

**CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-19-01**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA RECOMMENDING THE CITY COUNCIL APPROVE PARCEL MAP 10924 (PLN18-0490) TO SUBDIVIDE A 2.81 ACRE PARCEL LOCATED AT 2175 NORTH LOOP ROAD INTO TWO COMMERCIAL CONDOMINIUM UNITS AND TO CREATE ONE COMMON AREA PARCEL FOR ASSOCIATED PARKING AND LANDSCAPING

WHEREAS, an application was made on November 1, 2018, by Joe Ernst on behalf of North Loop 3 LLC to subdivide a 2.81 acre parcel into two commercial condominiums and to create a common area parcel within the 46,000 square foot building currently under construction at 2175 North Loop Road in the Harbor Bay Business Park; and

WHEREAS, this application was accepted as complete on November 26, 2018; and

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

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

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

WHEREAS, the Planning Board held a public hearing on February 12, 2018 and approved Resolution PB-18-01 for a Final Development Plan and Design Review (PLN17-0614) to construct a 46,000 square foot office building and associated site improvements on the 2.81 acre project site; and

WHEREAS, the Planning Board held a public hearing on January 14, 2019 for this application, and examined pertinent maps, drawings, and documents.

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

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

1. The project is located in an urbanized area zoned for commercial or industrial use; and
2. The project will divide the project site into four or fewer parcels; and
3. The division is in conformance with the General Plan and zoning, and no variances or exceptions are required; and

4. All services and access to the proposed parcels to local standards are available;
and

5. The project site was not involved in a division of a larger parcel within the previous 2 years; and

6. The parcel does not have an average slope greater than 20 percent.

BE IT FURTHER RESOLVED, pursuant to AMC Section 30-78.5, the Planning Board has made the following findings relative to the proposed Parcel Map Application PLN18-0490:

- A. **The proposed subdivision is in conformance with the General Plan and Zoning for this site.** The Parcel Map is consistent with the Business Park General Plan designation and C-M-PD zoning regulations for the property. The project would allow the subdivision of an existing 2.81 acre parcel into two commercial condominium spaces into two commercial condominiums and create a common area parcel within a 46,000 square foot building currently under construction and previously approved by the Planning Board.
- B. **The site is physically suitable for the proposed commercial development in the General Plan.** The proposed subdivision is designed to conform to the Harbor Bay Business Park Development Plan standards and requirements adopted to ensure that the project would be compatible with adjacent uses.
- C. **The site is physically suitable for the density of the development.** The proposed subdivision is consistent with density standards of the General Plan and Zoning Ordinance. This map will not change the previously approved Final Development Plan and Design Review, which was found to be consistent with development standards for the C-M-PD zoning district and the Business Park designation of the General Plan.
- D. **The proposed design of the subdivision and improvements, as conditioned, will not cause environmental damage or substantially and avoidably injure fish or wildlife or their habitat.** The development of the site will not introduce hazards that are inconsistent with standard commercial development within the C-M-PD zoning district and the Business Park General Plan designation. The previously approved Final Development Plan and Design Review had conditions of approval to ensure that no unintended environmental damage or exposure of future occupants to environmental dangers could occur.
- E. **The design of the subdivision will not conflict with easements acquired by the public at large for access through or use of property within the subdivision.** All required easements are to be retained.
- F. **The design of the subdivision and its improvements will not cause serious public health problems.** The previously approved Final Development Plan and Design Review includes conditions that assure the property is free of hazardous materials and would not adversely affect public health.

BE IT FURTHER RESOLVED, that the Planning Board hereby recommends the City Council approve the Tentative Parcel Map 10924 application, subject to the following conditions.

1. All maps filed pursuant to this approval shall be in substantial compliance with the map titled, "Parcel Map 10924" prepared by Kier & Wright Civil Engineers & Surveyors, Inc. date stamped received November 1, 2018, and on file in the office of the Alameda Planning, Building and Transportation Department.
2. The Parcel Map shall be in substantial compliance with the tentative Parcel Map.
3. The subdivider shall record the Final Map within twenty-four (24) months of approval, or conditional approval of the Tentative Map by the City Council. An extension of time, not to exceed an additional twelve (12) months, for the filing of the Final Map may be granted by expiration of the approved or conditionally approved Tentative Map. Extensions of time shall not exceed one (1) year in aggregate, unless permitted so by the Subdivision Map Act.
4. The Parcel Map shall be in full compliance with the requirements of Alameda Municipal Code Section 30-81.4. The Parcel Map 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 Map. In addition, the following is required as part of the Parcel Map approval;
 - a. Prior to City Council approval of the Final Map, the applicant shall submit a mylar copy and a CAD file of the Final Map, or another file format, to the satisfaction of the City Engineer.
 - b. A refundable cashier's check in the amount of \$400 to guarantee a mylar copy of the recorded Parcel Map.
 - c. Payment for all reasonable office and engineering costs, including overhead, in conjunction with reviewing the Parcel Map.
5. Covenants, Conditions and Restrictions (CC&Rs) shall be prepared to the satisfaction of the City of Alameda. Copies of the recorded CC&Rs and condominium plan shall be provided to the City Engineer. Should the CC&Rs include designation of parking spaces between different property owners the CC&Rs shall not designate parking at a rate more than two and a half (2.5) parking spaces per one thousand (1,000) square feet of floor area to an individual property owner.
6. HOLD HARMLESS. The Applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda City Planning Board and their respective agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Alameda, Alameda City Planning Board, and their respective agents, officers, or employees to attack, set aside, void or annul, an approval by the City of Alameda, the Community Development Department, Alameda City Planning Board, the City of or City Council related to this project. The City shall promptly notify the Applicant of any claim, action, or proceeding and the City shall cooperate in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding. No

judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision plus extensions authorized by California Code of Civil Procedure Section 1094.6

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

NOTICE. The conditions of project approval set forth herein include certain fees and other exactions. Pursuant to Government Code section 66020(d) (1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and exactions. The applicant is hereby further notified that the 90-day appeal period, in which the applicant may protect these fees and other exactions, pursuant to Government Code section 66-2-(a) has begun. If the applicant fails to file a protest within this 90-day period complying with all requirements of section 66020, the applicant will be legally barred from later challenging such fees or exactions.

