2023 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 commercial businesses, increases housing opportunities for a variety of household type. The proposal does not alter Master Plan provisions for improving Clement Avenue and increasing transit services in the area, nor does it change the Master Plan's goal of increasing public access to public waterfront parks in the area for all Alameda residents.

6. **The proposal qualifies the project for a density bonus of 25% under Government Code Section 65915 and Alameda Municipal Code Section 30-17.** The permitted base density on the Alameda Marina site is 649 multifamily residential units. The Applicant is proposing to provide 7% (46) of the units to be deed restricted to very low-income households, which qualifies the project for a 25% density bonus, or a maximum allowable residential density of 812 units. As authorized by state law, the applicant is electing a lesser percentage of density increase, and proposes to build 801 units; and

BE IT FURTHER RESOLVED, that the Planning Board hereby recommends the City Council approve a Master Plan Amendment to the Alameda Marina Master Plan and Density Bonus to increase the sitewide housing unit count from 760 units to 801 units, subject to the following conditions of approval:

1. CEQA Mitigation Measures: Prior to issuance of a Building Permit or Site Improvement Permit for Phase III, the Applicant shall submit a Mitigation Measure Compliance Checklist confirming compliance to date with all required environmental mitigation measures contained in the MMRP adopted by the Alameda City Council on July 10, 2018, for the redevelopment of Alameda Marina. The checklist shall be printed on the Building Permit plans.
2. Final Map for Condominium Purposes: Prior to issuance of Temporary or Final Certificate of Occupancy for any Phase III residential unit, the Applicant shall submit a Final Map for Condominium Purposes to satisfy the Master Plan requirement to have 50% of Alameda Marina housing units available for homeownership.
3. Affordable Housing Plan: The Affordable Housing Plan shall reflect the revised proposal that the applicant provide 7% (46) of the units to be deed restricted to very low-income units. The applicant will also provide 4% (26) of the units to be deed restricted to low-income households and 7% (45) of the units to be deed restricted to moderate-income households as required by the Inclusionary Housing Ordinance. Based on the revised proposal, the total number of affordable units for the Alameda Marina Master Plan will increase from 104 to 117. Prior to issuance of the first Building Permit for Phase III Wrap B, the Applicant shall execute and record against the Wrap B property an Affordable Housing Agreement. The Affordable Housing Agreement shall be in compliance with

Section 8.1 *Affordable Housing* of the Master Plan and shall identify forty-three (43) affordable housing units in Phase III broken down into the following income categories:

- a. Twenty-three (23) units shall be affordable to very low-income households.
- b. Seven (7) units shall be affordable to low-income households.
- c. Thirteen (13) units shall be affordable to moderate-income households.

The affordable units shall be identified on the final building plans, and the affordable units shall be equitably distributed by unit type, size, and location, and among the visitable and universal design units.

4. Hold Harmless: To the maximum extent permitted by law, the applicant (or its successor in interest) shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, its City Council, City Planning Board, officials, employees, agents and volunteers (collectively, "Indemnitees") from and against any and all claims, actions, or proceedings against Indemnitees to attack, set aside, void or annul an approval by Indemnitees relating to this project. This indemnification shall include, but is not limited to, all damages, losses, and expenses (including, without limitation, legal costs and attorney's fees) that may be awarded to the prevailing party arising out of or in connection with an approval by the Indemnitees relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding and the applicant (or its successor in interest) shall reimburse the City for its reasonable legal costs and attorneys' fees.

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 Planning, Building and Transportation 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 July 2023, by the following vote to wit:

AYES: (7) Ariza, Cisneros, Curtis, Hom, Ruiz, Saheba, and Teague

NOES: (0)

ABSENT: (0)

ATTEST:



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Allen Tai, Secretary  
City of Alameda Planning Board

CITY OF ALAMEDA PLANNING BOARD  
**RESOLUTION NO. PB-23-13**

A RESOLUTION OF THE PLANNING BOARD APPROVING DEVELOPMENT PLAN AND DESIGN REVIEW APPLICATION NO. PLN23-0179 FOR A FIVE-STORY RESIDENTIAL BUILDING WITH 259 MULTI-FAMILY UNITS AND 1 WORK/LIVE UNIT AS PART OF PHASE III OF THE ALAMEDA MARINA MASTER PLAN PROJECT LOCATED AT 1999 CLEMENT AVENUE

WHEREAS, Alameda Marina, LLC (applicant) 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 Mixed Use in the Alameda 2040 General Plan, which encourages a wide variety of housing types, including multifamily housing, and a wide variety of commercial and business uses; and

WHEREAS, the Alameda Marina site is zoned 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, in July 2018, the Alameda City Council certified the Alameda Marina Final Environmental Impact Report (EIR) and approved the Alameda Marina Master Plan, which established standards, maps and diagrams for the development of 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, all of the Clement Avenue frontage improvements for all phases and all of the pile driving for the shoreline improvements for all phases occurred prior to the construction of the first residential or commercial building, and Phase I of the Master Plan project, consisting of 360 residential units is completed and Phase II, consisting of 182 townhomes is under construction; and

WHEREAS, on April 23, 2023, the Applicant applied for a Master Plan Amendment to increase the sitewide housing unit count from 760 units to 801 units and Density Bonus,

Development Plan and Design Review for a five-story residential building with 259 multi-family units (up from previously approved 218 units) and 1 Work/Live unit as part of Phase III of the Alameda Marina Master Plan project; and

WHEREAS, on July 10, 2023, the Planning Board of the City of Alameda held a duly noticed public hearing on the subject application for Master Plan Amendment, Density Bonus, and Phase III Development Plan and Design Review and examined all pertinent application materials and public testimony.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds, based on substantial evidence in the entire record before the City, that the environmental effects of the proposed project were considered and disclosed in the Alameda Marina Master Plan Environmental Impact Report (EIR) (Alameda Marina EIR, State Clearinghouse #2016102064) and the Final EIR for the Alameda 2040 General Plan (General Plan EIR, State Clearinghouse #2021030563). None of the circumstances necessitating further environmental review exists under California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15163.

The proposed project relies on previous CEQA documents including (1) the Alameda Marina EIR, which analyzed development of 779 new residential units, a marina with 530 boat slips and a harbormaster's office, approximately 250,000 square feet of maritime and commercial uses, and approximately 3.59 acres of waterfront-related public open space and parks, and (2) the General Plan EIR, which analyzed and disclosed the environmental impacts of up to 12,000 new housing units and 12,000 new jobs citywide by 2040.

The proposed project, including the Master Plan Amendment to increase the total number of residential units on the entire Alameda Marina site from 760 units to 801 units (an increase of 41 residential units, and a net increase of 22 units above what was analyzed in the Alameda Marina EIR, does not change the analysis and conclusions made in either the Alameda Marina EIR or the General Plan EIR. As CEQA review of a previously approved project requiring a further discretionary approval is limited to the incremental impacts not previously analyzed in an EIR, for purposes of the CEQA environmental analysis, the modification to the project is only an increase of 22 residential units (801 units - 779 units = 22 units). All 22 units will be contained within the same building footprint, size, and height as the Phase III development envisioned in the previously approved Master Plan, the impacts of which were analyzed and disclosed in the Alameda Marina EIR.

The proposed Phase III Wrap B residential building will not result in any new environmental impacts or cause any previously disclosed significant impacts to become substantially more severe, and all mitigation measures specified in the Alameda Marina Master Plan EIR are included as conditions of approval for the project as required by the Alameda Marina Master Plan. All other features of the project analyzed in the EIR would be the same: there are no changes to the proposed building footprint, the proposed depth of the building's foundation, or the proposed construction methods. There are no substantial changes proposed to the Alameda Marina project that would require major revisions of the EIR due to

the involvement of new significant environmental effects or a substantial increase in severity of previously identified significant effects. Therefore, no further environmental review is required; and

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

- 1. The Development Plan qualifies for approval under the Alameda Marina Master Plan and satisfies the purpose of the Planned Development regulations under AMC Section 30-4.20.g.3(a), (b).** The proposed Development Plan is consistent with the Alameda Marina Master Plan for construction of multi-family residential units for at this location. The Development Plan qualifies for approval under AMC Section AMC Section 30-4.20(g) as it satisfies the purpose of the regulations to facilitate multifamily development consisting of 259 multifamily units in a single, five-story building.
- 2. The Development Plan is designed in a manner compatible with existing and potential contiguous uses. The Development Plan also provides a sufficient vehicular and non-vehicular circulation system within the project with the least amount of duplication, and the Plan provides the best interface with other systems (AMC Section 30-4.20.g.3(c), (d)).** The Development Plan is compatible with existing surrounding uses and provides coordinated travel ways for vehicular and non-vehicular circulation. Landscaped pathways and Bay Trail-compliant signage serve public access to the site and waterfront amenities. A variety of outdoor spaces such as pathways, waterfront facing decks, Bay Trail improvements, and other landscaped areas facilitate harmonious transitions between the Wrap B building and immediate surroundings.
- 3. The Development Plan provides and maintains adequate landscaping using, where appropriate, native plants and taking maximum advantage of the screening capabilities of landscaping (AMC Section 30-4.20.g.3(e)).** The proposed landscape plan includes native plants and a landscape and irrigation design that also achieves state water efficient landscape requirements. The landscaping provides a good transition between the public sidewalks and private open spaces used by residents in the Wrap B building.
- 4. The amount of land proposed for any particular use can be marketed for that use within a reasonable time after development is complete. AMC Section 30-4.20.g.3(f).** This plan provides for the development of 259 residential units that are necessary to address a severe housing shortage in the community. These critically needed housing units include affordable housing units that are expected to be occupied within a reasonable time.
- 5. The Development Plan provides sufficient area, and encourages adequate public accessibility and usage of the water/land interface. AMC Section 30-4.20.g.3(g).** A network of pedestrian pathways provides public access around the Wrap B building, connecting it with the commercial core and the network of pathways and park in the Phase II area. This network of pedestrian and bicycle paths and other common landscaped open space facilitate harmonious transitions between the Wrap B development and the immediate surroundings.
- 6. The Development Plan provides a comprehensive, coordinated, controlled system of informational and directional graphic signage throughout the development.**

**AMC Section 30-4.20.g.3(h).** The Development Plan will implement the wayfinding signage and interpretive signage program that was previously approved for the entire Alameda Marina site. The signage will be incorporated into the building plans as a condition of approval. Bay Trail-compliant signage will also be provided according to the Bay Trail program.

- 7. The Development Plan demonstrates progressive techniques for the conservation of, and decreased consumption of, nonrenewable energy. AMC Section 30-4.20.g.3(i).** The proposed multi-family housing units will be designed to achieve LEED Silver certification or an equivalent sustainability standard as required under the Master Plan. The proposed project will also provide 188 parking spaces that are Level 1 and Level 2 EV ready consistent with EV charging requirements in the Zoning Ordinance.

BE IT FURTHER RESOLVED, that the Planning Board makes the following findings regarding the Design Review application (AMC Section 30-37.5):

- 1. The proposed design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual.** The proposed multi-family building is consistent with the Alameda Marina Master Plan, which was adopted per the General Plan policies and Zoning regulations for the Alameda Marina site to provide critically needed housing in Alameda. The multi-family wrap building design is consistent with the Design Review Manual in many aspects. For example, the building provides various forms of complementary massing and articulation, and includes building materials and ground floor spaces that promote social and pedestrian interaction. Overall, the building design provides quality architecture that is compatible with the neighborhood and addresses the building's relationship to surrounding public space as intended in the Design Review Manual and in the Master Plan.
- 2. The proposed design is appropriate for the site, is compatible with adjacent or neighboring buildings or surroundings, and promotes harmonious transitions in scale and character in areas between different designated land uses.** The proposed design of the multi-family building is a wrap building that consists of dwelling units that surround a central parking garage. This building type is consistent with the building typologies allowed under the Alameda Marina Master Plan in the proposed location. The building is oriented to Clement Avenue and Lafayette Street and provides pedestrian oriented interfaces with the surrounding spaces. A view corridor provides views from Clement Avenue and the waterfront and Bay Trail through the building. A variety of outdoor spaces such as courtyards, pathways, and other common open space facilitate harmonious transitions between the wrap building and the immediate surrounding. The work/live unit along Lafayette Street also provides commercial spaces that provide a transition from this residential building facing the Maritime/Commercial Core.
- 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 design of the building draws inspiration from existing buildings on the Alameda Marina site and the surrounding neighborhood. The architectural design shares elements, materials and colors that

reflect and respect, without replicating, the architecture of the contributing buildings in the Alameda Marina Historic District. Examples of these elements include height and massing (from Contributing Building 19), the use of metal siding and metal panels similar to those on industrial buildings, and a range of building colors and massing that complement the variety of buildings in the surrounding neighborhood; and

BE IT FURTHER RESOLVED, that the Planning Board hereby approves Development Plan and Design Review application no. PLN23-0179 for a five-story residential building with 259 multi-family and 1 work/live unit to be constructed as part of Phase III of the Alameda Marina Master Plan project located at 1999 Clement Avenue, subject to the following conditions of approval:

### **Planning Conditions:**

1. Resolution Effective Date: This Resolution shall not become effective until the companion ordinance amending the Alameda Marina Master Plan and Density Bonus application to allow an increase in the sitewide unit count from 760 units to 801 units has become effective. If the companion ordinance is subsequently invalidated or repealed by judicial or voter action, this Resolution shall immediately be void and have no further force or effect.
2. Vesting: The Design Review approval shall expire three (3) years after the date of approval or by **July 10, 2026** unless substantial construction or use of the property has commenced under valid building permits. The applicant may apply for a time extension, not to exceed two (2) years. An extension request must be filed prior to the date of expiration and shall be approved ministerially by the Planning Director upon the Applicant's submittal of the extension request and payment of required application fees.
3. Building Permit Conditions: A copy of this resolution shall be printed on the first pages of the building permit plans and improvement plans.
4. Substantial Compliance with Approvals: The plans submitted for the Building Permit shall be in substantial compliance with the Alameda Marina Phase III Master Plan Amendment, Density Bonus, Development Plan and Design Review Plans prepared by BDE Architecture dated July 10, 2023, and on file in the City of Alameda Planning Building & Transportation Department, except as modified by the conditions specified in this resolution.
5. CEQA Mitigation Measures: Prior to issuance of a Building Permit or Site Improvement Permit for Phase III, the Applicant shall submit a Mitigation Measure Compliance Checklist confirming compliance to date with all required environmental mitigation measures contained in the MMRP adopted by the Alameda City Council on July 10, 2018, for the redevelopment of Alameda Marina. The checklist shall be printed on the Building Permit plans.

6. 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 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.
7. Final Map for Condominium Purposes: Prior to issuance of Temporary or Final Certificate of Occupancy for any Wrap B residential unit, the Applicant shall submit a Final Map for Condominium Purposes to satisfy the Master Plan requirement to have 50% of Alameda Marina housing units available for homeownership.
8. Affordable Housing Plan: The Affordable Housing Plan shall reflect the revised proposal that the applicant provide 7% (46) of the units to be deed restricted to very low-income units. The applicant will also provide 4% (26) of the units to be deed restricted to low-income households and 7% (45) of the units to be deed restricted to moderate-income households as required by the Inclusionary Housing Ordinance. Based on the revised proposal, the total number of affordable units for the Alameda Marina Master Plan will increase from 104 to 117. Prior to issuance of the first Building Permit for Phase III Wrap B, the Applicant shall execute and record against the Wrap B property an Affordable Housing Agreement. The Affordable Housing Agreement shall be in compliance with Section 8.1 *Affordable Housing* of the Master Plan and shall identify forty-three (43) affordable housing units in Phase III broken down into the following income categories:
  - a. Twenty-three (23) units shall be affordable to very low-income households.
  - b. Seven (7) units shall be affordable to low-income households.
  - c. Thirteen (13) units shall be affordable to moderate-income households.

The affordable units shall be identified on the final building plans, and the affordable units shall be equitably distributed by unit type, size, and location, and among the visitable and universal design units.

9. Transportation Demand Management Plan: Per the approved Alameda Marina TDM Plan, prior to issuance of the first building permit for Phase III Wrap B, the Applicant shall ensure that the Wrap B project participate in the Alameda Transportation Management Association to provide transit services via assessments on each housing unit and each commercial space, as follows:
  - a. Each multi-family unit, within a structured parking facility, shall be assessed an annual fee of \$454 (June 2023 dollars).
  - b. Each commercial space/Work-Live unit shall be assessed \$0.85 (June 2023 dollars) per square foot per year.
  - c. Annual assessments shall be adjusted annually in accordance with the San Francisco Bay Area Consumer Price Index for All Urban Consumers (CPI-U).
  - d. The Phase III Wrap B shall conform to the Final TDM plan requirements of Alameda Marina Master Plan EIR Mitigation Monitoring Program Measure TRA-1 and the

approved Alameda Marina TDM Plan, including the suite of measures intended to reduce vehicle trips by project residents, employees, and visitors to the site.

- e. Any revenues in excess of expenditures shall be used to supplement (not reduce) the annual transit funds collected through residential and commercial transportation assessments. The TDM measures may be combined with other developments to more effectively manage the program.

10. Design Review Revisions: Final plans submitted for Building Permit approval shall reflect the following:

- a. View Corridor Preservation. To minimize visual obstruction through the 20-foot view corridor in the Wrap B building, any gate(s) or fences installed in the view corridor shall:
  - i. Be recessed five feet from the building façade,
  - ii. Be limited to a maximum height of 60-inches or as required by building code(s), and
  - iii. Reflect the Applicant's best efforts to exceed 65% transparency.This requirement shall be stated in a form and recorded on the property, which could include any future Covenants, Conditions & Restrictions (CC&Rs) applicable to the property.
- b. Front Entrance Demarcation. Apply architectural design or detailing to clearly demarcate the building's front entrance.
- c. Window Mullions. Where appropriate, align window mullions horizontally with other windows on the same façade.
- d. Add Window Sunshades. Explore the possibility of adding sunshades, awnings, or other architectural element to provide sunshades on the Clement Avenue frontage.
- e. Trees in the parking lot. Add two shade trees in the surface parking area on Lafayette Street.