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

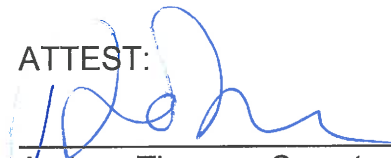
I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 14th day of January, 2019, by the following vote to wit:

AYES: (6) Sullivan, Cavanaugh, Curtis, Rothenberg, Saheba, and Teague

NOES: (0)

ABSENT: (1) Mitchell

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-19-02

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING DESIGN REVIEW AND REDUCTION IN PARKING APPLICATION NO. PLN17-0538 FOR THE CONSTRUCTION OF A 54'-6", FOUR-STORY HOTEL WITH 96 ROOMS AND REAR SURFACE PARKING WITH 62 SPACES AT 1825 PARK STREET

WHEREAS, an application was made on October 26, 2017, by Ganesha LLC, requesting Design Review and Reduction in Parking approval for the construction of a 96-room four-story hotel with 62 parking stalls; and

WHEREAS, the proposed project includes a surface parking lot in the rear with 62 parking spaces, where 96 spaces are required unless the Planning Board approves a parking waiver and Transportation Demand Measures pursuant to AMC Section 30-7.12; and

WHEREAS, the application was accepted as complete on December 18, 2018; 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 Commercial in the General Plan Diagram; and

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

WHEREAS, the Planning Board held a study session on this application on March 26, 2018 and provided comments to the applicant on the design of the hotel; and

WHEREAS, the Planning Board held a noticed public hearing to consider approval of said project application and examined all pertinent materials on January 28, 2019.

NOW THEREFORE, BE IT RESOLVED, that the Planning Board finds this project categorically exempt from environmental review pursuant to CEQA Guidelines Section 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 Commercial in the General Plan. This land use designation includes Park Street and is intended for a variety of commercial businesses including hotel/motel uses. 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. The proposal to provide rideshare services and participation in a citywide TDM program in-lieu of surface parking spaces is consistent with the purpose of the NP-G zoning to support a transit-friendly 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. 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 noise, air quality or water quality impacts. Signal improvements at Park/Clement are already under design by the City of Alameda, which will improve the signal timing. Additionally, this project applicant is requesting approval of Transportation Demand Management measures in-lieu of providing 100% of the required off-street parking, which is permissible under Alameda Municipal Code 30-7.13. The applicant has demonstrated the parking demand will be reduced for the life of the project through participation 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.
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 Commercial General Plan designation and North Park Street Gateway zoning to redevelop the old Park Street auto row into a pedestrian-oriented commercial setting. The hotel design alludes to the streamline moderne architectural style as outlined in the Citywide Design Review Manual. The 49'-6" four-story hotel features a roof parapet on the corner 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 Planning Board finds this parapet consistent with the design intent of the North Park Street Gateway, and that all habitable areas and storage areas are below the 50-foot maximum building height limit. 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 light earth 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.

HEIGHT FINDING

4. The proposed hotel has an overall height of 49'-6", which houses all habitable space and storage areas within this portion of the building. The building features a corner parapet that extends above the roof to a height of 54'-6". The Park Street Gateway District Strategic Plan encourages corner treatments in building designs at key intersections such as Park Street and Clement Avenue. The North Park Street regulations (AMC 30-4.25(d)5) allow architectural elements to exceed the 50' maximum building height limit with design review approval, provided that all habitable and storage areas are below the 50' height limit. The proposed project complies with this requirement.

PARKING REDUCTION FINDING

5. The proposal includes 62 off-street parking spaces instead of the 96 off-street parking spaces required by AMC 30-7. The reduction in spaces is warranted and justified by the following project-specific factors: the project is designed as a transit-oriented hotel project that is located on the Park Street commercial corridor, a transit route with multiple transit lines, the project will be providing AC Transit Passes to project residents and employees via participation in the Alameda TMA, the hotel will provide complimentary rideshare services to its guests, and the project site is situated in an urban area within walking distance of a variety of business services; and

BE IT FURTHER RESOLVED THAT the Planning Board hereby approves the Design Review and Parking Waiver for a 96-room hotel with 62 parking stalls, PLN17-0538 subject to compliance with the following conditions:

Planning

1. Building Permit Conditions: These conditions shall be printed on the first page of all building plans and improvement plans.
2. Building Permit Plans: The plans submitted for the building permit shall be in substantial compliance with the plans prepared by HRGA Architecture, dated December 18, 2018, 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.
3. 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 \$83 per hotel room (2019 dollars). The annual transportation payment shall be adjusted annually consistent with the increase in the San Francisco-Oakland-Hayward Consumer Price Index (All Items).