11. Work/Live Unit Conditions: Work/live units shall comply with the Work/Live Ordinance (AMC Section 30-15) and the following conditions:

- a. Group B Occupancy. Building Permit plans shall demonstrate that the Work/live studios are designed to accommodate commercial or industrial uses conforming to the Group B occupancy classification under the California Building Standards Code.
- b. Rental and Sale Limitations.
  - i. No work/live studio, or any portion thereof, shall be sold as an individual unit.
  - ii. No portion of a work/live studio may be separately rented or sold as a commercial space for a person or persons not living in the premises or as a residential space for a person or persons not working in the same studio.
  - iii. The restrictions shall be binding upon any successor in ownership of the property and lack of compliance shall result in legal action against the property owner.
  - iv. Prior to the City issuing a building permit for any work/live studio, the property owner shall file with the County Recorder a declaration of restrictions, which has been approved by the City Attorney as to its form and content, specifying the limitations of use and operation included in the use permit and all Additional Requirements specified in AMC Section 30-15.5.

- c. Work/Live Permit. Prior to issuance of certificate of occupancy for any work/live studio, the intended occupant of the work/live studio shall apply for a Work/Live Permit subject to approval by the Planning Director. To approve the Work/Live Permit, the Planning Director shall find that the proposed use conforms to the allowable uses for work/live studios under the Master Plan and applicable zoning regulations.
12. No Residential Parking in Public Parking Lots: Any CC&Rs applicable to the property shall also state that residential parking is not allowed in marina/public park parking lots.
13. Sustainable Strategies: Building Permit plans shall meet LEED Silver certification or equivalent implementation of sustainable building techniques, as determined by the Building Official.
14. Functional Elements: Building Permit plans shall provide sufficient details to demonstrate compliance with the Functional Elements section on page 57 of the Master Plan.
15. Lighting Plan: Prior to issuance of Building Permit(s), the Applicant shall submit a detailed lighting plan and photometric study for Planning Director review and approval. The detailed lighting plan shall specify the type of lighting fixtures, the location of those fixtures on the plan.
16. Bird Safe Building Ordinance: Building Permit plans shall demonstrate compliance with the Alameda Bird-Safe Building Ordinance (AMC Section 30-5.16.b), as applicable.
17. Dark Skies Ordinance: Plans submitted for building permits shall demonstrate compliance with the Alameda Dark Skies Ordinance (AMC Section 30-5.16.c), as applicable.
18. Public Art Requirement: Prior to final building inspection, the Applicant shall demonstrate compliance with the Public Art Ordinance (AMC Section 30-98).
19. Building Signage: Building signage shall be subject to separate Sign Permit approval according to the Sign Ordinance (AMC Section 30-6).
20. Water Efficiency Landscape Ordinance: Prior to issuance of building permits or improvement plans, Applicant shall submit a complete WELO Landscape Document Package, as defined by Alameda Municipal Code (AMC) Section 30-58.3(d), subject to the approval of the Planning Director.
21. Refuse Collection, Service and Loading Areas: Building Permit plans shall provide details of an enclosure/screening for the outdoor collection area located at the rear of the building as specified in the Refuse Collection, Service and Loading Areas section on page 57 of the Master Plan, as applicable.

22. Regional and State Agency and Utility Company Approvals: Prior to issuance of the first building permit for Phase III, the applicant shall acquire the necessary approvals, permits, or waivers from all other regulatory agencies with jurisdiction over the project, including the Bay Conservation and Development Commission (BCDC), Regional Water Quality Control Board (RWQCB), East Bay Municipal Utility District (EBMUD), and/or the U.S. Army Corps of Engineers (compliance with the existing 401 Certification for the construction of a storm water outfall). The applicant shall include in the project's final Improvement Plans any de minimis modifications or improvements recommended by such agencies.

### **Public Works Conditions of Approval**

23. Prior to issuance of a Building Permit the applicant shall apply for a [Public Works Development Permit](#).
24. Improvement Plans shall be prepared, signed, and stamped as approved by a registered civil engineer licensed in the State of California. The Improvement Plans and all documentation listed below, except as noted, shall be approved by the Public Works Department prior to approval of the final Parcel Map or issuance of any Building Permit for the development.
25. The proposed work shall comply with Chapter 30, Article 6 of the Alameda Municipal Code (Real Estate Subdivision Regulations) and Chapter 22 of the Alameda Municipal Code (Streets and Sidewalks) as determined by the City Engineer.
26. The proposed work shall comply with Alameda's Standard Plans and Specifications and Standard Subdivision Specifications and Design.
27. 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.
28. Plans shall identify datum. If not NAVD88, show conversion.
29. Site plans shall include applicable Standard Construction Notes, latest edition, from Public Works.
30. The developer shall provide as-built drawings of all site and right of way improvements prior to issuance of final Certificate of Occupancy. Provide drawings in both durable hard copies and pdfs.
31. An engineer's cost estimate for frontage and site improvements shall be submitted. A cash security deposit or construction performance bond of an amount as determined by the City Engineer is required prior to issuance of a Public Works Development (PWD) permit that involves the public ROW.
32. An Encroachment Permit is required for all work within the Public Right-of-Way. The Encroachment Permit is required prior to issuance of any Building Permits for the proposed

development. The encroachment permit application shall address circulation in and around the site, including pedestrians, cyclists, fire trucks, private vehicles, solid waste trucks, buses, and parking. The application shall address all construction phases.

33. During construction the contractor shall keep the existing bike lanes on Clement Avenue unobstructed. An encroachment permit is required for any work closing the bike lane(s). At no time should the bike lane be closed overnight or during weekends unless specifically approved by the Public Works Director.

### Maps and Easements

34. 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 subdivision maps for condominium purposes or improvement plans to discuss submittal requirements, project review timeline, and fees associated with the processing, filing, and construction of this development.
35. A current title report shall be submitted to identify current ownership and any existing easements or land use restrictions.
36. The Applicant shall enter into a Subdivision Improvement Agreement with the City, pay all fees, and provide a security in a form and amount acceptable to the City prior to approval of parcel/final map.
37. Any final map for condominium purposes shall show all existing and proposed easement locations, uses and recording information. The Owner's Statement shall list all public right-of-way and easements to be dedicated and the Certificate of City Clerk shall list all public easements and right-of-way to be abandoned with recording information as part of the final map.
38. The subdivider shall pay for all reasonable office and engineering costs expended by the City Engineer's office, including overhead, in conjunction with reviewing the final map for condominium purposes, improvement plans, easements, and in obtaining the map signature of the City's consulting surveyor.
39. The subdivider shall provide five copies of the permit approved site/off-site civil improvement plans, landscape plans, and specifications along with a Mylar or other reproducible set (plans only), and a digital copy acceptable to the City Engineer.

### Streets, Sidewalks, Parking and Traffic Control

40. Any existing damaged sidewalk fronting the property which constitutes a tripping hazard shall be replaced; sidewalk construction per City Standard Detail.
41. The proposed work shall comply with all current, applicable, plans, standards, policies and guidelines including Alameda's Bicycle Master Plan; Pedestrian Master Plan; Long Range Transit Plan; Transportation Demand Management and Transportation System Management (TSM/TDM) Plan; Multimodal Circulation Plan; Transportation Element of the

General Plan; Transportation Choices Plan; Bicycle Facility Design Standards; Pedestrian Design Guidelines; Guidelines for Multiway Stop Signs, Crosswalks, and Pedestrian Paddles; as well as the Caltrans Design Manual and Standard Plans and the California MUTCD. All documents can be found at the City's Public Works webpage, under Key Documents, at <https://www.alamedaca.gov/Departments/Public-Works>.

42. All sidewalks shall comply with ADA and Title 24 requirements for cross slope, including driveway approaches and curb ramps. Where existing driveways are removed, the developer shall replace the curb, gutter, and full width of sidewalk to current standards.
43. The structural section for vehicular use areas shall be designed by a registered civil engineer and is subject to approval by the City Engineer. Structural sections of Emergency Vehicle Access paths shall accommodate the weight of a fire truck.
44. Parking layout shall be constructed in conformance with City's off-street parking design standards, Alameda Municipal Code Section 30, Article 1, Chapter 7 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.
45. Limits of any demolition required of sidewalk in the public ROW to install utilities, driveways or other improvements shall extend to the nearest score joint.

#### Grading and Floodplain

46. The Applicant shall submit a soils investigation and geotechnical report for the proposed development, subject to the review and approval of the City Engineer. The report shall address the structural and environmental analysis of existing soils and groundwater and provide recommendations for all grading, retaining walls, bulkheads, surface and sub-surface drainage, lot drainage, utility trench backfilling, construction dewatering, 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.
47. 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.
48. Prior to issuance of the first Temporary Certificate of Occupancy, 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.

#### Drainage

49. All on-site surface drainage shall be collected and conveyed in an adequately designed underground storm drainage system in a manner to be approved by the City Engineer. The site shall be graded so that no additional runoff is directed to and so as not to impede runoff from adjacent properties.
50. 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.
51. Improvement plans shall clearly show the extent of public vs private storm drainage facilities, including basins, pipes, structures, and pump stations. All public drainage facilities shall be in public streets or in public drainage easements.
52. The developer shall be responsible to maintain access to and function of existing stormdrain lines that run onto and/or through the developer's property.
53. Stormwater shall be dispersed, diffused, detained, or otherwise infiltrated on-site to the extent feasible. Downspouts shall not be directly connected to public or private storm drain facilities. Use of splash blocks directed towards landscape areas is encouraged. Stormwater, including roof drainage, shall not be directed across sidewalks or driveways.

#### Stormwater Quality Protection and Treatment

54. The second DMA 18 indicated on the preliminary Stormwater Control Plan will need to be re-labeled and characterized as a separate DMA in the Civil Improvement Plans submittals, both on the Stormwater Control Plan sheet and the accompanying Drainage Management Area Summary Table. All DMAs should be unique, distinct areas.
55. All projects shall incorporate permanent stormwater low impact development (LID) design techniques and source control measures to manage the quantity and quality of stormwater runoff from the planned development to prevent and minimize impacts to water quality, in accordance with the City of Alameda's National Pollution Discharge Elimination System (NPDES) Permit, and consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual. Project plans shall indicate the efforts taken to minimize impervious surface areas, especially directly connected impervious surface areas.
56. The Applicant shall submit a Stormwater Quality Management Plan complete with:
  - a. the individual drainage management areas identified
  - b. a completed Stormwater Requirements Checklist and

- c. a stamped, signed City of Alameda C3 certification form from a qualified independent (i.e. different engineering firm) 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.

57. The Civil Improvement Plans shall be consistent with the approved Stormwater Quality Management Plan submittal. Prior to issuance of the Permit, the Applicant shall submit for review and approval by the 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. The development 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.

58. The development is subject to full trash capture requirements of the City's NPDES permit, regardless of impervious surface area. The developer shall provide a full trash capture system, device, or series of devices that traps all particles retained by a 5mm mesh screen and has a design treatment capacity of not less than the peak flow rate Q resulting from a one-year, one-hour storm in the sub-drainage area. Plan sheets shall include location, detail and cross-sectional drawings of the stormwater full trash capture device(s) necessary to treat the entirety of the site. The developer shall confirm that the full trash capture device(s) included in the development plan are on the State Water Resources Control Board's list of certified full trash capture systems. Trash capture shall occur on site, not in the public right of way downstream. Applicant shall submit an O&M plan detailing the necessary maintenance tasks and schedule required to maintain all on-site trash capture devices.

59. Prior to project acceptance and any certificate of occupancy, the Property Owner(s) shall provide the following:

- a. Executed 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.
- b. Verification that the following have all been incorporated with the CC&Rs of the relevant HOA: O&M plans for all stormwater treatment, trash control and design measures to be maintained by any homeowners' association or property owners' association, the template for annual self-reporting, and assurances for property access for City verification inspections.
- c. 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.

60. The developer 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 the issuance of the Permit for 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, the City's "Urban Runoff Best Management Practices Standards", and other generally accepted engineering practices for construction activity pollution prevention, sediment, and erosion control.
61. The Developer 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.
62. Projects proposed for construction between October 1st and April 15th, shall have an erosion and sedimentation control program approved, and implemented to the maximum extent possible, prior to the start of on-site earthwork. Installation of all components of these plans shall be completed by October 1. Civil Improvement Plans shall include Notes and Details for erosion and sedimentation control program implementation consistent with SWPPP and City Urban Runoff Standards.
63. All new storm drain inlets shall be clearly marked with the words "No Dumping! Drains to Bay," or equivalent, as approved by the Public Works Director.

#### Sewer and Water

64. Sanitary sewerage shall be in accordance with the EBMUD Regional Standards for Sanitary Sewer Installation. All permits, easements, and/or approvals for modifications to the sewer system required by EBMUD shall be obtained prior to issuance of any building permits by the City.
65. Improvement plans shall clearly state extents of public and private sewerage, including pipes, structures, and pump stations. Lower (public) and upper (private) sewer laterals shall

be separated by a two-way cleanout or manhole. All public sanitary sewer facilities shall be in public streets or in public utility easements.

66. The applicant/developer shall provide information necessary to run the City's hydraulic model, to assess the impact on trunk sewer capacity to determine if additional capacity is required. The applicant/developer is responsible for cost associated with the model run/assessment. After the above information is provided but prior to the model run, the applicant/developer will be provided an estimated cost for approval. The applicant/developer is required to provide the following data to the City:

- Project name:
- Site location (APN and street names) (attach map if available):
- Location of proposed connection point(s) to sewer mainline (identify by pipe/manhole ID if known, or attach map):
- Current site use Details of proposed development land uses
- Type (e.g., single-family residential, apartments, office, retail, restaurant, etc.)
- Number of residential units by type
- Square footage of non-residential building floor space (by type of use)
- Other details as applicable (e.g., number of students, beds, etc.)
- Similar information for any existing development to be removed or replaced
- Weekly and diurnal flow pattern if not typical residential or commercial pattern
- Estimated average and peak daily flow if atypical land use and significant discharge

67. The City participates in the EBMUD Regional Private Sewer Lateral Program; therefore the Applicant shall comply with the provisions of this program prior to the issuance of Certificate of Occupancy. Each parcel lateral must be issued a Compliance Certificate by EBMUD. Please review the program requirements and cost for Compliance Certificates: <http://www.eastbaypsl.com/eastbaypsl/>.

68. The Applicant 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 plans.

69. The Applicant shall secure all necessary permit approvals from EBMUD regarding the installation of all water service for the project.

#### Power, Telecom, Street Lighting and Gas

70. The Applicant shall design and construct power, telecom, gas, and other utilities in accordance with applicable utility standards.

71. 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.

72. All utilities along the project frontage(s) shall be undergrounded, except for the 115 kV facilities. If utility poles are to remain, accessible paths shall be provided around these poles whether existing or new. If poles to be removed support street lighting, new street light poles shall be installed.
73. Work with AMP to locate a transformer and pad, if needed, on private property with appropriate maintenance access.

### Solid Waste

74. The project shall be designed to accommodate three waste streams: recycling, organics, and trash; as required by the City of Alameda Municipal Code – Solid Waste and Recycling (Chapter 21). Signage clearly identifying how to sort materials into three waste streams shall be posted at each storage area.
75. The design, location, access, and provisions for waste hauler collection of all external enclosures for solid waste, recycling, and organics shall be of sufficient size and design to serve the development as approved by the Public Works Department.
76. 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. For safety reasons, a turnaround must be provided for any street that would otherwise require the collection truck to back up a distance greater than 150 feet.
77. A 40-foot turning radius is adequate for solid waste collection vehicles.
78. Provide a concrete pad in front of the trash enclosure to accommodate the truck weight while serving the dumpsters.
79. Trash enclosure(s) shall comply with Best Management Practices in accordance with the Clean Water Act and approved by the Public Works Director.
80. The design and construction of the storage area(s) shall:
- a. Be compatible with the surrounding structures and land uses;
  - b. Storage area(s) must be able to accommodate three (3), four (4) cubic yard bins consistent with the current methods of collection provided by the City's Franchised Hauler
  - c. Contain a concrete pad 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.
  - e. Maintain a minimum space of 12 inches between the dumpster(s) and the wall 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-collectable, noxious, unsafe, or in the case of recyclable materials, unmarketable.

- 81. Trash enclosures serving restaurant and other food-related uses shall include a water supply, a drain to the sanitary sewer, and a grease trap and/or water/oil separator.
- 82. The storage area(s) and the individual bins and containers provided within shall be adequate in capacity, number and distribution to serve the anticipated demand as determined by the Public Works Director.
- 83. 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.
- 84. The Development shall comply will Chapter 21, Article 6 of the Alameda Municipal Code and submit a Waste Management Plan documenting the diversion of project related construction and demolition debris to the satisfaction of the Public Works Director.
- 85. Per Chapter 4, Article I of the Alameda Municipal Code, persons distributing merchandise of any kind, including food and beverage, shall provide adequate interior and exterior disposal containers, and frequent enough removal of their contents, to enable patrons to deposit all waste material generated by said merchandise therein.
- 86. Prior to approval of the PWD Permit, the applicant shall submit for review and approval by the Public Works Department a Waste Management Plan (WMP) demonstrating how the project will achieve California's Green Building Standards Code (CALGreen) diversion requirements for construction waste and achieve a minimum recycling rate of 65%. The WMP shall be consistent with the City's written guidance and can be completed by creating an account and submitting a plan via <http://alameda.wastetracking.com>.

#### Landscaping

- 87. The landscape and irrigation plans for on-site and public right-of-way improvements shall be prepared, and signed and stamped as approved, by a licensed landscape architect. The plans shall be in accordance with the most recent version of the "Bay-Friendly Landscape Guidelines" developed by StopWaste.Org, and the Bay Friendly Coalition, the AMC, the Alameda Master Tree Plan, the Alameda Tree Removal Policy, the Integrated Pest Management Policy, as well as other applicable standards. Landscaping shall be designed to improve curb appeal while promoting low maintenance plant material and xeriscaping.

#### **Fire Department Conditions:**

- 88. Roof Access: Final plans submitted for building permits shall demonstrate that the design of the roof decks will not prevent firefighter movement across the roof to the satisfaction of the Fire Marshal.

89. Address Signs: The final building addressing plan submitted along with plans for building permit shall include the placement of address signs to the satisfaction of the Building Official and Fire Marshal.

90. Prior to approval of the Improvement Plans, the applicant shall submit plans for review and approval by the Public Works Director and the Fire Marshal, 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 where a maximum reduction of the fire flow can be reduced following Appendix B for fire sprinklered buildings. Placement of hydrants shall be shown on the improvement plans and shall be to the satisfaction EBMUD, the City Fire Marshal and the City Engineer.
- b. Fire hydrant flows shall be a minimum of 1,500 G.P.M. from any one hydrant.
- c. The Applicant shall provide adequate turn around space or through access for any street greater than 150 feet in length to the satisfaction of the Fire Marshal using Appendix D of the 2022 Fire Code and the City Engineer.

91. Aerial Fire Apparatus Roads: Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet, approved aerial fire apparatus access roads shall be provided. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of the building or portion thereof. For more detail refer to Appendix D in the CFC 2022 edition

### **Alameda Municipal Power General Conditions**

92. Prior to preparation and approval of Improvement Plans, the Applicant shall coordinate with Alameda Municipal Power (AMP) regarding power requirements, including but not limited to the following:

- a. The Applicant shall comply with AMP's Rules and Regulations and "Material and Installation Criteria for Underground Electrical Systems" (available at [www.alamedamp.com](http://www.alamedamp.com)) which provides service options, standards, and minimum clearances from electrical transformers and other utility electrical equipment.
- b. New street trees shall maintain clearances from electrical utilities as follow: a) street/pathway lights and utility poles – 15 feet; b) joint trench and all underground electrical lines – five feet; c) front of electrical pad-mounted equipment (e.g. switches, transformers and capacitors) – 10 feet. Verify minimum clearance distances of trees/shrubs from all sides and back of electrical pad-mounted equipment with Alameda Municipal Power (AMP).
- c. All service installations to shall be underground.
- d. 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.

- e. The applicant will also be billed for 100% cost of distribution line extension (except transformers that are rated less than 750 kVA). AMP will require a refundable deposit for transformers rated 750 kVA and higher based on their capacity utilization.
- f. Applicant shall allocate space for pad-mounted transformers and switches in addition to the primary and secondary boxes and conduits that will be required to provide power to the development. AMP will require easements for all transformers, primary and secondary boxes, and conduits.
- g. The Applicant shall submit, with the final building permit and site improvement plans, detailed drawings showing the required site electric utility facilities.
- h. Concurrent with acceptance of work by the City, the Applicant shall dedicate and AMP shall take over ownership and will be responsible for maintaining all new substructures for underground 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.
- i. Prior to issuance of Certificate of Occupancy, the Applicant shall furnish and install service equipment for the 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. Remote metering is not allowed.
- j. The applicant shall provide (at no charge to AMP) all required easements to AMP facilities on the property prior to issuance of a Certificate of Occupancy.
- k. The final building and improvement plans shall show all necessary easements and access to all electrical utility facilities that are on private property.
- l. The development will be served from 208/120V or 480/277V sources, not 120/240V.
- m. Plan to have primary conduits coming from the Wrap B property from the south.

**AMP - Building Permits:**

93. Final building permit plans shall address the following:
- a. Provide a completed "Service Planning Sheets" for AMP's review.
  - b. A single-line electrical diagram will need to be provided to AMP to determine the feasibility and configuration of electrical service.
  - c. Site Plan AP2.00 indicates multiple transformer to serve the property. AMP allows only a single service entry to a property unless the structure is divided by fire-rated walls.
  - d. All AMP installed transformers will need to have vehicle access in proximity to a roadway.
  - e. 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. The location, number and type of electric facilities, such as transformers and primary cables, cannot be finalized until electric estimates of each unit are

provided. Special loads, such as EV chargers, and solar installations should be identified.

**AMP - Substructure:**

94. The Applicant shall provide all necessary underground substructures, including conduits, pull boxes, electric utility equipment pads, etc. per AMP specifications. AMP will furnish and install all required transformers, high voltage distribution cables, and secondary cables.
95. 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 Engineering Manager or designee in writing.
  - a. All conduits installed within 5 feet from an existing or proposed tree shall be provided with a tree root barrier. (Refer to AMP Drawing 1-L-639)
  - b. 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.

**AMP - Existing Facilities:**

96. AMP requires a 30 foot (15 feet on each side) easement along the final alignment of the overhead 115kV transmission lines and poles. No trees/shrubs are allowed around the poles or from the street to the pole.
  - a. All metal fences or other metallic facilities within the right of way shall be properly grounded.
  - b. Light or traffic signal poles, trees (at mature height), landscaping, fences and equipment shall not exceed 15 feet in height within the right of way, so long as there is adequate clearance.
  - c. No structures either permanent or temporary shall be constructed within the right of way, including covered parking, swimming pools, spas, gazebos, etc.
  - d. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.
  - e. Operation of equipment that exceeds 15 feet in height is not permitted within the right of way without proper authorization from AMP
  - f. Notify AMP 48 hours before starting any work within the easement and at the conclusion for field review that all requirements have been met.
  - g. Access for line equipment shall be provided at all times to AMP's tower/pole structures.
  - h. All grading shall maintain General Order 95 clearances and shall not affect the integrity of tower/pole footings. Footings shall not be covered with soil. Excavations within 10 feet of any structure will not be allowed.
  - i. Protect AMP's towers/poles from vehicular damage by installing protective barriers as required.

- j. The transmission easement and tower/pole locations will be shown on the development plans.
- k. Parking that is located in a transmission easement shall include signage state that the vehicle must be in operating condition and moveable at any time.
- l. AMP's transmission easement shall be designated on plans as "RESTRICTED USE AREA-NO BUILDING".

**AMP - Streetlights:**

97. The Applicant shall provide and install street lighting consistent with the City of Alameda Public Works standards:

- a. All public streets shall be lit with LED lighting. Streetlight layout shall be staggered for a more uniform light distribution. Applicant can provide alternate design if a better efficient light distribution is met.
- b. 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.
- c. The Applicant shall have all streetlights included in the Improvement Plans, installed, fully functional, operational and approved by the City of Alameda Public Works prior to issuance of a Certificate of Occupancy for any building unless a phasing plan is approved by the Director of Public Works. Applicant shall coordinate with the City to determine responsibilities for the streetlight ownership, maintenance and energy costs.

98. Hold Harmless: To the maximum extent permitted by law, the applicant (or its successor in interest) shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, its City Council, City Planning Board, officials, employees, agents and volunteers (collectively, "Indemnitees") from and against any and all claims, actions, or proceedings against Indemnitees to attack, set aside, void or annul an approval by Indemnitees relating to this project. This indemnification shall include, but is not limited to, all damages, losses, and expenses (including, without limitation, legal costs and attorney's fees) that may be awarded to the prevailing party arising out of or in connection with an approval by the Indemnitees relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding and the applicant (or its successor in interest) shall reimburse the City for its reasonable legal costs and attorneys' fees.

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 Planning, Building and Transportation 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 July 2023, by the following vote to wit:

AYES: (7) Ariza, Cisneros, Curtis, Hom, Ruiz, Saheba, and Teague

NOES: (0)

ABSENT: (0)

ATTEST:



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Allen Tai, Secretary  
City of Alameda Planning Board

CITY OF ALAMEDA PLANNING BOARD  
**RESOLUTION NO. PB-23-14**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA ADOPTING  
AMENDED AND RESTATED OBJECTIVE DESIGN REVIEW STANDARDS

WHEREAS, the State of California and the City of Alameda face an unprecedented housing shortage and affordability crisis. In 2019, the Legislature concluded that “California has a housing supply and affordability crisis of historic proportions”; and

WHEREAS, the Housing Accountability Act, Government Code section 65589.5, restricts the City of Alameda’s ability to deny or reduce the density of housing development projects (i.e., residential development, transitional and supportive housing, and residential mixed-use development where at least two-thirds of the square footage is designated for residential use) that are consistent with objective development standards; and

WHEREAS, Senate Bill (SB) 35, Government Code section 65913.4, establishes a developer-initiated process to streamline the approval process for housing developments (i.e., those proposing two or more multifamily units) meeting specific criteria, including affordable housing requirements and labor requirements. Such housing projects will be eligible for ministerial approval, which means the project is exempt from environmental review under the California Environmental Quality Act (CEQA) and will only be subject to “objective” planning standards; and

WHEREAS, Senate Bill (SB) 9, Government Code section 65852.21 et seq., requires a proposed housing development containing no more than two residential units within a single-family residential zone to be considered without discretionary review or hearing, if the proposed housing development meets certain requirements. Such housing projects will be eligible for ministerial approval, which means the project is exempt from environmental review under CEQA and will only be subject to objective zoning standards, objective subdivision standards, and objective design review standards; and

WHEREAS, Assembly Bill (AB) 2162, Government Code section 65650 et seq., requires that supportive housing be a use that is permitted by right in zones where multifamily and mixed-use development is permitted, and requires the City to streamline approval of housing projects containing a minimum amount of supportive housing by providing a ministerial review process, removing the requirement for CEQA analysis, and removing the requirement for conditional use authorization or other similar discretionary entitlements granted by the Planning Board; and

WHEREAS, the Objective Standards primarily consist of architectural and site design best practices already contained in adopted City planning documents and will complement the existing Citywide Design Review Manual (including the Guide to Residential Design) in furtherance of the goals, policies, and actions of the General Plan,

which encourage high quality design and the quality of life that an enhanced built environment fosters; and

WHEREAS, on February 10, 2020, the Planning Board adopted Planning Board Resolution No. PB-20-04 adopting objective design review standards, i.e., measurable and clear criteria, to facilitate and accommodate development at the density permitted on the site and proposed by the development, in accordance with State law; and

WHEREAS, on February 22, 2021, the Planning Board adopted Planning Board Resolution No. PB-21-01 adopting amended and restated objective design review standards; and

WHEREAS, on December 13, 2021, the Planning Board adopted Planning Board Resolution No. PB-21-14 adopting objective design review standards for one- and two-dwelling residences; and

WHEREAS, on July 24, 2023, the Planning Board conducted a duly noticed public hearing and considered amendments to both sets of adopted objective design review standards.

NOW, THEREFORE, BE IT RESOLVED, the Planning Board finds the adoption of the Objective Design Review Standards is exempt from CEQA, pursuant to CEQA Guidelines section 15061(b)(3), because it can be seen with certainty that there is no possibility that this action may have a significant impact on the environment. As an independent and separate basis, the Planning Board finds the adoption of objective design review standards is exempt from CEQA pursuant to CEQA Guidelines section 15183, projects consistent with a community plan, general plan or zoning; and

BE IT FURTHER RESOLVED, the Planning Board hereby adopts this resolution adopting the Amended and Restated Objective Design Review Standards, dated 7/24/23, attached as Exhibit 1 to the staff report and incorporated by reference as though fully set forth herein, subject to the following conditions:

1. Effective Date. This resolution shall take effect immediately upon its adoption. The adopted objective design review standards shall supersede and replace all previously adopted objective design review standards.
2. Additions and Deletions. Any future substantial amendments to the Objective Design Review Standards shall be presented to the Planning Board for consideration.
3. Revisions by Planning Director. The Planning Board hereby delegates responsibility to the Planning Director, or his/her designee, to make miscellaneous minor administrative, clarifying, and technical revisions that facilitate implementation of the adopted standards. Examples of such revisions include word substitutions for clarification purposes, changes to graphics,

formatting, and other typographical changes that do not substantially alter the intent, meaning, or purpose of any particular standard.

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 effective unless appealed to the City Council, in writing and within ten (10) days of the decision, by filing with the Planning, Building, and Transportation 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 24<sup>th</sup> day of July 2023, by the following vote to wit:

AYES: (6) Ariza, Cisneros, Curtis, Ruiz, Saheba, and Teague

NOES: (0)

ABSENT: (1) Hom

ATTEST:



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Allen Tai, Secretary

City of Alameda Planning Board

CITY OF ALAMEDA PLANNING BOARD  
**RESOLUTION NO. PB-23-15**

A RESOLUTION OF THE PLANNING BOARD RECOMMENDING THE CITY COUNCIL AMEND THE ZONING MAP TO REZONE THE APPROXIMATELY 2,280 SQUARE FOOT PROPERTY AT 1715 LINCOLN AVENUE (APN 72-299-11) FROM C-1, NEIGHBORHOOD BUSINESS DISTRICT, TO R-5, RESIDENTIAL DISTRICT, IN CONFORMANCE WITH THE PROPERTY'S GENERAL PLAN LAND USE DESIGNATION OF MEDIUM-DENSITY RESIDENTIAL (PLN23-0210)

WHEREAS, an application was made on May 23, 2023, by Nick Portolese for Portman Enterprises, LLC requesting approval for conformance rezoning PLN23-0210 to amend the zoning map for the approximately 2,280 square foot property at 1715 Lincoln Avenue (APN 72-299-11) from C-1, Neighborhood Business District, to R-5, Residential District; and

WHEREAS, the C-1 Zoning District is intended to provide retail shopping and service facilities via ground floor commercial storefronts; and

WHEREAS, the Alameda 2040 General Plan Land Use Diagram changed the designation for the property from Neighborhood Business to Medium-Density Residential; and

WHEREAS, the C-1 Zoning is not consistent with the General Plan designation for Medium-Density Residential; and

WHEREAS, the existing structure on the property was originally built as a single-family home and is not well suited to meet modern building codes for a retail storefront, including significant accessibility issues; and

WHEREAS, the Housing Element of the General Plan calls for permitting 5,353 housing units between 2023 and 2031; and

WHEREAS, amending the Zoning Map to rezone the property at 1715 Lincoln Avenue from C-1, Neighborhood Business District to R-5, Residential District will facilitate reinvestment in the property and restore one unit of housing and bring the zoning into General Plan conformance; and

WHEREAS, the Planning Board held a duly noticed public hearing for the project on July 24, 2023 and examined pertinent maps, drawings, and documents.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds that, based on substantial evidence in the record, the potential environmental impacts of the project have been evaluated and disclosed pursuant to CEQA. On

November 30, 2021, by Resolution No. 15841, the City Council certified a Final Environmental Impact Report for the Alameda 2040 General Plan (State Clearinghouse No. 2021030563) in compliance with CEQA, and adopted written findings, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program for the General Plan Amendment to update the Alameda General Plan (General Plan EIR). Pursuant to CEQA Guidelines sections 15162 and 15163, none of the circumstances necessitating further CEQA review are present with respect to the General Plan EIR. Approval of the project would not require major revisions to the General Plan EIR due to new significant impacts or due to a substantial increase in the severity of the significant environmental effects. There have been no substantial changes with respect to the circumstances under which the project would be undertaken that would require major revisions of the General Plan EIR due to new or substantially increased significant environmental effects. Further, there has been no discovery of new information of substantial importance that would trigger or require major revisions to the General Plan EIR due to new or substantially increased significant environmental effects. For these reasons, no further environmental review is required; and

BE IT FURTHER RESOLVED, that the Planning Board has reviewed the proposed rezoning and finds (AMC Section 30-22.5):

1. **The amendment relates favorably to and maintains the integrity of the General Plan.** The proposed rezoning ensures consistency between the General Plan and the Alameda Zoning Map. The zoning designation for this property, C-1, Neighborhood Business District, is not consistent with the General Plan designation of Medium-Density Residential. Amending the Zoning Map to R-5, Residential District is consistent with the General Plan designation of Medium-Density Residential.
2. **The zoning map amendment will support the general welfare of the community.** The proposed rezoning is consistent with the prior residential use of the site, and will support the general welfare of the community by enabling significant reinvestment into the property and restoring a housing unit to Alameda's housing inventory.
3. **The zoning map amendment is equitable.** The proposed rezoning is equitable in that it is consistent with the General Plan, the City Charter and other City documents. The map amendment is a conformance rezoning to change the C-1, Neighborhood Business District zoning to R-5, Residential District; and

BE IT FURTHER RESOLVED, that the Planning Board of the City of Alameda recommends that the City Council amend the City of Alameda Zoning Map to rezone the approximately 2,280 square foot property at 1715 Lincoln Avenue (APN 72-299-11) from C-1, Neighborhood Business District, To R-5, Residential District.

Hold Harmless. To the maximum extent permitted by law, the applicant (or its successor in interest) shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, its City Council, City Planning Board, officials, employees, agents and volunteers (collectively, "Indemnitees") from and against any and all claims, actions, or proceedings against Indemnitees to attack, set aside, void or annul an approval by Indemnitees relating to this project. This indemnification shall include, but is not limited to, all damages, losses, and expenses (including, without limitation, legal costs and attorney's fees) that may be awarded to the prevailing party arising out of or in connection with an approval by the Indemnitees relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding and the applicant (or its successor in interest) shall reimburse the City for its reasonable legal costs and attorneys' fees.

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 Planning, Building and Transportation 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 24<sup>th</sup> day of July 2023, by the following vote to wit:

AYES: (6) Ariza, Cisneros, Curtis, Ruiz, Saheba, and Teague

NOES: (0)

ABSENT: (1) Hom

ATTEST:



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Allen Tai, Secretary  
City of Alameda Planning Board

CITY OF ALAMEDA PLANNING BOARD  
RESOLUTION NO. PB-23-16

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA RECOMMENDING THAT THE CITY COUNCIL APPROVE PARCEL MAP OF SOUTH SHORE CENTER TO SUBDIVIDE A 40.88 ACRE PARCEL AT 2212 SOUTH SHORE CENTER INTO FOUR LOTS

WHEREAS, an application was made on October 3, 2022 by Wayne Leach on behalf of MGP XII South Shore Center LLC for a Parcel Map of South Shore Center (PLN22-0474) to subdivide a 40.88 acre parcel into four lots; and

WHEREAS, the application was accepted as complete on August 14, 2023; and

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

WHEREAS, the subject property is located in the C-2-PD-CMU, Central Business and Planned Development Zoning district with a Community Mixed-Use Combining district; and

WHEREAS, the Planning Board held a duly noticed public hearing on September 11, 2023 for this Parcel Map application, and examined all pertinent maps, drawings, and documents.