4. 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.
5. 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, Main Street Ferry Terminal, and destinations within a three-mile radius from the hotel. The carpool ride share service shall be advertised on the hotel's website and marketing materials.
6. Window Recess: The plans submitted for building permits shall include the window trim detail shown on Sheet 6 of the plans prepared by HRGA Architecture, dated December 18, 2018. The trim detail shall depict a 4" recess between the window sash and the exterior siding material and 12" horizontal fin above the window.
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. Bicycle Parking: The applicant shall install the vertical wall-mount bicycle parking racks in the long term bicycle parking cage to the specifications of manufacturer.
10. Windows Along Public Right of Way: Pursuant to AMC Section 30-4.25.d.ii.e, windows along the public sidewalk shall maintain an unobstructed view into the building for a distance of at least five (5) feet.
11. Final Hotel Elevations, Landscape, Lighting, Signage and Parking Plan: Prior to issuance of the Building Permit, the applicant shall prepare a final elevations, landscape design, lighting, signage and parking plan for review and approval by the Planning Board. The elevations shall reflect the direction and comments provided by the Planning Board at the January 28, 2019 public hearing. The parking plan shall include:
 - Capacity for 96 vehicles to park within the lot accommodated by a valet parking program. The hotel shall provide complimentary valet service for all guests of the hotel on days when the parking lot occupancy reaches 62 vehicles. The hotel operator shall determine whether hotel guests will occupy any parking space(s) upon room reservation. All valet vehicles shall be parked within the hotel parking lot.

- Location of Electric Vehicle Charging Stations. The parking lot shall be constructed with at least 3% of parking spaces equipped with Electric Vehicle Charging Stations. The electric vehicle charging equipment shall not reduce the size of the parking space. Each electrical vehicle charging station shall be clearly marked with a sign reading "Electrical Vehicle Charging Station."
 - Revised location of trash enclosure. The location of the trash enclosure shall minimize the effects of the trash on neighboring residential properties.
12. 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.
13. 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

14. 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.
15. 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.
16. 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.
17. 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.
18. 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.

Improvement Plans

19. 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.
20. 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.

21. 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.
22. The roadway in front of the driveway entrance shall be stripped "KEEP CLEAR".
23. 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.
24. 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.
25. 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.
26. All developments shall be designed to account for future predicted sea level rise to Elevation 13 feet, NAVD88 Datum.

Drainage and Stormwater Treatment

27. 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.
28. 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.
29. 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.

30. 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).
31. Prior to the issuance of any permits for the development, the Applicant shall submit a Stormwater Quality Management Plan and stamped, signed City of Alameda C3 certification form from a qualified independent civil engineer with stormwater treatment facility design experience, 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.
32. Prior to the issuance of any permits for the project, the Applicant shall submit for review and approval by City Engineer a Stormwater C3-LID Measures Operations and Maintenance (O&M) Plan that provides a thorough discussion of the inspection, operations and maintenance requirements of all of the stormwater treatment (including trash capture) and LID design measures at the site. This O&M Plan shall be consistent with the City of Alameda's C3-LID Measures O&M Plan Checklist.
33. 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.
34. 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.
35. 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.

36. 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

37. The Applicant shall comply with all applicable policies and requirements of the current approved transportation plans, including Alameda's Bicycle Master Plan, the Pedestrian Master Plan, the Long Range Transit Plan, the Transportation Demand Management and Transportation System Management (TSM/TDM) Plan, and the Multimodal Circulation Plan., Transportation Element of the General Plan, and the Transportation Choices Plan. Bicycle parking shall be consistent with AMC 30-7.15 Bicycle Parking.
38. 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.
39. 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.
40. 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.
41. 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

42. All utilities shall be directed to Clement Avenue. No utilities will be permitted on Park Street.
43. Sanitary sewage shall be in accordance with the EBMUD Regional Standards for Sanitary Sewer Installation.
44. 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.

45. 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.
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. 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/>.
47. 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.
48. The Applicant shall design and construct water, power, telecom, gas, and other utilities in accordance with applicable utility standards.
49. Fire sprinkler system test water discharges shall be directed to the sanitary sewer system or to appropriately-sized onsite vegetated area(s).

Other Standard Conditions

50. 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.
51. The project shall be designed to accommodate three waste streams: recycling, organics, and trash; as required by the Alameda County Waste Management Authority's Mandatory Recycling Ordinance (ACWMA Ord. 2012-01).
52. 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.
53. 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. The trash enclosure shall have a floor drain plumbed to the sanitary sewer system and have a water supply connected to a hose bib.
54. The Development shall comply with Alameda Municipal Code 23-24 and submit a Waste Management Plan documenting the diversion of project related construction

and demolition debris to the satisfaction of the Public Works Director.

55. 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.
56. All irrigation mains and laterals under paved areas shall be sleeved.
57. 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.
58. 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

59. 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 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.

- Improvement Plan design of all external enclosures for solid waste, recycling and organics shall be approved by the Public Works Department. These facilities shall be designed to prevent water run-on to the area, runoff from the area, and to contain litter, trash and other pollutants, so that these materials are not dispersed by the wind or otherwise discharged to the storm drain system. Any trash enclosure facilities with a water supply shall also drain to the sanitary sewer.

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

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

Alameda Municipal Power

61. 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.
62. The Applicant shall comply to AMP's Rules and Regulations and "Material and Installation Criteria for Underground Electrical Systems" (both available at www.alamedamp.com) and provide completed "Service Planning Sheets" for AMP's review prior to submitting plans for building permits. 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.
63. 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.