NOW, THEREFORE, BE IT RESOLVED, that 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, and none of the exceptions found in CEQA Guidelines Section 15300.2 apply; and

BE IT FURTHER RESOLVED, that the Planning Board hereby makes the following findings regarding the Parcel Map of South Shore Center:

1. **The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan and Zoning (Gov. Code § 66474).** The proposed Parcel Map is consistent with the Community Mixed Use General Plan Designation and the C-2-PD-CMU, Central Business and Planned Development Zoning District with a Community Mixed-Use Combining district development regulations concerning minimum lot size, lot coverage, and setbacks from property lines.
2. **The site is physically suitable for the type and density of development (Gov. Code § 66474).** The site is fully developed with buildings, parking, landscaping and associated improvements. The Parcel Map will maintain the existing easements for reciprocal access, utilities, and public access.
3. **The design of the subdivision and improvements is not likely to cause**

**environmental damage or substantially and avoidably injure fish or wildlife or their habitat (Gov. Code § 66474).** The project site is fully developed and no physical improvements are proposed with the Parcel Map. Future development applications will be subject to further review prior to approval.

4. **The design of the subdivision and its improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (Gov. Code § 66474).** All existing and required easements are to be retained.
5. **The design of the subdivision and its improvements is not likely to cause serious public health problems (Gov. Code § 66474).** The site is served by public sewer and water facilities and the review process of future development proposals will take those concerns into consideration and their design will be required to be in conformance with City standards.
6. **The subdivision is design to provide for future passive or natural heating or cooling opportunities (Gov. Code § 66473.1).** The design of the subdivision allows for future buildings to be oriented on an east-west alignment allowing for southern exposure for passive heating and cooling. Homes that may potentially be proposed on the project site will comply with the CalGreen building code.
7. **The subdivision will not result in the discharge of waste into the sewer system that would violate regional water quality control regulations (Gov. Code § 66474.6).** No discharge violation currently exists and sewer capacity is available for this subdivision. The project would not discharge any waste other than domestic sewage and all sewage would be discharged into the city's sanitary sewer system for ultimate treatment. Urban stormwater runoff is required to meet the City's RWCQB permit requirements for urban development.
8. **In recommending approval of Parcel Map of South Shore Center, the Planning Board has considered its effect upon the housing needs of the region, balanced with the public service needs of Alameda residents and available fiscal and environmental resources (Gov. Code § 66412.3); and**

BE IT FURTHER RESOLVED, that the Planning Board hereby recommends that the City Council approve the Parcel Map of South Shore Center (PLN22-0474), subject to compliance with the following conditions of approval:

#### **General**

1. All maps filed pursuant to this approval shall be in substantial compliance with the map titled, "Parcel Map of South Shore Center" prepared by CSW/Stuber-Stroeh Engineering Group dated June 2023, and on file in the office of the Alameda Planning, Building and Transportation Department.

2. Plans shall be prepared, signed, and stamped as approved by a registered civil engineer licensed in the State of California.
3. The proposed work shall comply with Chapter 30, Article 6 of the Alameda Municipal Code (Real Estate Subdivision Regulations) and Chapter 22 of the Alameda Municipal Code (Streets and Sidewalks) as determined by the City Engineer.
4. The proposed work shall comply with Alameda's Standard Plans and Specifications and Standard Subdivision Specifications and Design.
5. 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.

### **Maps and Easements**

6. 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 subdivision maps to discuss submittal requirements, project review timeline, and fees associated with the processing, filing, and construction of this development.
7. A current title report shall be submitted to identify current ownership and any existing easements or land use restrictions.
8. The Applicant shall pay all fees prior to approval of final map.
9. The Final Map shall show all existing and proposed easement locations, uses and recording information. The Owner's Statement shall list all public right-of-way and easements to be dedicated and the Certificate of City Clerk shall list all public easements and right-of-way to be abandoned with recording information as part of the final map.
10. The subdivider shall pay for all reasonable office and engineering costs expended by the City Engineer's office, including overhead, in conjunction with reviewing the Final Map, easements, and in obtaining the map signature of the City's consulting surveyor.
11. The subdivider shall provide a Mylar and a digital copy acceptable to the City Engineer.
12. Hold Harmless. To the maximum extent permitted by law, the applicant (or its successor in interest) shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, its City Council, City Planning Board, officials, employees, agents and volunteers (collectively, "Indemnitees") from and against any and all claims, actions, or proceedings against Indemnitees to attack, set aside, void or annul an approval by Indemnitees relating to this project. This indemnification shall include, but is not limited to, all damages, losses, and expenses (including, without limitation, legal costs and attorney's fees) that may be awarded to

the prevailing party arising out of or in connection with an approval by the Indemnitees relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding and the applicant (or its successor in interest) shall reimburse the City for its reasonable legal costs and attorneys' fees.

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 Planning, Building, and Transportation 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 11th day of September 2023, by the following vote to wit:

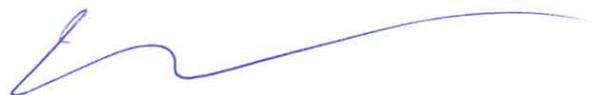
AYES: (5) Ariza, Cisneros, Curtis, Hom, and Saheba

NOES: (0)

ABSENT: (1) Teague

ABSTENTIONS: (1) Ruiz

ATTEST:



---

Steven Buckley, Secretary  
City of Alameda Planning Board

CITY OF ALAMEDA PLANNING BOARD  
RESOLUTION NO. PB-23-17

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING DESIGN REVIEW APPLICATION PLN23-0121 TO ALLOW CONSTRUCTION OF A NEW 3,316 SQUARE FOOT MIXED-USE TWO-STORY BUILDING AT 1251 PARK STREET.

WHEREAS, an application was made on March 23, 2023, by Hien Nguyen, requesting Design Review for the construction of an approximately 3,316 square foot two-story building located at 1251 Park Street; and

WHEREAS, the application was accepted as complete on September 25, 2023; and

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

WHEREAS, the project site is designated as Community Mixed Use in the General Plan land use diagram; and

WHEREAS, on October 23, 2023, the Planning Board held a duly-noticed public hearing on the Design Review application and examined all pertinent material and public testimony, including the recommendations of the Historical Advisory Board and revised plans responsive thereto.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds this project is categorically exempt from environmental review pursuant to CEQA Guidelines Section 15332 – Infill Development, and that none of the exceptions in CEQA Guidelines Section 15300.2 apply:

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.** The proposed development of this site for a two-story mixed use building is consistent with the C-C-T, Community Commercial and Theatre Zoning District development regulations. Overall, the project is consistent with the applicable General Plan policies for the Community Mixed Use land use designation.
2. **The proposed development occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses.** The property is less than five acres (the project site is approximately 2,515 square feet), is located entirely within city limits, and is surrounded by urban residential, commercial or institutional uses.
3. **The project has no value as habitat for endangered, rare, or threatened species.** The project site was developed as a single story commercial building in 1922. As a result, the project site 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.** The project will comply with the City's Off-Street Bicycle Parking Requirements to facilitate alternative modes of transportation. The project would not have any significant effects to traffic, noise, air quality, or water quality.
5. **The site can be adequately served by all required utilities and public services.** The property is located within a developed urban area that is served by all required utilities and services; and

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

1. **The proposed design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual.** The proposed building design is consistent with the General Plan Community Commercial area of Park Street where neighborhoods are predominantly commercial and mixed-use buildings. The new building replaces a dilapidated one-story commercial building with a new two-story structure that includes commercial space on the ground floor and two new residential units on the second floor. The proposed design incorporates building elements from the Design Review manual such as storefront windows with transoms, a recessed entry, a tile bulkhead and a parapet roof and horizontal trim. Exterior materials include painted stucco and fiber cement board siding and wood trim that are characteristic of other commercial buildings nearby.
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 design uses horizontal siding articulated with horizontal trim on the upper story to visually break up the massing of the building. The height of the building at the top of the parapet is 25'-8" which is lower than many of the commercial buildings in the vicinity. The façade incorporates features and materials such as a recessed entryway, storefront windows, a tile bulkhead, and an awning that provides a pedestrian scale, and is compatible with the neighboring buildings.
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 design will utilize compatible materials including horizontal siding, stucco, wood trim and tile bulkhead which are materials that are found on commercial buildings in the neighborhood. The proposed design incorporates architectural elements that are found on some of the existing commercial buildings nearby such as storefront windows with transoms, a recessed entry and an awning; and

BE IT FURTHER RESOLVED, that the Planning Board approves application PLN23-0121 for 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 Hien Nguyen date stamped received September 11, 2023 and on file in the office of the City of Alameda Planning, Building and Transportation Department, except as modified by the conditions in this resolution.
3. Expiration: The Design Review approval for the project shall expire and become void unless substantial construction under valid permits has occurred within three years after this approval. A one-time extension for an additional two years may be granted by the Planning, Building and Transportation Director upon written request and payment of applicable fees.
4. Design Alterations: Plans submitted for the building permit shall incorporate the following design alterations.
  - a. Provide a transom window over the entry door to the second story
  - b. Specify a fabric awning
  - c. Specify fiberglass windows in lieu of vinyl
  - d. Specify smooth-surfaced horizontal lap siding (no artificial grain) and detail the corner treatment
  - e. Clarify bulk head material
  - f. Add accent floor tile and wood ceiling treatment at recessed entry
5. Lighting: All new exterior lighting fixtures shall be directed downward and shielded to minimize offsite glare.
6. 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 additional exterior changes shall be submitted to the Planning, Building, and Transportation Department for review and approval prior to construction.

#### **Drainage and Stormwater Treatment**

7. The development 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.

8. The development is subject to full trash capture requirements of the City's NPDES permit. A full trash capture system or device is any single device or series of devices that traps all particles retained by a 5mm mesh screen and has a design treatment capacity of not less than the peak flow rate Q resulting from a one-year, one-hour storm in the sub-drainage area. Plan sheets shall include detail and cross-sectional drawings of any stormwater full trash capture device(s).
9. Provide the Public Works Department Clean Water Program, a copy of the construction phase appropriate erosion and sedimentation program and plan for review and approval. The plan shall describe construction activity best management practices to be implemented in conformance with the City's erosion, sediment and discharge-control standards.
10. 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.
11. The applicant shall submit for approval a completed City of Alameda Stormwater Checklist.

## **Utilities**

12. Sanitary sewage shall be in accordance with the EBMUD Regional Standards for Sanitary Sewer Installation.
13. 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 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.
14. The Applicant 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 or parcel/final map, whichever comes first. All permits, easements, and/or approvals for modifications to the sewer system required by EBMUD shall be obtained prior to the Final Map.
15. 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 project must be issued a Compliance Certificate by EBMUD. Please review the program requirements and cost for Compliance Certificates: <http://www.eastbaypsl.com/eastbaypsl/>.
16. 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.
17. The Applicant shall design and construct water, power, telecom, gas, and other utilities in accordance with applicable utility standards.
18. Fire sprinkler system test water discharges shall be directed to the sanitary sewer system or to appropriately-sized onsite vegetated area(s).

19. HOLD HARMLESS. To the maximum extent permitted by law, the applicant (or its successor in interest) shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, its City Council, City Planning Board, officials, employees, agents and volunteers (collectively, "Indemnitees") from and against any and all claims, actions, or proceedings against Indemnitees to attack, set aside, void or annul an approval by Indemnitees relating to this project. This indemnification shall include, but is not limited to, all damages, losses, and expenses (including, without limitation, legal costs and attorney's fees) that may be awarded to the prevailing party arising out of or in connection with an approval by the Indemnitees relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding and the applicant (or its successor in interest) shall reimburse the City for its reasonable legal costs and attorneys' fees.

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

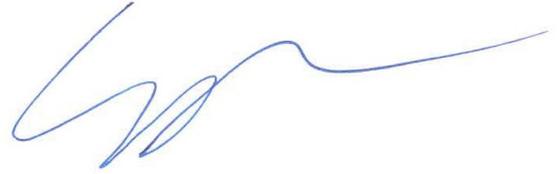
\* \* \* \* \*

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 October 2023, by the following vote to wit:

AYES: (5) Ariza, Cisneros, Hom, Ruiz, and Saheba

NOES: (0)

ATTEST:

A handwritten signature in blue ink, consisting of several fluid, connected strokes. The signature is positioned above a horizontal line.

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Steven Buckley, Secretary  
City of Alameda Planning Board

CITY OF ALAMEDA PLANNING BOARD  
**RESOLUTION NO. PB-23-18**

DECLARING A STATEMENT OF COMPLIANCE UNDER PERIODIC REVIEW FOR A DEVELOPMENT AGREEMENT FOR THE ALAMEDA POINT SITE A PROJECT, FOR THE PERIOD FROM JANUARY 1, 2022 THROUGH DECEMBER 31, 2022

WHEREAS, the City of Alameda (City) and Alameda Point Partners, LLC (APP) entered into that certain Development Agreement for the Alameda Point – Site A project dated as of August 31, 2015 (Development Agreement); and

WHEREAS, APP has initiated a Periodic Review of the Development Agreement with the City of Alameda, as required under Alameda Municipal Code Section 30-95.1; and

WHEREAS, the Planning Board held a duly noticed public hearing on this request on October 23, 2023, 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 January 1, 2022 through December 31, 2022, 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

WHEREAS, Development Agreement annual review is not a project as defined in the CEQA Guidelines Section 15378, therefore, no further action is required and none of the conditions of CEQA Guidelines Section 15162 requiring additional environmental review exist.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board of the City of Alameda hereby finds that APP has complied in good faith 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

October 23, 2023  
Planning Board Meeting

of the Planning Board on the 23rd day of October 2023, by the following vote:

AYES: (5) Ariza, Cisneros, Hom, Ruiz and Saheba

NOES: (0)

ABSENT: (0)

ATTEST:

DocuSigned by:

*Steve Buckley*

\_\_\_\_\_  
Steven Buckley, Secretary  
City of Alameda Planning Board

**CITY OF ALAMEDA PLANNING BOARD  
RESOLUTION NO. PB-23-19**

DECLARING A STATEMENT OF COMPLIANCE UNDER PERIODIC REVIEW FOR A DEVELOPMENT AGREEMENT FOR THE BOATWORKS PROJECT, FOR THE PERIOD FROM JANUARY 1, 2022 THROUGH DECEMBER 31, 2022

WHEREAS, the City of Alameda (City) and Boatworks, LLC entered into that certain Development Agreement for the Boatworks project recorded November 6, 2020 as Document No. 2020299864 (Development Agreement); and

WHEREAS, Boatworks, LLC has initiated a Periodic Review of the Development Agreement, as required under Alameda Municipal Code Section 30-95.1; and

WHEREAS, the Planning Board held a duly noticed public hearing on this request on October 23, 2023, and examined pertinent documents; and

WHEREAS, the Planning Board finds that Boatworks, LLC has complied in good faith with the terms and conditions of the Development Agreement for the period from January 1, 2022 through December 31, 2022, as summarized in the Annual Report Letter submitted by Boatworks, LLC, and has demonstrated a continuing good faith effort to implement the terms and conditions as set forth in said Development Agreement; and

WHEREAS, Development Agreement annual review is not a project as defined in the CEQA Guidelines Section 15378, therefore, no further action is required and none of the conditions of CEQA Guidelines Section 15162 requiring additional environmental review exist.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board of the City of Alameda hereby finds that Boatworks, LLC has complied in good faith 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 23rd day of October 2023, by the following vote to wit:

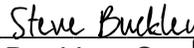
AYES: (5) Ariza, Cisneros, Hom, Ruiz and Saheba,

NOES: (0)

ABSENT: (0)

ATTEST:

DocuSigned by:



Steven Buckley, Secretary  
City of Alameda Planning Board

CITY OF ALAMEDA PLANNING BOARD  
**RESOLUTION NO. PB-23-20**

DECLARING A STATEMENT OF COMPLIANCE UNDER PERIODIC REVIEW FOR A DEVELOPMENT AGREEMENT FOR THE DEL MONTE PROJECT, FOR THE PERIOD FROM JANUARY 2022 THROUGH DECEMBER 2022

WHEREAS, the City of Alameda (City) and TL Partners I, LP (TLP) entered into that certain Development Agreement for the Del Monte Warehouse project dated as of January 15, 2015 and recorded in the Official Records of the County of Alameda (Official Records) on May 17, 2016 as Document No. 2016124746 (Original DA), as amended by that certain First Amendment to Development Agreement dated as of June 8, 2017 and recorded in the Official Records on June 15, 2017 as Document No. 2017130965 (First Amendment), and as further amended by that certain Second Amendment to Development Agreement dated as of July 18, 2018 and recorded in the Official Records on August 28, 2018 as Document No. 2018169332 (Second Amendment), and as further amended by that certain ministerial amendment dated October 25, 2018 (Ministerial Amendment), and as further amended by that certain second ministerial amendment dated September 25, 2019 (Second Ministerial Amendment), and that certain Third Amendment to Development Agreement dated January 4, 2021 and recorded in the Official Records on January 14, 2021 as Document No. 2021017275 (Third Amendment, and together with the Original DA, the First Amendment, the Second Amendment, the Ministerial Amendment, and the Second Ministerial Amendment, the Development Agreement or DA); and

WHEREAS, on October 9, 2019, the City granted its written consent to a partial assignment of certain rights and obligations under the Development Agreement from TLP to Alta Buena Vista Owner, LLC; and

WHEREAS, TLP and Alta Buena Vista Owner, LLC have initiated a Periodic Review of the Development Agreement with the City of Alameda, as required under Alameda Municipal Code Section 30-95.1; and

WHEREAS, the Planning Board held a duly noticed public hearing on this request on October 23, 2023, and examined pertinent documents; and

WHEREAS, the Planning Board finds that TL Partners I, LP and Alta Buena Vista Owner, LLC have complied in good faith with the terms and conditions of the Development Agreement, for the period from January 1, 2022 through December 31, 2022, as summarized in the Annual Report Letter submitted by TL Partners I, LP and Alta Buena Vista Owner, LLC, and has demonstrated a continuing good faith effort to implement the terms and conditions as set forth in said Development Agreement; and

WHEREAS, Development Agreement annual review is not a project as defined in the CEQA Guidelines Section 15378, therefore, no further action is required and none of the conditions of CEQA Guidelines Section 15162 requiring additional environmental review exist.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board of the City of Alameda hereby finds that TL Partners I, LP and Alta Buena Vista Owner, LLC have complied 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 23rd day of October 2023, by the following vote to wit:

AYES: (5) Ariza, Cisneros, Hom, Ruiz and Saheba,

NOES: (0)

ABSENT: (0)

ATTEST:

DocuSigned by:

*Steve Buckley*

Steven Buckley, Secretary  
City of Alameda Planning Board

**CITY OF ALAMEDA PLANNING BOARD  
RESOLUTION NO. PB-23-21**

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 JANUARY 1, 2022 THROUGH JUNE 30, 2023

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 November 13, 2023, and examined pertinent documents; and

WHEREAS, the Board finds that Catellus Alameda Development, LLC has complied in good faith with the terms and conditions of the Development Agreements for the Alameda Landing Mixed Use Residential and Commercial Projects, for the period from January 2022 through June 2023, as summarized in the Annual Report Letter submitted by Catellus Alameda Development, LLC dated June 30, 2023 and has demonstrated a continuing good faith effort to implement the terms and conditions as set forth in said Development Agreements; and

WHEREAS, on November 14, 2022, the Planning Board recommended that the West Alameda Transportation Management Association (WATMA) be dissolved, and the Alameda Landing commercial and residential property owners join the Alameda Transportation Management Association (ATMA), and efforts to merge WATMA and ATMA are near completion; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board of the City of Alameda hereby declares that Catellus Alameda Development, LLC, has 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 13th day of November 2023, by the following vote to wit:

AYES: (4) Ariza, Hom, Ruiz and Saheba,

NOES: (0)

ABSENT: (1) Cisneros

ATTEST:

DocuSigned by:



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Steven Buckley, Secretary  
City of Alameda Planning Board

**CITY OF ALAMEDA PLANNING BOARD  
RESOLUTION NO. PB-23-22**

DECLARING A STATEMENT OF COMPLIANCE UNDER PERIODIC REVIEW FOR ENCINAL TERMINALS PROJECT DEVELOPMENT AGREEMENT, FOR THE PERIOD FROM MARCH 3, 2022 THROUGH JUNE 30, 2023

WHEREAS, North Waterfront Cove, LLC has initiated a Periodic Review of the 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 November 13, 2023, and examined pertinent documents; and

WHEREAS, the Board finds that North Waterfront Cove, LLC has complied in good faith with the terms and conditions of the Development Agreements for the Encinal Terminals Project, for the period from March 3, 2022 through June 30, 2023, as summarized in the Annual Report Letter submitted by North Waterfront Cove, LLC dated June 27, 2023 and has demonstrated a continuing good faith effort to implement the terms and conditions as set forth in said Development Agreement; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board of the City of Alameda hereby declares that North Waterfront Cove, LLC, has demonstrated good faith compliance with the terms and conditions of the Encinal Terminals Project 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 13th day of November 2023, by the following vote to wit:

November 13, 2023  
Planning Board Meeting

AYES: (4) Ariza, Hom, Ruiz and Saheba,

NOES: (0)

ABSENT: (1) Cisneros

ATTEST:

DocuSigned by:



Steven Buckley, Secretary  
City of Alameda Planning Board

CITY OF ALAMEDA PLANNING BOARD  
**RESOLUTION NO. PB-23-23**

APPROVING DEVELOPMENT PLAN AND USE PERMIT (PLN23-0390) FOR AN APPROXIMATELY 1.7 ACRE DEVELOPMENT AT 677 WEST RANGER AVENUE AT ALAMEDA POINT REFERRED TO AS “THE FOOD BANK COMMUNITY MARKET PROJECT”

WHEREAS, an application was made by the City of Alameda and the Alameda Food Bank for a Development Plan and Use Permit for an approximately 1.7 acre site to be used as a community market (grocery store) development at Alameda Point; and

WHEREAS, the project consists of a 10,000 square foot addition to an existing 8,000 square foot building and associated site improvements to create a permanent home for the Alameda Food Bank at Alameda Point; and

WHEREAS, the project would provide motor vehicle parking in excess of the maximum allowed by AMC section 30-7.3.h, i.e. approximately 68 spaces (plus warehouse delivery and support vehicles) where 61 is allowed based on the proposed floor area; and

WHEREAS, the project would retain the existing cellular telephone facility under separate permit; and

WHEREAS, as presented in the staff report, the project is consistent with the General Plan use regulations for the land; and

WHEREAS, as presented in the staff report, the project is consistent with the Adaptive Reuse Zoning District development and use regulations for the land; and

WHEREAS, as presented in the staff report, the project is consistent with the NAS Historic District Guide to Preserving the Character of the Naval Air Station Alameda Historic District guidelines for the Shops Sub-district; and

WHEREAS, pursuant to the streamlining provision of Section 15183 of the CEQA Guidelines, no further environmental review is required because the project is consistent with the General Plan and Zoning Regulations for the land; the environmental impacts of the development of the area were considered in the Alameda Point Project (APP) Final Environmental Impact Report (FEIR) adopted by the City Council on February 4, 2014, in compliance with the California Environmental Quality Act (CEQA) and in the General Plan Update EIR adopted by the City Council on November 30, 2021; and as documented in the project CEQA Checklist, the Community Market project would not result in significant impacts that: (1) are peculiar to the project or project site; (2) were not already identified as significant effects, cumulative effects, or off-site effects in the FEIR; or (3) were previously identified as significant effects but are determined to be substantially more severe than discussed in the EIR; and

WHEREAS, the Planning Board held a duly noticed public hearing on November 13, 2023 for this Development Plan and Use Permit application, and examined pertinent maps, drawings, and documents and considered public testimony and deliberations.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds that the environmental effects of the project have been adequately evaluated, and that:

1. The project is consistent with the General Plan and Zoning Ordinance densities and use regulations; and
2. The FEIR was certified by the City Council for the Alameda Point Project, including amendments to the General Plan and Zoning Ordinance; and
3. There are no environmental impacts peculiar to the project that were not analyzed in the FEIR, or any such impact can be substantially mitigated by imposition of uniformly applied development policies or standards previously adopted by the City; and
4. There are no significant effects of the project that were not analyzed as significant effects in the FEIR; and
5. There are no potentially significant off-site impacts of the project and there are no cumulative impacts to which the project makes a considerable contribution which were not discussed in the FEIR; and
6. There are no previously identified significant impacts of the project which, as a result of substantial new information which was not known at the time the EIR was certified, have been determined to have a more severe adverse impact than discussed in the FEIR.
7. Pursuant to the streamlining provisions of CEQA Guidelines Section 15183, no further environmental review of the Development Plan and Use Permit is required; and

BE IT FURTHER RESOLVED that the Planning Board finds that the required findings can be made pursuant to AMC section 30-21.3 in support of the Development Plan and Use Permit:

1. **The development is an effective use of the site.** The Development Plan provides for the construction of new community market and warehouse space and adaptive reuse of an existing community building. The Development Plan achieves City policy goals and objectives to provide space for an important community facility and benefit for Alameda's most vulnerable households.
2. **The proposed use is consistent with and relates favorably to the General Plan.** The Development Plan supports General Plan policies for the development of Alameda Point and helps balance jobs, community facilities, and housing through the provision of food to lower income households. The Development Plan is consistent with the use and density standards established for the property by the General Plan.
3. **The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity and will not have substantial deleterious effects on existing business districts or the local economy.** The proposed use and physical improvements are designed to eliminate

existing blighted conditions and buildings on the site, and replace substandard storm water, potable water, fire water, wastewater, and other essential utility and other facilities that do not meet current State or local codes, are not able to be owned and maintained by the local utility companies in their current form, and contribute to ongoing pollution in the San Francisco Bay. The proposed Development Plan is designed to be compatible with adjacent future uses by providing an off-street parking lot and frontage improvements on West Ranger Avenue. The Development Plan is also subject to the environmental protections and mitigations imposed by the FEIR, and federal biological requirements stemming out of the U.S. Fish and Wildlife Service Biological Opinion.

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 Development Plan provides for a community market in an area of Alameda Point that is adjacent to low income housing (the RESHAP project), market rate housing (West Midway and Site A) and nearby commercial uses. Conditions requiring future design review approvals ensure that the proposed project will be architecturally and aesthetically compatible with the surrounding developments.
5. **The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.** The Community Market is located on AC Transit Route 96. The project area is also in close proximity to a planned network of bicycle facilities and sidewalks. The project will also be served by Alameda Transportation Management Association services and programs consistent with and in compliance with the Alameda Point TDM Plan.

BE IT FURTHER RESOLVED, that the Planning Board makes the following findings in support of the request for Use Permit approval to exceed the 3 spaces per 1,000 square feet maximum pursuant to AMC Sections 30-7.3.e. and 30-21.3.b.:

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.** (See finding #4 above.)
2. **The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.** (See finding #5 above)
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.** (See finding #3 above.)
4. **The proposed use relates favorably to the General Plan.** (See finding #2 above)
5. **Transportation demand management measures will reduce the need for the additional off-street parking.** The project will comply with the Transportation Demand Management Plan for Alameda Point (TDM Plan). The project will be added to Community Facilities District 17-1 and will therefore be contributing annual funds to

support the Alameda Transportation Management Association, which provides transit passes to all households and employees at Alameda Point, electric bicycle rebates, and other transportation demand management services.

6. **The additional parking demand cannot reasonably be accommodated through formal arrangements such as shared parking or reciprocal parking agreements that make use of other available off-site parking.** The parking lot is designed to be shared with adjacent land uses, which are parked at a rate that is substantially less than the maximums allowed under the Alameda Zoning Code and therefore would benefit from the project.
7. **There are unique characteristics of the users or the land use activity that result in a high level of automobile parking demand.** The design and size of the parking lot is intended to provide parking for a variety of adjacent land uses in addition to the visitors to the Community Market. The grocery shopping activity could result in heavy loads that warrant use of a motor vehicle.
8. **The project provides positive environmental, social, or other community benefits that outweigh the adverse effects of additional parking, such as improving public safety, or improving and/or preserving access for pedestrians, cyclists or users of public transit.** The project will be providing funding on an annual basis to support transit and alternative modes of transportation to reduce automobile generated greenhouse gas emissions and will provide on-site bicycle parking and pedestrian improvements; and

BE IT FURTHER RESOLVED, that the Planning Board hereby approves the Development Plan prepared by MBH Architects PLN23-0390 (Exhibit 2), subject to the following conditions:

1. Design Review Approval: Prior to issuance of any building permit or site improvement permit in preparation of vertical development, an application for Design Review shall be submitted for review and approval by the City of Alameda. The plans submitted for the Design Review approval shall be in substantial compliance with the plans prepared by MBH Architects on file in the office of the City of Alameda Planning Department, which include main building entries that face inward toward the center of the campus. The plans shall also include:
  - a. Bicycle rack locations
  - b. Shopping cart rack locations
  - c. Garbage enclosure details and access plan.
  - d. Detailed landscape plan
  - e. Better architectural design transition from the existing building to the proposed addition.
2. Infrastructure Improvement Plans: Prior to issuance of a building permit, there must be approved infrastructure improvement plans for the improvement of the on-site and adjacent off-site streets, waste water, storm water, potable water, recycled water, power, and

communications facilities required for the development. The improvement plans shall be reviewed for consistency with the requirements of the Alameda Master Infrastructure Plan (MIP) and AMC. 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. All required public frontage and street improvements shall be designed, built, and dedicated to the City in accordance with City ordinances, Public Works Department standards and the Subdivision Improvement Agreement with respect to such improvements and shall include curbs, gutters, sidewalks, street trees, storm water treatment controls, landscaping and irrigation, streetlights, etc.

3. Building Permit Plans: The plans submitted for the Building Permit shall be in substantial compliance with the plans prepared by MBH Architects dated November 2, 2023 on file in the office of the City of Alameda Planning and Building Department and the Design Review plans, described above, once approved by the Planning Board.
4. CEQA Mitigation Measure Monitoring: Prior to issuance of a building permit or site improvement permit, the applicant shall submit a Mitigation Measure Compliance Checklist confirming compliance with all required environmental mitigation measures contained in the MMRP (See Streamlined Checklist and MMRP) adopted by the Planning Board for the redevelopment of the project. Prior to issuance of a design review, building or site improvement permit, a Biological Opinion Compliance Checklist must be submitted confirming compliance with all required conditions set forth in the Declaration of Restrictions for the Former Naval Air Station Alameda (Declaration) consistent with the Biological Opinion issued by the U.S. Department of Fish and Wildlife, and Exhibit C of the Memorandum of Agreement between the City of Alameda and Department of Veteran's Affairs (Alameda Point Lighting Mitigation Measures).
5. Conformance with Local Codes. Building Permit submittals shall be consistent with all local City of Alameda municipal codes including, but not limited to LEED or Green Point Rating Requirements, AMC 13-19; Bird Safe Ordinance, AMC 30-5.16.b.; Dark Skies Ordinance, AMC 30-5.16.c; and Parking and TDM Requirements, AMC 30-7.
6. Dust Control: Prior to issuance of building or grading permits, the 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.
7. Automobile and Bicycle Parking: The automobile parking lot shall be made available for use by the public visiting the Food Bank and neighboring buildings on adjacent sites. The site

improvement plans shall be consistent with the minimum permitted bicycle parking ratios described in AMC 30-7. The plans shall specify the number of parking spaces to be equipped with electric charging stations. The parking lot screening wall shall be limited in height to 3 ½ feet.

8. Water Efficiency Landscape Ordinance: Prior to issuance of building permits or improvement plans, Applicant shall submit a complete WELO Landscape Document Package, as defined by Alameda Municipal Code (AMC) Section 30-58.3(d), subject to the approval of the Planning, Building, and Transportation Director.
9. Landscape Plans: All landscape plans shall be in accordance 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.
10. Vesting: This Development Plan approval shall expire and become void unless actual construction under valid permits has commenced within two years after this approval or unless this Development Plan is vested for a longer period than five years by a Development Agreement or other vesting document.
11. Modifications: Minor modifications to the project site design, building placement, or building footprints may approved by the Planning and Building Director provided that the Director is able to make the finding that the modification is necessary in support of the project and in substantial conformance with the illustrative design approved by the Planning Board. 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 development plan or these conditions shall be subject to review and approval of the Planning Board.
12. Other Agency Approvals: Prior to issuance of building permit(s) for work within jurisdictional lands, evidence that all required approvals, permits, or waivers from Regional Water Quality Control Board (RWQCB), including a possible 401 Certification for the construction of a stormwater outfall, and/or the Army Corp. of Engineers, if any, have been obtained shall be provided. The final improvement plans shall incorporate all other agency requirements. Prior to construction, provide evidence of all relevant submittals required by the State's Construction General Stormwater Permit

## **Improvement Plans**

13. Improvement Agreement: To guarantee completion of the required on-site and off-site improvements consistent with the MIP, an Improvement Agreement with the City must be entered into and security in a form and amount acceptable to the City provided prior to issuance of a building permit for vertical construction.
14. Engineer Approved: Prior to the approval of a building permit for vertical construction, improvement plans shall be prepared, signed, and stamped as approved by a registered civil engineer licensed in the State of California and be consistent with the Alameda Point

Master Infrastructure Plan (MIP). The engineer shall also assume responsibility for inspection of the on-site construction work, and shall certify to the City, prior to acceptance of the work or issuance of any occupancy permit, that the installation of the on-site work (excluding the building and foundation) was constructed in accordance with the approved plans.

15. Easements: The improvement plans shall show all existing and proposed easement locations, uses and recording information. The Owner's Statement shall list all easements to be dedicated and the Certificate of City Clerk shall list all public easements to be abandoned (with recording information) as part of the Parcel or Final Map.
16. Potable Water: The improvement plans shall include potable water infrastructure consistent with the MIP to serve the project, whose design shall be shown on the Improvement Plans to the satisfaction of EBMUD, the Public Works Director, and the Fire Chief.
17. Storm Water Quality and Treatment Controls: The improvement plans shall incorporate 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 be consistent with the MIP and any existing or future conditions of a 401 certification for Alameda Point (401 Certification Conditions) and the Provision C3 requirements of the City's municipal stormwater permit. Efforts shall be taken to minimize impervious surface areas, especially directly connected impervious surface areas. Roof drains shall discharge and drain to an unpaved area wherever practicable. Design techniques may include green roofs, rainwater harvesting, vegetated swales, vegetated buffer zones, bio retention units, retention/detention basins and ponds, tree well systems, and the incorporation of pervious surface areas and LID measures. The Improvement Plans shall provide details sufficient to ensure that the storm water design and treatment measures shall be constructed consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual, the MIP and the 401 Certification Conditions. Applicants may also refer to the Bay Area Storm water Management Agencies Association (BASMAA) *Start at the Source Manual* for technical guidance. All storm water design and treatment measures for private development pads shall be consistent with the C3 requirements and 401 Certification Conditions and be located on the development pad or an adjacent private development pad and shall not be located on property planned for public parks or public rights of way.
18. Landscape Plans: The improvement plans shall include landscape and irrigation plans for improvements consistent with the Development Plan. The plans shall be prepared, signed, and stamped by a licensed landscape architect and civil engineer for flood and sea-level rise protection improvements and shall be in accordance with the AMC and other regional jurisdictional requirements. The landscape architect shall also assume responsibility for inspection of the work and shall certify 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.