64. 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.
65. 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.
66. 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.
67. 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.
68. 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.
69. 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.
70. 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.
71. 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.

72. Should the overhead electric facilities not be undergrounded, horizontal clearance of conductors at rest from any buildings shall be a minimum of 6 feet.
73. 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.
74. The Applicant shall submit, with the site improvement plans, detailed drawings showing the required site electric utility facilities.
75. 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.
76. 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.

Indemnification

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

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 28th day of January, 2019, by the following vote to wit:

AYES: (6) Sullivan, Cavanaugh, Curtis, Mitchell, Rothenberg, and Saheba

NOES: (0)

ABSENT: (1) Teague

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-19-03

DECLARING A STATEMENT OF COMPLIANCE UNDER PERIODIC REVIEW FOR DEVELOPMENT AGREEMENT, DA-89-1, FOR THE PERIOD APRIL 5, 2018 THROUGH APRIL 4, 2019

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

WHEREAS, the Planning Board held a public hearing on this request February 11, 2019, and examined pertinent documents.

NOW THEREFORE BE IT RESOLVED THAT, the Planning Board finds that the Harbor Bay Entities has complied with the terms and conditions of the Development Agreement, DA-89-1, through the April 4, 2019 review period, as summarized in the Annual Report submitted by the Harbor Bay Entities and has demonstrated a continuing good faith effort to implement the terms and conditions as set forth in the Development Agreement, DA-89-1; and

BE IT FURTHER RESOLVED, that the Planning Board of the City of Alameda hereby declares that Harbor Bay Entities is in compliance with the terms and conditions of Development Agreement, DA-89-1, through April 4, 2019, provided that Parcel 4 is conveyed from Harbor Bay Entities to the City of Alameda prior to April 4, 2019; and

BE IT FURTHER RESOLVED, that in accordance with Government Code section 65402(a), the Planning Board finds that the location, purpose and use of various parcels of property to be dedicated from Harbor Bay Entities to the City of Alameda, including Parcel 4 for open space use and any remnant parcels within existing public streets for access to adjacent parcels is in conformance with the Alameda General Plan.

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

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

I, the undersigned, hereby certify that the foregoing Resolution was duly and

Page 1 of 2

February 11, 2019
Planning Board Meeting

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 February, 2019, by the following vote to wit:

AYES: (7) Sullivan, Cavanaugh, Curtis, Mitchell, Rothenberg, Saheba,
and Teague
NOES: (0)
ABSENT: (0)

ATTEST: 

Andrew Thomas, Secretary
City of Alameda Planning Board

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CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-19-04

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING A DESIGN REVIEW AMENDMENT APPLICATION (PLN19-0044) FOR THE DEL MONTE WAREHOUSE BUILDING LOCATED AT 1501 BUENA VISTA AVENUE

WHEREAS, in December 2014, the City Council approved the Del Monte Master Plan and related development plans and design review for the rehabilitation and adaptive reuse of the historic Del Monte Warehouse (PLN14-0059); and

WHEREAS, TL Partners, LP made an application on behalf of Tim Lewis Communities on January 28, 2019, proposing to modify the approved Design Review for the Del Monte Warehouse; and

WHEREAS, the application was deemed complete on February 10, 2019; and

WHEREAS, the General Plan designation of the site is Mixed Use; and

WHEREAS, the parcel is located within the Mixed Use/Planned Development Zoning and Multi-family Overlay Zoning Districts; and

WHEREAS, the Planning Board conducted a duly noticed public hearing and examined all pertinent materials on February 25, 2019.

NOW THEREFORE BE IT RESOLVED, that the Planning Board has made the following findings relative to the Design Review Amendment Application:

A. The proposed Design Review Amendment is consistent with the General Plan, Zoning Ordinance and the City of Alameda Design Review Manual. The proposed rehabilitation and reuse of the Del Monte Warehouse supports General Plan policies for the redevelopment and reuse of the Northern Waterfront, General Plan policies to preserve the Del Monte Building consistent with the Secretary of Interior Standards, General Plan policies to increase housing opportunities in Alameda, and General Plan policies to extend public streets, bicycle lanes, transit lanes and pedestrian access through the area. The Design Review Amendment maintains the overall project's conformity to the Northern Waterfront GPA objectives and requirements to ensure that the project would be compatible with adjacent residential neighborhoods, and existing and future waterfront uses. The Design Review Amendment is consistent with all Zoning Ordinance development standards and qualifies as a mixed use development pursuant to the MX Mixed Use Planned Development Zoning District which specifies mixed uses, including residential, commercial and open space uses, for this site. The proposed design revisions are consistent with the City of Alameda Design Review Manual in that the proposed building design is compatible with adjacent buildings and the historic character of the existing warehouse. Equally important, the design revisions would reduce construction cost, thereby making the project financially feasible. Actual construction of the Del Monte residential mixed-use project will help the City meet its Housing Element goals.

B. 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 revisions to the building design are consistent with the historic use of the site and the character of existing neighboring buildings in that the Del Monte Warehouse is designed to be compatible with adjacent residential uses by providing attractive facades, public improvements, and ample pedestrian, transit, and bicycle facilities. The current revisions would demolish and then rebuild the monitors at bays 1 and 4. The rebuilt monitors would match the existing monitors more closely than the previously approved design. The design of the monitors at bays 1 and 4 would also feature an identical roof slope, and is compatible with the character of the rest of the structure. The elevations demonstrate that the overall visual effects are minimal and maintain compatibility with the project surroundings.