19. Waste Water: A sanitary sewage flow analysis, identifying the total peak sanitary sewage flow quantities 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 the analysis to an independent consultant who will assess the impact of the proposed development on the City's sanitary sewer system and determine if any improvements to the City's system are required to ensure sufficient sewage capacity for this project and any anticipated growth within the associated sewer sub-area. The applicant/developer will pay for the cost of the modeling study. The applicant/developer will incorporate any recommended improvements from the sewer study into the project's improvements plans and be consistent with the MIP.
20. Waste Water Capacity: A sanitary sewage treatment capacity analysis for wet weather flows associated with the development, compared to existing or previous conditions, 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 capacities. The improvements plans will include any recommended improvements and be consistent with the MIP.
21. Storm Drainage: 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 improvements plans will include any recommended improvements and be consistent with the MIP.
22. Fire Water: The improvement plans for the project site shall include a Fire Water System consistent with the MIP. The system shall be designed to the satisfaction of EBMUD and the Alameda Fire Department. The Applicant shall be responsible for the placement of on-site hydrants. The location and number of hydrants shall be established in improvements plans. Placement shall be shown on the improvement plans and shall be to the satisfaction EBMUD, the City Fire Chief and the City Engineer.
23. Fire Sprinklers: The improvement plans and building permit plans shall include fire sprinkler systems within each residential unit including the garage and attic spaces.
24. Fire Safety: Prior to approval of the Improvement Plans, plans for review and approval by the Public Works Director and the Fire Chief shall be submitted, that:
  - a. Provide fire hydrants spaced throughout the project as required in California Fire Code Appendix C. Ensure sufficient fire flow for the development compliant with California Fire Code Appendix B and AMC 15-1.2 where a maximum reduction of the fire flow can be reduced by 50% for fire sprinklered buildings.
  - b. Fire hydrant flows shall be a minimum of 1,500 G.P.M. from any one hydrant;
  - c. Provide adequate turn around space or acceptable emergency vehicle through access for any street greater than 150 feet in length;
  - d. Ensure that all roads that are required to be fire access roads have an adequate turning radii for fire apparatus (inside turning radius of 28" and outside turning radius of 44'8"); and

e. For all roads designated as fire access roads shall have a minimum fire lane width of 26' unobstructed for buildings taller than 30'. Should parking within the fire lane be required, the fire lane width shall be increased as required to meet fire access requirements.

25. Utilities: The improvement plans shall include facilities and improvements to ensure that utility services are maintained for existing users throughout the construction process and the access to such service for maintenance purposes is preserved throughout the construction process for new utilities. The improvement plans shall preserve access to the Cartwright Substation throughout the construction process.
26. Geotechnical Report: A geotechnical report, including recommendations shall be prepared by a registered geotechnical engineer licensed in the State of California. The improvement plans shall incorporate all geotechnical recommendations in the report and be consistent with the MIP. The geotechnical engineer shall sign and stamp the improvement plans as conforming to its recommendations. The geotechnical engineer shall also assume responsibility for inspection of the work and shall certify to the City, prior to acceptance of the work that the work performed is adequate and complies with their recommendations.

### **Public Improvements**

27. Maintenance: Maintenance of improvements not within the public ROW shall be the responsibility of the new development.

### **Water Quality**

28. Best Management Practices: All contractors and sub-contractors shall install, implement and effectively maintain appropriate sediment control, erosion control and other water quality protection measures to prevent any pollutants from entering the municipal storm water drainage system or the Seaplane Lagoon, either directly or indirectly, during all construction activities. All implemented measures shall be consistent with the City's urban runoff Best Management Practices (BMPs) standards. Payment shall be required for any required cleanup, testing, and/or City administrative costs resulting from consequence of construction materials entering the storm water drainage system.
29. Hydro Seeding: Hydro seeding of all disturbed pervious surface areas shall be completed in compliance with the requirements included in the State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ.
30. Storm Water Quality Management Plan: A stormwater quality management plan, consistent and concurrent with the finalized improvement plans, shall be submitted to demonstrate and verify appropriate site design for LID and stormwater treatment consistent with the Provision C3 requirements, the MIP and the 401 Certification Conditions. This Plan shall include: a completed City of Alameda's Stormwater Requirements Checklist; the determination and identification of drainage management areas (DMAs) for all proposed impervious surface areas on the proposed project site; the establishment of Provision C3-compliant stormwater quality measures for each DMA; a site plan map and inventory

identifying each DMA and corresponding C3-compliant measure, including area values (in square feet) for all areas; a stamped, signed City of Alameda certification form from a qualified independent civil engineer with stormwater treatment facility design experience, licensed in the State of California, and acceptable to the Public Works Department that indicates the Plan and all LID and treatment measure designs meet the established sizing design criteria for stormwater treatment measures consistent with Provision C3 of the municipal stormwater permit;

32. Storm Water Pollution Prevention Program: Prior to the initiation of any site grading at the project site or the issuance of the first combination grading/building permit, or approval of Civil Improvement Plans, whichever comes first, provide the Public Works Department Clean Water Program, with copies 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](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.
33. Certification Report: Prior to issuance of the occupancy permits for the project site, 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, verifications 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; 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.
34. 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 stormwater drainage from the project site is subject to full trash capture consistent with the City's municipal stormwater permit definition of a full trash capture device. Improvement plan sheets shall provide sufficient plan views and details of the full trash capture device installation(s) necessary for engineering review and approval. A full trash capture system or device is any single device or series of devices that trap all particles retained by a 5mm mesh screen and has a design treatment capacity of not less than the peak flow Q resulting from a one-year, one-hour storm in the sub-drainage area. Plan sheets shall include detail and cross-sectional drawings of any stormwater full trash capture device.

35. 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.
36. Operations and Maintenance Plan: Submittal of a stormwater treatment measures Operations and Maintenance (O&M) plan is required for review and approval by the Public Works Department prior to the approval of and consistent with the improvement plans for each phase. The O&M plan shall include, but not be limited to: treatment and design measure(s) descriptions and summary inventory; a legible, recordable, reduced-scale (8.5"x11") copy(-ies) of the Site Plan indicating the treatment and design measure(s) location(s) and site drainage patterns; treatment measure(s) maintenance requirements and maintenance schedule; the approved plant list and planning plan; detailed description of the integrated pest management principals and techniques and/or Bay Friendly Landscaping Program techniques to be utilized during landscape maintenance to ensure pesticide/herbicide use-minimization in landscaped areas; name and contact information of current maintenance personnel; and template of the annual O&M report submittal to the City. The O&M plan(s) for all stormwater treatment and design measures to be maintained privately shall be incorporated with the CC&Rs of the relevant private entity.
37. Stormwater Agreement: A Stormwater Treatment Measures Maintenance Agreement (Stormwater Agreement) shall be executed with the City for any stormwater treatment or design measure not to be privately maintained, prior to the issuance of the certificate of occupancy. The Stormwater Agreement shall include, but not be limited to: the O&M plan for all approved stormwater treatment measures; identification of the party responsible for implementing the O&M plan; assurances of access to inspect and verify the treatment system O&M for the life of the project; and assurances of the submittal of the annual O&M report to the City. The executed Stormwater Agreement shall be recorded, at applicant/developer's expense, with the County Recorder's Office of the County of Alameda.
38. Landscape Plans: Landscaping plans shall be designed to minimize runoff, promote surface infiltration, incorporate Bay Friendly Landscaping approaches, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution and be consistent with the MIP and 401 Certification Conditions
39. Backflow Prevention: Backflow prevention devices shall be installed on all new and existing domestic, commercial, irrigation, and fire water services and as required by the East Bay Municipal Utility District (EBMUD).

### **Transportation Facilities**

40. Traffic Circulation Plan: Traffic striping and signage plan shall be submitted for all on- and off-site improvements as part of the construction improvement plan submittal. The traffic circulation plan shall include plan(s) showing truck turning templates including rear/front wheel and body tracking movement and shall include delivery trucks, fire engines, moving

vans and waste management trucks. The Public Works Department will review and approve the internal and external circulation of the parking lot, including lane widths and access points. 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 Director prior to approval of the improvement plans or Parcel or Final Map, whichever comes first. The plan shall include all necessary striping to ensure safe ingress and egress from the project site to the adjacent public streets.

41. 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, a Traffic Control Plan (TCP) shall be provided 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, prior approval from AC Transit of any proposed traffic detours or temporary closure of bus stops is required. Construction work may not commence until the TCP is approved by the Public Works Director.
42. 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 and the light standards adopted for Alameda Point.

### **Solid Waste**

43. Waste Management Plan: A Waste Management Plan (WMP) shall be submitted 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](http://greenhalosystems.com)) prior to start of the demolition, remodeling, or construction work. This must be done using Green Halo's web interface. The Public Works Environmental Services Division will review the WMP, and will provide comments that shall be incorporated into the plans for the project. The project is subject to the WMP requirement of section 21-24 of the AMC, and must recycle at least 50% of total debris hauled from the project.
44. External Enclosures: Design of all external enclosures for solid waste, recycling, and organics consistent with this condition shall be approved by the Public Works Director prior to approval of the improvements plans, parcel/final map(s), or the building permit, whichever comes first. These facilities are to be designed to prevent water run-on to the area, runoff from the area, and to contain litter, trash, and other pollutants, so that these materials are not dispersed by the wind or discharged to the storm drain system. External

enclosures are to be roofed and/or enclosed. Any enclosures containing food waste shall have floor drains connected to the sanitary sewer system. If the enclosures are attached to buildings they shall have fire sprinklers. Internal collection and storage area(s) and the individual bins and containers provided, shall be adequate in capacity, number, and distribution to serve the anticipated demand for trash, recycling, and organics as determined by the Public Works Director.

45. 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. All roads that are required to be used by trash collection trucks shall have an adequate turning radii. The trash collection areas shall be accessible to residents and employees. Each storage area shall be no more than 250 feet from any dwelling unit, or in the garage. Trash enclosures and/or recycling area shall be covered; no other area shall drain onto these areas. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. The applicant shall contact the City and East Bay Municipal Utility District (EBMUD) for specific connection and discharge requirements prior to building permit issuance. Discharges to the sanitary sewer are subject to the review, approval, and conditions of the City and EBMUD.
46. 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**

47. Hazardous Materials. Documentation shall be provided by 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. 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. All construction crews shall be properly trained and made aware of any site contamination issues consistent with the Alameda Point Site Management Plan (SMP) and MMRP.
48. Truck Plan: Prior to issuance of a grading permit, a Truck Route Plan for hauling shall be approved by the City Engineer. The Plan must be incorporated into any construction documents for every contract.
49. Notice to Neighbors: At least two weeks prior to initiating any construction activities at the site, a notice shall be provided 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.

50. 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.
51. Dust Control: A dust program of dust control shall be implemented consistent with City, MMRP, and BAAQMD, prior to issuance of building or grading permits.
52. 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.
53. 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**

54. Fire Access: Adequate turn around space or through access for any street greater than 150 feet in length shall be provided to the satisfaction of the Fire Chief and the City Engineer. Emergency Vehicle Access roads shall have an adequate turning radius for fire apparatus (inside turning radius of 28 feet, outside turning radius 44 feet 8 inches, minimum height 13 feet 6 inches, minimum width 20 feet) and 26 feet wide in the immediate vicinity or portion thereof buildings 30 feet or taller. All streets and courts within the development that are required to be fire access roads, shall be marked as fire access roads to the satisfaction of the Fire Chief. All roads that are required to be fire access roads shall

be designed to handle fire apparatus weight of up to 35,000 pounds per axle. Parking shall be prohibited within the streets and alleys that are dedicated as fire lanes. CC&R's shall include an enforcement mechanism.

### **Alameda Municipal Power (AMP)**

55. Compliance with 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](http://www.alamedamp.com)) and completed "Service Planning Sheets" shall be provided for AMP's review prior to submitting plans for building permits.
56. Information on the location of transformers and total load in kilowatts or kilowatt/volts (KVA) shall be provided to AMP for approval prior to building permit issuance. If necessary, (at no charge to AMP) an easement and access to all AMP facilities on the property shall be provided prior to issuance of building permits.
57. Improvement Plans shall be concurrently submitted and coordinated 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.
58. Street lighting shall be consistent with light standards and luminaires approved for all of Alameda Point with the Site A project., which use a luminaire LED light engine no greater than 3,000K CCT (Correlated Color Temperature) and consistent with City's standard specifications and City'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. No signs shall be installed or mounted on street light poles owned and/or maintained by City. All new signs shall be installed on dedicated sign posts.
59. Improvement Plans shall have all streetlights included in the Improvement Plans, installed, fully functional and operating prior to issuance of a Certificate of Occupancy for any building unless a phasing plan is approved by the Director of Public Works. Applicant/Developer shall pay to City 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.
60. Two streetlight poles and LED fixtures of each type installed shall be furnished, at no cost, to City as a stock for future pole/fixture replacement on the public street. Two additional streetlight assemblies (e.g. pole, fixture, arm, shroud, etc.) of each type shall be provided if City agrees to maintain private streetlights,
61. All public streets shall be lit with LED lighting. Streetlight layout shall be staggered for a more uniform light distribution. Alternate design can be provided if a better efficient light distribution is met. LED fixtures approved for Alameda Pont shall be used. LED streetlight fixtures shall offer tri-level lighting with the mid-level setting meeting IES RP-8-14.

62. 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.
63. An easement for electric utility vehicle access to AMP's Cartwright Station shall be provided. 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. Planting any trees that will grow in fullness to the point they may encroach into the perimeter easement shall be avoided
64. All electric pull boxes and vaults in-line with the conduit joint trench shall be installed. 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.
65. Provision of an oil containment facility is required 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. AMP shall be contacted to verify all dimensions, elevations, and orientation before commencing work.
66. Code-size service cables in code-size conduit shall be furnished and installed 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.
67. 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.
68. Prior to issuance of Certificate of Occupancy, service equipment for each building shall be furnished and installed. 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.
69. Concurrent with acceptance of work by City Council, ownership shall be dedicated 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.

70. The Applicant/developer shall be responsible for all expenses involved in the duct/joint trench system engineering design, plan check, project coordination, and electrical construction inspection. The Applicant shall be responsible for the cost of AMP assigned inspector during construction.

71. Detailed drawings showing the required electric utility facilities shall be submitted with the site improvement plans.

**HOLD HARMLESS.** To the maximum extent permitted by law, the applicant (or its successor in interest) shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, its City Council, City Planning Board, officials, employees, agents and volunteers (collectively, "Indemnitees") from and against any and all claims, actions, or proceedings (including, without limitation, legal costs and attorneys' fees) that may be awarded to the prevailing party arising out of or in connection with an approval by the Indemnitees relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding and the applicant (or its successor in interest) shall reimburse the City for its reasonable legal costs and attorneys' fees.

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

\* \* \* \* \*

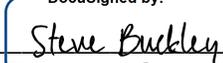
I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 13th day of November 2023, by the following vote to wit:

AYES: (4) Ariza, Hom, Ruiz and Saheba,

NOES: (0)

ABSENT: (1) Cisneros

ATTEST:

DocuSigned by:  
  
\_\_\_\_\_  
Steven Buckley, Secretary  
City of Alameda Planning Board

**CITY OF ALAMEDA PLANNING BOARD  
RESOLUTION NO. PB-23-24**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING A DEVELOPMENT PLAN AMENDMENT APPLICATION #PLN22-0127 TO ESTABLISH STREET NAMES FOR THE PREVIOUSLY APPROVED 90-UNIT TOWNHOME PROJECT AT 2015 GRAND STREET.

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

WHEREAS, the subject property is located in the R-4-PD-MF, Neighborhood Residential Planned Development District with Multi-Family Residential Combining Zone; and

WHEREAS, on October 19, 2021, the City Council adopted the Policy for Naming City Facilities and Streets, which authorizes the Planning Board to approve street names for new developments; and

WHEREAS, a preliminary application was filed under the Housing Crisis Act of 2019 (SB 330) on March 7, 2022 by Trumark Homes (“Applicant”) for Vesting Tentative Map, Design Review, Development Plan and Density Bonus to allow the construction of 90 townhome units with 5 accessory dwelling units within an approximately 4.14-acre parcel at 2015 Grand Street; and

WHEREAS, the applicant submitted a formal final application to construct 90 townhomes on July 7, 2022, within 180 days of filing a preliminary application consistent with SB330; and

WHEREAS, on December 12, 2022, the Planning Board held a duly noticed public hearing and examined all pertinent application materials and public testimony and approved a Development Plan and Design Review, and recommended the City Council approve a Vesting Tentative Map and Density Bonus for the project; and

WHEREAS, on February 7, 2023, the City Council held a duly noticed public hearing and examined all pertinent application materials and public testimony and approved a Vesting Tentative Map and Density Bonus for the project; and

WHEREAS, on November 13, 2023, the Planning Board held a duly noticed public hearing to consider a Development Plan Amendment to adopt street names for the development and examined all pertinent application materials and public testimony.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds this project is exempt from CEQA under the common-sense exemption, i.e. that there is no reasonable possibility that there could be an environmental effect from this action; and

BE IT FURTHER RESOLVED, that the Board finds that the proposed street names are consistent with the Council-adopted Policy for Naming City Facilities and Streets, which assigns responsibility to the Planning Board for naming streets in new developments and provides technical guidance on selection of street names; and

BE IT FURTHER RESOLVED, that the Board finds that the proposed street names have been reviewed for compliance with the Subdivision Ordinance, AMC section 30-84.5 Street Names, which designates the Planning Board as the body responsible to approve street names, and that no duplication of names shall occur, and the project complies because the proposed street names are unique to the project; and

BE IT FURTHER RESOLVED, that the Planning Board hereby approves Development Plan Amendment application #PLN22-0127 to establish the street names for the project, subject to the following conditions:

1. Substantial Compliance with Approvals: The plans submitted for the Building Permit shall be in substantial compliance with the plans prepared by CBG Engineers dated September 30, 2023, and on file in the City of Alameda Planning, Building & Transportation Department, except as modified by the conditions specified in this resolution.
2. Consistency with Policy for Naming City Facilities and Streets: The Final Map shall show street suffix designations consistent with the City's Policy for Naming City Facilities and Streets in regards to street orientation and road type, to the satisfaction of the Planning Director and City Engineer.
3. 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 substantial changes to the approved scope of the project shall be submitted to the Planning Building and Transportation Department for review and approval.
4. Vesting: This approval shall expire two (2) years after the date of approval or by **November 13, 2025** unless substantial construction or use of the property has commenced under valid permits. Upon written request and payment of appropriate fees submitted no later than the expiration date of this approval, the Applicant may apply for a time extension not to exceed two (2) years. An extension request will be subject to approval by the Planning Director and must be filed prior to the date of expiration.
5. Hold Harmless. To the maximum extent permitted by law, the applicant (or its successor in interest) shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, its City Council, City Planning Board, officials, employees, agents and volunteers (collectively, "Indemnitees") from and against any and all claims, actions, or proceedings against Indemnitees to attack, set aside, void or annul an approval by Indemnitees relating to this project. This indemnification shall include, but is not limited to, all damages, losses, and expenses (including, without limitation, legal costs and attorney's fees) that may be awarded to the prevailing party arising out of or in connection with an approval by the Indemnitees relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding and the applicant (or its successor in interest) shall reimburse the City for its reasonable legal costs and attorneys' fees.