C. The proposed design of the structures, 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 rehabilitation of the existing building has been specifically designed to be compatible with the historic character of the existing building and adjacent uses. Reuse of the existing building and preservation of existing historic building features and materials will work to create a unique and interesting mixed use environment and public spaces which are compatible with the character and uses of adjacent development. The applicant proposes demolishing the remaining monitors located in bays 1 and 4. The monitor structures will also be removed and rebuilt to resemble the bulk of the existing monitors. Otherwise, all of the important character-defining features of the historic warehouse will remain. The rebuilt monitors will more closely resemble the existing monitors than the previously approved version; and

BE IT FURTHER RESOLVED, that the Planning Board finds that no additional environmental review is required for the proposed Design Review Amendment. In 2008, the City of Alameda certified an EIR for the Northern Waterfront General Plan Amendment. The City of Alameda adopted a Subsequent Mitigated Negative Declaration on April 29, 2014, for the Del Monte Master Plan, which is designed to implement the Northern Waterfront General Plan Element. The project is required to implement all of the mitigation measures in the Northern Waterfront General Plan EIR and the Subsequent Mitigated Negative Declaration. The proposed Design Review Amendment is consistent with the prior approvals and will not result in any new or more severe environmental impacts than were previously identified in the Subsequent Mitigated Negative Declaration; and

BE IT FURTHER RESOLVED, that the Planning Board hereby approves the Del Monte Design Review Amendment application PLN19-0044, subject to the following conditions:

1. Certificate of Approval: This Design Review Approval shall not be effective until the Historical Advisory Board approves a Certificate of Approval for the proposed Design Review Amendments.
2. Building Permit: The plans submitted for the Building Permit shall be in substantial compliance with Exhibit 1 to the Staff Report: Del Monte Design Review Amendment

prepared by BAR Architects and dated January 28, 2019, which are on file in the office of the City of Alameda Planning Division, subject to the conditions specified in this resolution approving the project. These conditions shall be printed on the first page of all building plans and improvement plans.

3. Monitor Window Mullion Color: The color of the mullions separating the sets of monitor windows shall match the light gray color depicted in the rendering labeled "Approved" on sheets A3.02 and A3.03 of the Design Review Amendment plan set dated January 29, 2019.
4. Mitigation Measure Reporting Program: Prior to issuance of each Building Permit, Grading Permit, or Site Improvement Permit, the Planning Director shall ensure compliance with any approved Mitigation Monitoring and Reporting Programs for the Del Monte project.
5. Approved Development Plan and Design Review Conditions: The Building Permit plans shall include all the conditions approved by the Planning Board for the previously approved Development Plan and Design Review as referenced by PLN14-0059.
6. Hold Harmless and Indemnification Agreement: The developer/applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda City Planning Board and their respective agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Alameda, Alameda City Planning Board and their respective agents, officers or employees to attack, set aside, void or annul, an approval by the City of Alameda, the Planning, Building, and Transportation Department, Alameda City Planning Board, or City Council relating to this project. The City shall promptly notify the developer/applicant of any claim, action or proceeding and the City shall cooperate in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.

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

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

The decision of the Planning Board shall be final unless appealed to the City Council, in writing and within ten (10) days of the decision, by filing with the 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 25th day of February, 2019, by the following vote to wit:

AYES: (7) Sullivan, Cavanaugh, Curtis, Mitchell, Rothenberg, Saheba,
and Teague

NOES: (0)

ABSENT: (0)

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-19-05

APPROVING USE PERMIT APPLICATION PLN18-0410 TO ALLOW THE OPERATION OF A CANNABIS RETAIL DISPENSARY AT 1528 WEBSTER STREET THAT WILL FEATURE CANNABIS RETAIL WITH AN OFF-SITE DELIVERY SERVICE

WHEREAS, on September 11, 2018, Main Street Supply LLC submitted an application for a Use Permit to allow the operation of a Cannabis Retail Dispensary, with cannabis retail, on-site consumption of cannabis and cannabis products, and off-site delivery service, at 1528 Webster Street; and

WHEREAS, on February 21, 2019, the application was deemed complete; and

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

WHEREAS, the project site is located within the C-C, Community Commercial Zoning District, and pursuant to Section 30-10.1(g) of the Alameda Municipal Code (AMC), Cannabis Retail is conditionally permitted in the C-C Community Commercial Zone; and

WHEREAS, the Planning Board held a public hearing on March 11, 2019 and reviewed the application for a use permit, PLN18-0410, and all applicable material including public comments; and

WHEREAS, at that March 11, 2019 meeting the Planning Board heard public testimony, including concerns over the on-site consumption lounge aspect of the project; and

WHEREAS, after closing the public hearing, the Planning Board voted to approve Conditional Use Permit PLN18-0410 without the on-site consumption component of the application.

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

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

The location of the proposed use, except the proposal to use a portion of the location as a lounge to allow on-site consumption, is compatible with other land uses in the general neighborhood area, and the project architecture, aesthetics, and operations are harmonious with the community and surrounding development. The proposed land use is a retail use, the same as a pharmacy or the building's previous bank use. Customers visit the business to purchase a product or conduct business. The Cannabis Retail

dispensary operations will be conducted entirely within the existing building. Exterior alterations are limited to new signage and window screening to obscure interior areas from public view. Both the City's Cannabis Business Ordinance (AMC Section 6-59.1 *et seq.*) and conditions of approval of this permit require the applicant to provide a security plan for review and approval by the Chief of Police, which includes a full-time private security guard to maintain existing conditions in the public right of way adjacent to the business.