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 Planning, Building and Transportation 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 13th day of November 2023, by the following vote to wit:

- AYES: (4) Ariza, Hom, Ruiz and Saheba,
- NOES: (0)
- ABSENT: (1) Cisneros

ATTEST:

DocuSigned by:  
  
 1DFE9F6551084FC  
 Steven Buckley, Secretary  
 City of Alameda Planning Board

CITY OF ALAMEDA PLANNING BOARD  
**RESOLUTION NO. PB-23-25**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA RECOMMENDING THAT THE CITY COUNCIL APPROVE A VESTING LARGE LOT TENTATIVE MAP (TRACT 8696) TO SUBDIVIDE A 160.64 ACRE PARCEL (APN 74-1368-18-4) AT ALAMEDA POINT TO CREATE 23 LOTS, 3 REMAINDER PARCELS AND ASSOCIATED PUBLIC RIGHTS OF WAY FOR REUSE AND REDEVELOPMENT

WHEREAS, an application was made by City of Alameda Base Reuse and Economic Development Department for a Vesting Large Lot Tentative Map (TRACT 8696) to subdivide a 160.64 acre parcel (APN 74-1368-18-4) at the former Naval Air Station to create 23 lots for reuse and redevelopment and three remainder parcels; and

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

WHEREAS, the subject property is located within the Alameda Point Main Street Neighborhood Sub-district (MS Sub-district) and the Adaptive Reuse subdistrict (AP-AR) zoning districts and governed by Alameda Municipal Code (AMC) 30-4.24 of the Zoning Ordinance; and

WHEREAS, the proposed Tentative Map is designed to implement Resolution No. 14893 the City Council of the City of Alameda approving the Alameda Point Master Infrastructure Plan (MIP); and

WHEREAS, the proposed Tentative Map is designed to implement the 2023 City Council approved Development Plans and Disposition and Development Agreements for the West Midway and the RESHAP projects approved on July 19, 2023; and

WHEREAS, subdivision of the property will facilitate the development of West Midway and RESHAP consistent with the approved Development Plans and Agreements; and

WHEREAS, subdivision of the property will facilitate the development of the sale and redevelopment of properties adjacent to the new infrastructure constructed by the City of Alameda within the NAS Historic District; and

WHEREAS, the Planning Board held a notice public hearing and examined all pertinent materials on December 11, 2023,

NOW THEREFORE be it resolved that, the Planning Board makes the following findings relative to the proposed Tentative Map application:

1. **The proposed subdivision, together with the provisions for its design and improvement, is in conformance with the General Plan and Zoning for this site (Gov. Code § 66474).** The proposed tentative map is consistent with the Mixed Use General Plan

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and MS and AR Sub-District zoning designations for the property. The subdivision will create 23 lots for mixed use residential development and parks. The proposed subdivision is designed to ensure lots face streets and parks, that the parcels are adequately accessed by a grid of complete streets, pedestrian sidewalks, and bicycle paths and lanes. The proposed parcels are also designed to accommodate a mix of uses and a variety of housing types and incomes.

2. **The site is physically suitable for the type of development (Gov. Code § 66474).** The tentative map facilitates the development of the West Midway and RESHAP projects consistent with the approved Agreements and approved plans for those two projects, which will provide rental, for-sale, affordable housing options, retail, commercial, that help create an economically balanced mixed-use project. The tentative map also facilitates the conveyance of property for retail, commercial, and public service uses along Pan Am Way consistent with General Plan policies for the redevelopment of Alameda Point.
3. **The site is physically suitable for the density of the development.** The proposed subdivision will not exceed the planned density for the land consistent with the approved entitlements and General Plan policies.
4. **The proposed design of the subdivision and improvements, as conditioned, will not cause environmental damage or substantially and avoidably injure fish or wildlife or their habitat (Gov. Code § 66474).** All future improvement on the property will be subject to the environmental protections and mitigations imposed by the FEIR and federal biological requirements stemming from the 2012 Alameda Point U.S. Fish and Wildlife Service Biological Opinion.
5. **The design of the subdivision and its improvements will not conflict with easements acquired by the public at large for access through or use of property within the subdivision (Gov. Code § 66474).** All future improvements on the site will be subject to compliance with the MIP and Tentative Map, and all necessary easements are to be provided.
6. **The design of the subdivision and its improvements will not cause serious public health problems (Gov. Code § 66474).** Subdivision of the property will facilitate investment in the property, which is necessary to upgrade the existing substandard infrastructure and preserve public health and will comply with the Alameda Point Soil Management Plan, as well as any hazardous materials mitigations imposed by the FEIR.
7. **Water will be available and sufficient to serve the proposed subdivision in accordance with Government Code Section 66473.7.** The subdivision has been designed in accordance with the City of Alameda Master Infrastructure Plan and the EBMUD water supply determinations.
8. **The subdivision will not result in the discharge of waste into the sewer system that would violate regional water quality control regulations in accordance with Government Code Section 66474.6.** The subdivision has been designed in accordance with the City of Alameda Master Infrastructure Plan and EBMUD standards.

9. **The design of the subdivision for which a tentative map is required pursuant to Section 66426 of the Government Code of the state of California shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in accordance with Section 66473.1 of the Government Code.** The proposed subdivision is located in an area of the Bay Area that is well suited for passive cooling and heating opportunities due to its location at the end of a peninsula surrounded by water on three sides.
10. **In recommending approval of the vesting tentative map, the Planning Board has considered its effect upon the housing needs of the region, balanced with the public service needs of Alameda residents and available fiscal and environmental resources (Gov. Code § 66412.3).**

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Planning Board finds that the potential environmental impacts of the project have been evaluated and disclosed pursuant to CEQA. Pursuant to the streamlining provision of Public Resources Section 21083.3 and Section 15183 of the CEQA Guidelines, no further environmental review is required because the proposed Tentative Map is consistent with an adopted Main Street Specific Plan and Alameda Point Zoning Ordinance for the area; the environmental impacts of the development of the area consistent with the Specific Plan and Zoning Ordinance were considered in the Alameda Point Project (APP) Final Environmental Impact Report (FEIR) adopted by the City Council on February 4, 2014, in compliance with the California Environmental Quality Act (CEQA); the Tentative Map is also consistent with and implements the City of Alameda Housing Element Program #1 Alameda Point adopted on November 15, 2022; the environmental impacts of the Housing Element and the development of the programs included in the Housing Element and associated sites inventory were considered in the General Plan Update EIR adopted by the City Council on November 30, 2021; and the Tentative Map would not result in significant impacts that: (1) are peculiar to the project or project site; (2) were not already identified as significant effects, cumulative effects, or off-site effects in the FEIR and General Plan Update EIR; or (3) were previously identified as significant effects; but are determined to be substantially more severe than discussed in the FEIR and General Plan Update EIR; and

BE IT FURTHER RESOLVED that the Planning Board hereby recommends that the City Council approve the Vesting Large Lot Tentative Map (TRACT 8696) to subdivide a 160.64-acre City owned parcel (APN 74-1368-18-4) into 23 lots, 3 remainder parcels and associated public rights of way, subject to the following conditions:

1. All maps filed pursuant to this approval shall be in substantial compliance with the map titled, Vesting Large Lot Tentative Map (TRACT 8696), and on file in the office of the Alameda Planning, Building and Transportation Department. The Final Map(s) shall be in substantial compliance with the Tentative Map. The Tentative Map may be finalized in phases.
2. Prior to the approval of the first Final Map(s), all applicable conditions of approval of the approved Tentative Map, as revised or amended, shall be satisfied.
3. Prior to approval of a Final Map, the City of Alameda shall ensure that the Final Map

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parcel (s) are supported by infrastructure improvement plans consistent with the Alameda Point Master Infrastructure Plan and all applicable approved Development Plans, Disposition and Development Agreements, Design Review Approvals and Development Plan, and subject to the requirements of the MIP, Tentative Map and AMC. 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. All required public frontage and street improvements shall be designed, built, and dedicated to the City in accordance with City ordinances, Public Works Department standards and the Public Improvement Agreement entered into by the Developer and the City with respect to such improvements and shall include curbs, gutters, sidewalks, street trees, storm water treatment controls, landscaping and irrigation, streetlights, etc.

- 4. The subdivider shall record the first Final Map that includes improvements within twenty-four (24) months of approval, or conditional approval of the Tentative Map by the City Council. The City may, upon the subdivider’s application filed before the Tentative Map’s expiration date, extend its life for an additional period or periods not to exceed six (6) years in accordance with State law.
- 5. Final Maps shall show all existing and proposed easement locations, uses and recording information. The Owner’s Statement shall list all easements to be dedicated and the Certificate of City Clerk shall list all public easements and dedications to be accepted, accepted subject to improvements, rejected, or abandoned (with recording information) as part of the Final Map(s).

\* \* \* \* \*

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 11th day of December 2023, by the following vote to wit:

AYES: (6) Ariza, Cisneros, Hom, Ruiz, Tsou and Wang

NOES: (0)

ABSENT: (1) Saheba

ATTEST:

DocuSigned by:

*Steve Buckley*

\_\_\_\_\_  
Steven Buckley, Secretary  
City of Alameda Planning Board

CITY OF ALAMEDA PLANNING BOARD  
**RESOLUTION NO. PB-23-26**

APPROVING AMENDMENTS TO THE REBUILDING THE EXISTING SUPPORTIVE HOUSING AT ALAMEDA POINT (RESHAP) DEVELOPMENT PLAN AND RECOMMENDING APPROVAL OF AMENDMENTS TO THE RESHAP DEVELOPMENT AGREEMENT TO INCREASE THE NUMBER OF SUPPORTIVE HOUSING UNITS IN THE RESHAP DEVELOPMENT PLAN FROM 309 TO 332.

WHEREAS, on May 8, 2023, the Planning Board approved Development Plan prepared by David Baker Architects (PLN23-0167) for 309 housing units on 8.5 acres of land at Alameda referred to as the “RESHAP Project,” which is within the Main Street Neighborhood Specific Plan area of the Alameda Point Project; and

WHEREAS, the proposed amendments to increase the number of units to a minimum of 332 ensures consistency with Surplus Lands Act findings and supports City of Alameda Housing Element policies and objectives to increase the number of affordable, supportive housing opportunities in Alameda; and

WHEREAS, the RESHAP Development Plan and Development Agreement, as amended, are consistent with the General Plan density and use regulations for the land in the General Plan; and

WHEREAS, the RESHAP Development Plan and Development Agreement, as amended, are consistent with the Main Street Neighborhood Specific Plan and the Alameda Point Main Street Neighborhood zoning district density and use regulations for the land; and

WHEREAS, the RESHAP project is identified as a Housing Opportunity Site and a priority program in the 2022 City of Alameda Housing Element; and

WHEREAS, the Main Street Neighborhood Specific Plan is a Specific Plan adopted pursuant to Government Code Section 65450 et seq. for a mixed-use, mixed-income development of the area bounded by Main Street, West Tower, and Pan Am Orion Way; and

WHEREAS, pursuant to the streamlining provision of Public Resources Section 21083.3 and Section 15183 of the CEQA Guidelines, no further environmental review is required because the RESHAP project is consistent with an adopted Specific Plan for the area; the environmental impacts of the development of the area consistent with the Specific Plan were considered in the Alameda Point Project (APP) Final Environmental Impact Report (FEIR) adopted by the City Council on February 4, 2014, in compliance with the California Environmental Quality Act (CEQA); the RESHAP project is consistent with, is specifically listed, and implements the City of Alameda Housing Element adopted on November 15, 2022; the environmental impacts of the Housing Element and the development of the sites included in the Housing sites inventory were considered in the General Plan Update EIR adopted by the City Council on November 30, 2021; and as documented in the project CEQA Checklist, the RESHAP project would not result in significant impacts that: (1) are peculiar to the project or project site; (2) were not already identified as significant effects, cumulative effects, or off-site effects in the FEIR and General Plan Update EIR; or (3) were previously identified as significant effects; but are determined to be substantially more severe than discussed in the FEIR and General Plan Update EIR; and

WHEREAS, the Planning Board held a duly noticed public hearing on December 11, 2023 for this Development Plan application and Development Agreement amendment, and examined pertinent maps, drawings, and documents.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds that the environmental effects of the RESHAP Development Plan and Development Agreement, as amended, including the Main Street Neighborhood Specific Plan containing RESHAP have been adequately evaluated, and that: the RESHAP project is consistent with the General Plan, Zoning Ordinance, and Main Street Neighborhood Specific Plan densities and use regulations; and the RESHAP project is consistent with the General Plan Housing Element; and the FEIR was certified by the City Council for the Alameda Point Project, including amendments to the General Plan and Zoning Ordinance, as well as the Main Street Neighborhood Specific Plan; and there are no environmental impacts peculiar to RESHAP that were not analyzed in the FEIR and General Plan Update EIR, or any such impact can be substantially mitigated by imposition of uniformly applied development policies or standards previously adopted by the City; and there are no significant effects of the RESHAP project that were not analyzed as significant effects in the FEIR and General Plan Update EIR; and there are no potentially significant off-site impacts of the proposed RESHAP project and there are no cumulative impacts to which the proposed RESHAP project makes a considerable contribution which were not discussed in the FEIR and General Plan Update EIR; and there are no previously identified significant impacts of the proposed RESHAP project which, as a result of substantial new information which was not known at the time the FEIR and General Plan Update EIR were certified, have been determined to have a more severe adverse impact than discussed in the FEIR and General Plan Update EIR, and pursuant to the streamlining provisions of Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183, no further environmental review of the Development Plan and Development Agreement, as amended, is required; and

BE IT FURTHER RESOLVED, that the Planning Board finds that the Planning Board findings in support of the Development Plan, as stated on May 8, 2023, remain valid for the amended Development Plan; and

BE IT FURTHER RESOLVED, that the Planning Board of the City of Alameda hereby approves the amendment to the Development Plan prepared by David Baker Architects and approved on May 8, 2023 (PLN23-0167) to amend the sentence on Page 13 of the RESHAP Development Plan as follows:

*"Includes a total of ~~309~~ 332 residential units, a minimum of ~~301~~ 324 of which will be low and very low income units, in addition to up to 8 manager units. and*

*"Note: Residential unit designations are approximate, per block, but total shall ~~not exceed 309~~ be 332 residential units across all Collaborating Partners RESHAP site."*

BE IT FURTHER RESOLVED, that the Planning Board of the City of Alameda recommends that the Alameda City Council approve the proposed Development Agreement amendment to Recital G to read as follows:

*G. The "Project" is a high quality, affordable supportive housing project that will serve extremely low-income, very low, and low-income residents by providing housing and supportive services that*

*will help to break the cycle of homelessness and establish stability and opportunity in the lives of residents and create a cohesive, pedestrian-friendly, and inviting community. The Developer proposes to develop the following specified improvements consistent with the Main Street Neighborhood Plan and the Planning Documents. The Project is more fully described in the Development Plan, which is attached as Exhibit B, herein incorporated by reference without limitation to define the Project as including the following components:*

- a. *Two-Hundred One (201) replacement residential units in newly constructed buildings replacing the 201 units currently located in the Existing Structures (the "Replacement Units");*
- b. *One hundred ~~thirty two (132) and eight (108)~~ new residential units in newly constructed buildings ("New Residential Units and with the Replacement Units, collectively, the "Residential Units"); and*
- c. *Approximately 40,000 square feet of non-residential space for community serving commercial and administrative office uses ("Commercial Space").*

HOLD HARMLESS. To the maximum extent permitted by law, the applicant (or its successor in interest) shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, its City Council, City Planning Board, officials, employees, agents and volunteers (collectively, "Indemnitees") from and against any and all claims, actions, or proceedings (including, without limitation, legal costs and attorneys' fees) that may be awarded to the prevailing party arising out of or in connection with an approval by the Indemnitees relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding and the applicant (or its successor in interest) shall reimburse the City for its reasonable legal costs and attorneys' fees.

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

\* \* \* \* \*

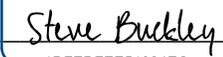
I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 11th day of December 2023, by the following vote to wit:

- AYES: (6) Ariza, Cisneros, Hom, Ruiz, Tsou and Wang
- NOES: (0)

ABSENT: (1) Saheba

ATTEST:

DocuSigned by:

  
\_\_\_\_\_

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Steven Buckley, Secretary

City of Alameda Planning Board

CITY OF ALAMEDA PLANNING  
BOARD **RESOLUTION NO. PB-23-27**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING USE PERMIT PLN23-0426 TO ALLOW THE ESTABLISHMENT OF SEVEN (7) OUTDOOR PICKLEBALL COURTS AT AN EXISTING SPORTS & FITNESS CLUB LOCATED AT 800 WEST TOWER AVENUE.