The Planning Board further finds, at this time, that the proposed use of the project location as a lounge for onsite consumption of cannabis or cannabis products may not be compatible with other nearby land uses, including the adjacent martial arts studio, mosque, and farmers market, because of the lack of sufficient operational details concerning a lounge for onsite consumption and concerns of the surrounding community regarding the potential impacts, such as traffic and parking, on adjacent land uses.

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

The project site is located on Webster Street, which is an urban commercial main street that is fully developed and does not require additional service facilities on-site. The site is served by AC Transit bus routes 20, 51A, 96, and O. Although this property and many properties on the Webster Street business corridor were developed with no onsite parking, a City-owned public parking lot is located approximately 250 feet (a one-block walk) from the project site in addition to on-street parking on Webster Street. The project is conditioned to pay for bicycle racks to increase availability in the Webster Street business district. The project is further conditioned to join the Alameda Transportation Management Association, which is the City's Transportation Demand Management program that will provide all full-time and part-time employees with one AC Transit EasyPass. Therefore, the proposed use will be 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 use, not including the proposal to use a portion of the location as an on-site consumption lounge, and with all conditions, will not adversely affect property in the vicinity and will not have substantial deleterious effects on existing business districts or the local economy. The project, through the conditions of approval of this use permit and subsequent Cannabis Business Operators Permit, will implement a series of Good Neighbor Policies to address any potential nuisances. These policies address potential outdoor nuisances including safe exterior lighting; odor control; on-site noticing for patrons to deter smoking, cannabis consumption in public spaces, and littering; and at least one security guard to enforce these policies. Inside the building, the applicant is also required to install odor control, filtration, and ventilation system(s) to control odors, humidity, and mold so that odor generated inside the property is not detected outside

the property. Violations of the conditions herein or of the general conditions in AMC Section 6-59.10 are grounds for the City to take enforcement action, including the issuance of administrative citations, and to revoke or modify this use permit.

The Planning Board further finds that the adverse effects of the on-site consumption lounge, including the impact on traffic, parking, and others on uses in the surrounding neighborhood area, including those that cater to minors (e.g., martial arts studio and mosque), have not been properly addressed in the application, therefore no conditions of approval were imposed to properly mitigate adverse effects on properties in the vicinity.

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

The project relates favorably to General Plan Policy 2.5.a, which calls for providing enough retail business and services to provide Alameda residents with a full range of services; General Plan Policy 2.5.i which calls for supporting, encouraging, and fostering new retail development to serve the West End of Alameda. The project is conditioned to provide funding for new bicycle racks and to join the Alameda Transportation Management Association, which relates favorably to Implementing Policy 2.5.s, which calls for improving public transit service and transit facilities in retail areas. The funding for bicycle racks will provide new transit facilities within the Webster Street business district and membership in the Alameda Transportation Management Association will result in the distribution of an AC Transit EasyPass to each employee, which will increase demand for public transit in the Webster Street business district; and

BE IT FURTHER RESOLVED, the Planning Board finds this project exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15183 (projects consistent with General Plan and Zoning). As a separate and independent basis, the Planning Board finds this project categorically exempt from environmental review pursuant to CEQA Guidelines section 15301 (existing facilities) – operation, permitting or leasing of existing private structures involving negligible or no expansion of use beyond that which exists; and

BE IT FURTHER RESOLVED that the Planning Board hereby approves Use Permit PLN18-0410, subject to the following conditions:

- 1. Approved Uses:** This Conditional Use Permit (PLN18-0410) approves the sale, delivery, or provision of cannabis or cannabis products to customers at the project site, subject to all other applicable regulatory permits, building permits, and licenses. This use permit expressly prohibits onsite consumption of cannabis or cannabis products whether purchased onsite or otherwise.
- 2. Vesting:** This use permit shall terminate one (1) year from the date of its granting, unless actual construction or alteration, or actual commencement of the authorized activities, has begun under all required, valid permits or approvals within such period, including without limitation the granting of a regulatory permit pursuant to Article XVI (Cannabis Businesses) of Chapter VI (Business, Occupations, and Industries) of the Alameda Municipal Code (AMC), hereafter referred to as the Cannabis Business Operators

Permit. Pursuant to AMC Section 30-10.1(l), the applicant may seek a one-time one (1) year extension to the use permit for good cause by filing a written request to the Planning Director along with applicable filing fees but may only do so no earlier than sixty (60) days prior to expiration of the initial one (1) year term.