WHEREAS, an application was made on October 18, 2023 by Patrick Rolfes on behalf of The HUB Pickleball for a Use Permit for seven (7) outdoor pickleball courts on the east side of the former Bladium hangar (Building 40) at 800 West Tower Avenue; and

WHEREAS, Building 40 is a 110,000 square foot former aircraft hangar that has been used as a large fitness and sports facility since the closure of NAS Alameda including two lighted outdoor soccer fields on the west side of the building; and

WHEREAS, The HUB Pickleball has taken over the southern portion of the hangar, the fitness operations, and added eight (8) indoor pickleball courts to the facility; and

WHEREAS, adding additional pickleball courts in a non-residential area will provide a desired amenity for Alameda's rapidly growing pickleball community which will complement the existing fitness and sports activities on site helping ensure that this use stays viable in a post-pandemic environment; and

WHEREAS, the subject property is designated as Mixed Use in the General Plan; and

WHEREAS, the subject property is located in the AP-WTC, Alameda Point – Waterfront Town Center District; and

WHEREAS, pursuant to AMC 30-4.24(g)6., outdoor uses normally conducted within a building and permitted by the zoning may be permitted outdoors with approval of a conditional use permit; and

WHEREAS, pursuant to AMC 30-5.14(h), on non-residential properties, fences visible from a public right of way require an administrative use permit or other planning approval; and

WHEREAS, the Planning Board held a duly noticed public hearing for the project on December 11, 2023 and examined pertinent maps, drawings, and documents.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds this project categorically exempt from additional environmental review pursuant to CEQA Guidelines Sections 15301(a) – operation, permitting or leasing of existing private structures involving negligible or no expansion of use beyond that which exists., and Class 32 – infill development, and finds that none of the exceptions to the categorical exemptions apply; and

BE IT FURTHER RESOLVED, that the Planning Board makes the following findings relative to the Use Permit application (AMC Sections 30-21.3):

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.** As conditioned, the proposed outdoor pickleball courts and perimeter fence are compatible with other commercial land uses in the surrounding neighborhood area. Building 40 sits in a row of large hangar buildings fronting the Seaplane Lagoon taxiway on the former Naval Air Station, and is a contributing building to the NAS Alameda Historic District. No exterior changes to the building are being requested with this use permit application. Chain link fences are common throughout the former NAS Alameda. The building is in the Alameda Point – Waterfront Town Center District, which permits the requested uses with a use permit. The placement of the courts and fencing materials proposed are designed to minimize off-site noise impacts. There are no residential uses in the immediate project vicinity. The project is architecturally, aesthetically, and operationally harmonious with the community and surrounding development.
2. **The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.** The facility is located on West Tower Avenue west of Pan Am Way with no barriers to access. It is less than half a mile to the Seaplane Lagoon Ferry Terminal and three quarters of a mile to the Main Street Ferry Terminal. AC Transit's line 96 serves Alameda Point and stops one block away in either direction. The Cross Alameda Trail provides safe access to the facility for people biking and walking. The site has ample off-street parking available and easy access for delivery trucks. Therefore, the proposed use is served by adequate transportation and service facilities, including pedestrian, bicycle, and transit 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 proposed uses include expansions of existing outdoor recreation and non-residential chain link fencing surrounding a proposed pickleball facility. Both uses already exist on the site. Alameda Point is an especially attractive location for these types of uses and the proposed pickleball facility compliments and supports the existing fitness and sports facility which will have positive effects on other property in the vicinity and the local economy. The proposed uses, if they comply with all conditions, will not have substantial deleterious effects on existing business districts or the local economy.
4. **The proposed use relates favorably to the General Plan and the purpose of the Alameda Point Zoning District.** Approving this use is consistent with Alameda General Plan Land Use Element goals and policies. By adapting the existing sports and fitness facility to better meet changing market demands, including expansion of an existing outdoor recreational use to serve the rapidly growing pickleball playing

community, continued reinvestment in and adaptive reuse of a contributing structure of the NAS Alameda Historic District remains economically viable. A successful operation supports adaptive reuse and historic preservation polices LU-17, LU-21 and LU-25. LU-2 calls for complete neighborhoods with a mix of uses that meet residents' needs. LU-6 calls for a mixed-use waterfront. The proposed project will replace a portion of an existing surface parking lot with an active recreational use allowing users to enjoy the views and bring more people to the waterfront.

BE IT FURTHER RESOLVED, that the Planning Board approves Use Permit PLN23-0426 to allow the establishment of seven (7) outdoor pickleball courts at an existing sports & fitness club located at 800 west tower avenue, subject to the following conditions:

1. Approved Uses: This Use Permit approves, with conditions, an expansion of the existing outdoor sports and fitness activities to include seven outdoor pickleball courts on the east side of Building 40 at 800 West Tower Avenue.
2. 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, Building and Transportation Department for review and approval.
3. Perimeter Fencing: Seven-foot tall chain-link fencing with wind and/or sound screening material is permitted around the perimeter of the pickleball courts as shown and described in the plans on file with the Planning, Building and Transportation Department dated 11/2/2023. To the satisfaction of the Planning Director, applicant shall coordinate with staff to identify an aesthetically appropriate exterior screening design to complement the existing building and NAS Alameda Historic District. Any signage that may be integrated into the screening shall require a separate sign permit consistent with the Alameda Point Sign Program guidelines.
4. Wheel Stops: Applicant shall install parking wheel stops consistent with City of Alameda guidelines in parking spaces that are abutting and perpendicular with proposed perimeter fencing.
5. No Outdoor Storage: Outdoor storage is prohibited. Stacked shipping containers shall not be allowed.
6. Hours of Operation: Outdoor uses associated with this Use Permit shall be limited to the hours of 7:00 A.M. to 10:00 P.M.
7. Exterior Lighting Plan: If additional exterior lighting for pickleball courts approved by this Use Permit is proposed, applicant shall submit a lighting plan to the Planning, Building and Transportation Department for Planning Director approval prior obtaining applicable building and/or electrical permits. New light fixtures shall comply with the Alameda Dark Skies Ordinance, AMC 30-5.16c.

8. Bicycle Parking: Applicant shall install additional short-term bicycle parking for at least 20 spaces (e.g.- 10 inverted “U” racks) proximate to entries and access points for the facility. Bicycle racks shall comply with the City’s Bicycle Facility Design Standards.
9. Good Neighbor Policy: Applicant shall coordinate with City of Alameda Base Reuse and Economic Development Department and property management for Alameda Point to develop and install, at applicant’s expense, signage on site and on the adjoining properties as necessary to discourage employees and guests from parking vehicles on adjoining properties.
10. Noise. Operations shall comply with the Alameda Noise Ordinance (AMC Section 4-10) and the maximum allowable noise levels in Section 4-10.4.b.
11. Feral Cat Feeding Stations: Feral cat feeding stations and colonies, and the feeding of any native and non-native wildlife species that are potential predators of California Least Terns is prohibited in perpetuity and thereafter this prohibition shall be incorporated in all deeds and leases of any portion of 800 W. Tower Ave.
12. Urban Runoff / Stormwater Requirements:
  - a. Applicant must ensure that no pollutants, including food waste/grease, liquid wastes, garbage/debris, litter, and/or other materials, are discharged to the City’s storm drain system (including roadways and storm drains), or the paved use areas or wind-dispersed off-site.
  - b. Applicant will be required to pick up, remove, and dispose of all garbage, refuse or litter consisting of foodstuffs, wrappers, and/or materials dispensed, and any residue deposited on the street and the paved use areas from the operation thereof, and otherwise maintain in a clean and debris-free condition the entire area within a 25-foot radius of the location where food vending is occurring.
  - c. Applicant will be required to pick up, remove and properly dispose of all wastes, debris and trash from the use site daily.
  - d. Applicant shall use best management practices and dry methods of cleaning to prevent accumulation or discharge of any materials to the City’s storm drain system (including roadways and storm drains) and the paved use areas.
  - e. Applicant shall ensure that any wash water from surface cleaning activities shall be collected and discharged to the sanitary sewer system and shall implement surface cleaning best management practices described in the Bay Area Stormwater Management Agencies Association (BASMAA) “Pollution From Surface Cleaning” guidance document.
13. Integrated Waste Requirements:
  - a. Applicant shall provide customers sufficient garbage, recycling, and organic

collection receptacles.

- b. All garbage facilities shall be secured within the building or within a fenced area protected from access by raccoons or other potential Least Tern predators. In no circumstances will uncovered garbage, grain, refuse or other edible materials be placed outside the building in an open bin or can.
  - c. Applicant shall place graphically rich signs or labels on or adjacent to containers so customer discards are more thoughtfully sorted.
  - d. All receptacles shall be covered or secured when operations are closed. Applicant will discourage the scavenging of bottles and cans from use area.
  - e. Applicant understands that disposable food service ware that uses polystyrene foam (aka Styrofoam™) is prohibited within jurisdictional limits.
  - f. Use of City waste receptacles is prohibited.
14. Transportation Management Association Benefits: Applicant shall be responsible for notifying tenants in writing about the benefits available as members of the Alameda Transportation Management Authority and instructions on how to access for employees. The City may request and applicant shall provide within two business days a copy of applicant's written notification to tenants as proof of compliance with this condition.
15. Vesting: The Use Permit approval shall expire two (2) years after the date of approval or by **December 11, 2025**, unless authorized construction or use of the property, as stated under this Use Permit, has commenced. The applicant may apply for a time extension, not to exceed two (2) years. An extension request will be subject to approval by the Zoning Administrator and must be filed prior to the date of expiration.
16. Revocation: This Use Permit may be modified or revoked by the Zoning Administrator, pursuant to Alameda Municipal Code Section 30-21.3d should the Zoning Administrator 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.

**HOLD HARMLESS.** To the maximum extent permitted by law, the applicant (or its successor in interest) shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, its City Council, City Planning Board, officials, employees, agents and volunteers (collectively, "Indemnitees") from and against any and all claims, actions, or proceedings against Indemnitees to attack, set aside, void or annul an approval by Indemnitees relating to this project. This indemnification shall include, but is not limited to, all damages, losses, and expenses (including, without limitation, legal costs and attorney's fees) that may be awarded to the prevailing party arising out of or in connection with an approval by the Indemnitees relating to this project. The City shall

promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding and the applicant (or its successor in interest) shall reimburse the City for its reasonable legal costs and attorneys' fees.

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

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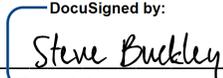
I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 11th day of December 2023, by the following vote to wit:

AYES: (6) Ariza, Cisneros, Hom, Ruiz, Tsou and Wang

NOES: (0)

ABSENT: (1) Saheba

ATTEST:

DocuSigned by:  
  
\_\_\_\_\_  
Steven Buckley, Secretary  
City of Alameda Planning Board

CITY OF ALAMEDA PLANNING BOARD  
**RESOLUTION NO. PB-23-28**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING APPLICATION #PLN23-0368, A USE PERMIT TO ESTABLISH PERMANENT PARKING FOR SCHOOL BUSES AND A NEW PERIMETER FENCE WITHIN AN EXISTING PARKING LOT LOCATED AT 700 ESSEX DRIVE, AND DESIGN REVIEW FOR AN APPROXIMATELY 1,450 SQUARE FOOT OFFICE TRAILER AND RESTROOM LOCATED ON THE PROPERTY.

WHEREAS, an application was made on September 15, 2023 by Michael Shacher on behalf of Zum Services, Inc. for an Administrative Use Permit establish permanent parking for school buses and a new perimeter fence within an existing parking lot located at 700 Essex Drive and Design Review for an approximately 1,450 square foot office trailer and restroom located on the property; and

WHEREAS, the application was deemed complete on November 30, 2023; and

WHEREAS, the subject property is designated as Mixed Use in the General Plan; and

WHEREAS, the subject property is located in the AP-AR, Alameda Point – Adaptive Reuse Zoning District; and

WHEREAS, the Planning Board held a duly noticed public hearing for the project on December 11, 2023 and examined pertinent maps, drawings, and documents.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds this project categorically exempt from additional environmental review pursuant to CEQA Guidelines Section 15303 – construction and location of limited numbers of new, small facilities or structures, and Class 32 – infill development, and finds that none of the exceptions to the categorical exemptions apply; and

BE IT FURTHER RESOLVED, that the Planning Board makes the following findings relative to the Use Permit application (AMC Sections 30-21.3):

- 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.** As conditioned, the proposed school bus parking lot and perimeter fence are compatible with the other uses in the surrounding neighborhood area. The site has historically served as a parking lot and the small modular office and restroom buildings are located at the center of the property and will help the site return to productive use by supporting legally required transportation services for AUSD’s special education students. The operational plan will primarily use the Navy Way gate to the former Navy base to reduce the number of vehicles travelling through the residential area to the east of the project site.

2. **The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.** The facility is located on Essex Drive with no barriers to access. It is less than half a mile to the Main Street Ferry Terminal. AC Transit's line 96 serves Alameda Point and stops one block away. The site has ample off-street parking available and easy access. Therefore, the proposed use is served by adequate transportation and service facilities, including pedestrian, bicycle, and transit 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 proposed parking lot, as conditioned, will not adversely affect other property in the vicinity and will have beneficial effects on businesses in the area by bringing new employees to the area daily that will patronize local businesses.
4. **The proposed use relates favorably to the General Plan and the purpose of the Alameda Point Zoning District.** Approving this use is consistent with Alameda General Plan goals and policies. Goal one of the Mobility Element of the General Plan is to support equity by providing for the mobility needs of all Alameda residents, workers, and visitors regardless of income, age, ability, or neighborhood. The use supports this goal by enabling effective transportation services mandated by law for Alameda's special education students. This includes students with profound disabilities, orthopedic disabilities, health impairments, learning disabilities, or students who live beyond a reasonable distance to their school and would not, without transportation, have access to appropriate special education instruction and related services.

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

1. **The proposed design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual.** The proposed modular office and restroom trailers are utilitarian, low-impact single story structures that will be located towards the center of the site and have minimal visual impact on the NAS Alameda Historic District, and may be removed with minimal effort when the site is redeveloped for more permanent use.
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 design of the buildings is appropriate for the site and will blend in with the mix of adaptive reuses in the NAS Alameda Historic District. The design and location of the buildings integrate into the site and the location and massing ensure harmonious transitions between different land uses.
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 structures are designed to fit in to a wide range of surrounding environments and the materials are similar to other structures large and small at the former NAS Alameda; and

BE IT FURTHER RESOLVED, that the Planning Board approves Use Permit and Design Review PLN23-0368 to establish parking for school buses and a new perimeter fence within an existing parking lot, and design review for an approximately 1,450 square foot office trailer and restroom on the property located at 700 Essex Drive, subject to the following conditions:

1. Approved Uses: This Use Permit approves, with conditions, a parking lot for school buses with necessary supportive facilities.
2. Building Permit Conditions: These conditions shall be printed on the first page of all building plans and improvement plans.
3. 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, Building and Transportation Department for review and approval.
4. Perimeter Fencing: Up to seven foot tall chain-link fence may be installed and shall be maintained in good condition around the perimeter of the parking lot as shown and described in the plans on file with the Planning, Building and Transportation Department dated 12/1/2023.
5. Noise. Operations shall comply with the Alameda Noise Ordinance (AMC Section 4-10) and the maximum allowable noise levels in Section 4-10.4.b. "Good neighbor" practices to minimize unnecessary vehicle noise, radios, and other disturbances shall be implemented.
6. Lighting. No exterior lighting may be installed without prior approval of the Planning Director to ensure compliance with the Dark Sky Ordinance.
7. Urban Runoff / Stormwater Requirements:
  - a. Applicant must ensure that no pollutants, including liquid wastes, garbage/debris, litter, and/or other materials, are discharged to the City's storm drain system (including roadways and storm drains), or the paved use areas or wind-dispersed off-site.
  - b. Applicant will be required to pick up, remove, and dispose of all garbage, refuse or litter and any residue deposited on the street and the paved use areas from the operation thereof, and otherwise maintain the entire area in a clean and debris-free condition.
  - c. Applicant shall use best management practices and dry methods of cleaning to

prevent accumulation or discharge of any materials to the City's storm drain system (including roadways and storm drains) and the paved use areas.

- d. Applicant shall ensure that any wash water from surface cleaning activities shall be collected and discharged to the sanitary sewer system and shall implement surface cleaning best management practices described in the Bay Area Stormwater Management Agencies Association (BASMAA) "Pollution From Surface Cleaning" guidance document.

8. Integrated Waste Requirements:

- a. Applicant shall provide sufficient garbage, recycling, and organic collection receptacles.
- b. All garbage facilities shall be secured within the building or within a fenced area protected from access by raccoons or other potential Least Tern predators. In no circumstances will uncovered garbage, grain, refuse or other edible materials be placed outside the building in an open bin or can.
- c. Applicant shall place graphically rich signs or labels on or adjacent to containers so discards are more thoughtfully sorted.
- d. All receptacles shall be covered or secured when operations are closed. Applicant will discourage the scavenging of bottles and cans from use area.
- e. Use of City waste receptacles is prohibited.

9. Expiration: The Use Permit shall expire two (2) years, and Design Review approval shall expire three (3) years, after the date of approval unless authorized construction or use of the property has commenced. A one-time extension for an additional two years may be granted by the Planning, Building and Transportation Director upon written request and payment of applicable fees.

10. Revocation: This Use Permit may be modified or revoked by the Zoning Administrator, pursuant to Alameda Municipal Code Section 30-21.3d should the Zoning Administrator 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.

**HOLD HARMLESS.** To the maximum extent permitted by law, the applicant (or its successor in interest) shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, its City Council, City Planning Board, officials, employees, agents and volunteers (collectively, "Indemnitees") from and against any and all claims, actions, or proceedings against Indemnitees to attack, set aside, void or annul an approval by Indemnitees relating to this project. This indemnification shall include, but is not limited to, all damages, losses, and expenses (including, without limitation, legal

costs and attorney’s fees) that may be awarded to the prevailing party arising out of or in connection with an approval by the Indemnitees relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding and the applicant (or its successor in interest) shall reimburse the City for its reasonable legal costs and attorneys’ fees.

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 Planning, Building, and Transportation 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 11th day of December 2023, by the following vote to wit:

- AYES: (6) Ariza, Cisneros, Hom, Ruiz, Tsou and Wang
- NOES: (0)
- ABSENT: (1) Saheba

ATTEST:

DocuSigned by:  
  
 \_\_\_\_\_  
 Steven Buckley, Secretary  
 City of Alameda Planning Board