3. **Compliance with Plans:** Any modification of this site shall be in substantial compliance the plans submitted February 20, 2019, by Dustin Moore, on file in the City of Alameda Planning, Building, and Transportation Department, except as modified by the conditions listed in this resolution.
4. **Hours of Operation:** Business hours shall be limited to between 9:00 AM and 9:00 PM. Deliveries shall not be accepted between the hours of 10:00 PM and 7:00 AM.
5. **Window Screening:** Plans submitted for the Operators Permit and Building Permits should show how public facing windows will be screened to obscure view of any display, storage, transfer, or sales activity of cannabis or cannabis products from the public rights-of-way, developed in consultation with the West Alameda Business Association and approved by the Planning Division. Prior to issuance of a Certificate of Occupancy, the applicant shall install the approved method of screening.
6. **Bicycle Racks:** Prior to issuance of building permits the applicant shall coordinate with the City's Public Works Department and the West Alameda Business Association to determine appropriate locations for two (2) bike racks. Prior to issuance of a Certificate of Occupancy for the subject business, the applicant shall pay an amount equivalent to the cost to purchase and install two (2) inverted-U style bike racks into the City's bike rack fund. Prior to issuance of building permits the applicant shall provide two (2) long-term interior bike storage spaces to the satisfaction of the City's Transportation Coordinator.
7. **Alameda Transportation Management Association Membership:** The applicant shall join the Alameda Transportation Management Association (ATMA) that will provide one AC Transit EasyPass or equivalent pass to each full-time and part-time employee of the business. Proof of ATMA membership shall be provided prior to building permit final (Certificate of Occupancy).
8. **Compliance with All Applicable Laws:** Applicant must comply with all applicable laws (as amended), including without limitation, the AMC provisions applicable to the project (including but not limited to AMC Sections 6-59 and 30-10) generally or the use or operation of the project site in particular (commercial cannabis activity), any implementing regulations adopted by the City (as amended), and State law and regulations governing cannabis (as amended), all of which is incorporated by this reference. And, specifically, the applicant must comply with the following:
 - a. **Cannabis Business Operators Permit (Operators Permit):** The applicant/operator must obtain and maintain an Operators Permit that is in compliance with AMC Section 6-59.10 et seq.
 - b. **Security/Lighting Plan:** The security plan shall include a lighting plan that ensures adequate lighting for exterior areas outside the premises to the satisfaction of the City, and shall show compliance with subsections (c) and (f)

of AMC Section 30-5.16 (Performance Standards for New Buildings and Uses) to the satisfaction of the Planning, Building and Transportation Director.

- c. **Security Guard:** The security plan shall include a list of duties to be carried out by a minimum of one uniformed security guard that will comply with AMC Section 6-59.10(q)(3), in addition to the following requirements:
 - i. Monitor, deter, and report instances of patrons of the business double parking directly in front of street frontage of the business.
 - ii. Enforce or address litter cleanup in front of the street frontage of the business.
 - d. **Business License.** Obtain a Business License and timely pay all applicable fees from the Alameda Finance Department.
9. **Posted Notices:** The applicant shall post, provide adequate lighting for, and maintain at all times notices on the premises that provide the following information:
- a. Direct patrons to not litter or block driveways.
 - b. Direct patrons to not block driveways or double park.
 - c. Advise patrons of the prohibition on loitering.
 - d. Advise patrons that smoking or consumption of cannabis or cannabis products is prohibited in public places.
 - e. "No Smoking" signs in compliance with AMC Section 24-11.
10. **Delivery Parking:** Prior to the issuance of a Certificate of Occupancy the applicant/developer shall develop a parking plan for delivery services offered by the business for review and approval by the Public Works Director and Planning, Building and Transportation Director.
11. **Compliance with Conditions:** Failure to comply with any conditions stated herein may result in issuance of a citation and/or modification, suspension, or revocation of the Use Permit. Upon receipt of three valid complaints due to business operations in violation of AMC Section 6-59.10 or these conditions of approval all commercial cannabis activities shall cease until a revocation hearing is conducted by the Planning Board.
12. **Revocation:** This Use Permit may be modified or revoked by the Planning Board, pursuant to AMC Section 30-21.3d should the Planning Board determine that: 1) the use or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity; 2) the property is operated or maintained so as to constitute a public nuisance; or 3) the use is operated in violation of the conditions of the Use Permit.
13. **Indemnification:** To the maximum extent permitted by law, the applicant, or its successors in interest, shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda City Council, the Alameda City Planning Board and its respective agents, officers, and employees (collectively called "City") from and against any and all loss (direct or indirect), damages, liability, claim, judgment,

action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul, an approval or related decision by the City relating to a development-related application or implementation of an approved development-related project. The City shall promptly notify the applicant of said Action and the City shall cooperate in such defense. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.

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

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

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 11th day of March, 2019, by the following vote to wit:

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

NOES: (2) Sullivan, Rothenberg

ABSENT: (1) Mitchell

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-19-06

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING THE ALAMEDA MARINA OPEN SPACE DEVELOPMENT PLAN AND DESIGN REVIEW (PLN19-0047).

WHEREAS, an application was made by Alameda Marina, LLC ("Applicant") requesting approval of an Open Space Development Plan and Design Review for approximately 3.5 acres of the Alameda Marina waterfront located north of Clement Avenue; and

WHEREAS, on July 10, 2018, the City certified the Alameda Marina Master Plan Final Environmental Impact Report and approved the Alameda Marina Master Plan (the "Master Plan"); and

WHEREAS, the Master Plan requires that the Applicant prepare a Development Plan for each phase of the development for Planning Board review and approval; and

WHEREAS, the Applicant is pursuing Development Plan and Design Review approval for the Open Space Development Plan; and

WHEREAS, the Board held a public hearing on the Open Space Development Plan and Design Review on February 25, 2019, and has examined pertinent maps, drawings, and documents.

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

NOW, THEREFORE BE IT RESOLVED that the Planning Board makes the following findings relative to the Open Space Development Plan approval:

1. **The development is an effective use of the site.** The Master Plan requires provision of approximately 3.5 acres of open space, wharf promenades, recreational facilities and open space uses to activate the waterfront for the public.
2. **The proposed use relates favorably to the General Plan.** The proposed project supports General Plan policies for the provision of park, open space and recreational uses throughout Alameda as well as activating the waterfront during both daytime and nighttime hours.
3. **The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity and will not have substantial deleterious effects on existing business districts or the local economy.** The Open Space Development Plan is designed to be compatible with adjacent uses by providing attractive park and recreational improvements as well as ample pedestrian and bicycle facilities. The site plan is designed such that no significant off-site hazards or environmental hazards will affect occupants of the waterfront plaza and promenade or surrounding areas.
4. **The location of the proposed use is compatible with other land uses in the general neighborhood area, and the project design and size are architecturally, aesthetically, and operationally harmonious with the community and surrounding development.** The

proposed wharf promenade, recreational facilities and open space uses are compatible with adjacent residential, retail and maritime commercial uses that exist or will exist within the Alameda Marina neighborhood. The design of the proposed park and recreational uses will be compatible and harmonious with the design and use of the surrounding areas.

5. **The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.** All development within Alameda Marina includes a robust Transportation Demand Management (TDM) Compliance Strategy with a wide variety of transportation services and facilities, including the provision of transit services and other transportation services and programs.

NOW, THEREFORE BE IT RESOLVED that the Planning Board makes the following findings relative to the Design Review approval:

1. **The proposed Design Review is consistent with the General Plan, Zoning Ordinance and the City of Alameda Design Review Manual.** The proposed wharf promenade, recreational facilities and open space uses are consistent with General Plan policies which encourage provision of adequate park and open spaces throughout Alameda. The project is consistent with the MX – Mixed Use Zoning District in that the proposed park and recreational uses complement the existing and proposed residential, maritime commercial and retail uses within the Alameda Marina neighborhood. The project is consistent with the Alameda Design Review Manual because the proposed design has an appropriate sense of scale for the site, the landscape and recreation components are well proportioned and appropriate buffers have been provided between the site and adjacent uses.
2. **The proposed design is appropriate for the site, is compatible with adjacent or neighboring buildings or surroundings, and promotes harmonious transitions in scale and character in areas between different designated land uses.** The proposed wharf promenade, Harbor View Park and Waterlife Park are similar in design and scale to other buildings and parks in the vicinity. The scale and character of the wharf promenade, Harbor View Park and Waterlife Park, and associated landscaping and site furnishings ensures compatibility with the adjacent neighborhood.
3. **The proposed design is visually compatible with the surrounding development, and design elements have been incorporated to ensure the compatibility of the project with the character and uses of adjacent development.** The proposed design of the wharf promenade, Harbor View Park, Waterlife Park, landscaping, site furnishings and recreational features has been planned for in the Alameda Marina Master Plan to complement the character of adjacent existing and proposed residential, maritime commercial and retail uses within the Alameda Marina neighborhood. The landscaping, site furnishings and recreational features of the wharf promenade incorporate design elements that reflect the working waterfront of the Alameda Marina location.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves the Alameda Marina Open Space Development Plan and Design Review as described in Exhibit A:, subject to the following conditions:

1. Building and Site Improvement Permit Plans: The plans submitted for Building and Site Improvement Permits shall be in substantial compliance with the plans shown as Exhibit A, on file in the office of the City of Alameda Community Development Department, except as modified by the conditions contained in this resolution.

2. Other Agency Approvals: Prior to issuance of building permit(s) or Site Improvement Permits for work within lands that are the jurisdiction of the agencies listed below, , the Applicant shall provide evidence that all required approvals, permits, deferrals, conditions or waivers from Bay Conservation and Development Commission (BCDC), Bay Area Air Quality Management District (Air District), Regional Water Quality Control Board (Water Board), and/or the Army Corp. of Engineers, if any, have been obtained for the proposed work within jurisdictional lands. The building permit or site improvement plans shall incorporate all other agency requirements. Upon approval of the necessary Certificate of Approval by the Historical Advisory Board and compliance with all Certificate of Approval conditions and mitigation measures, building demolition permits may be issued for buildings prior to issuance of improvement plans.
3. Tentative Map Approval: Prior to issuance of building permit(s) or Site Improvement Permits for work on the property, the Applicant shall submit a Tentative Map for the property for Planning Board and City Council review and approval. No building or site improvement permits shall be issued until such time that the Tentative Map is approved by the City Council and all building permit applications and Site Improvement Permits shall be consistent with the Tentative Map conditions of approval and requirements.
4. Boatyard Operator RFQ/RFP: Prior to issuance of building permit(s) or Site Improvement Permits for work on the property, the Applicant shall have completed the required RFQ/RFP for a boatyard operator consistent with the requirements of the Master Plan. If a qualified boatyard operator is selected pursuant to the RFQ/RFP process, any changes needed to the Open Space Development Plan to accommodate the Boatyard operations, if any, such as changes to parking areas, changes to landscaping plans, or shoreline treatments may be approved by the Planning, Building and Transportation Director, unless he or she determines that the changes significantly change the character and quality of the public open space, in which case he or she shall transmit those changes to the Planning Board for consideration.
5. Lighting Plan: Prior to issuance of building permit(s) or Site Improvement Permits for work on the property, the Applicant shall submit a detailed lighting plan and photometric study for Planning Board review and approval. The detailed lighting plan shall specify the type of lighting fixtures, the location of those fixtures on the plan, a street lighting plan for the Clement Avenue frontage, a street lighting plan for internal streets, and a bay trail and parks lighting plan.
6. Design Details: Prior to issuance of building permit(s) or Site Improvement Permits for work on the property, the following design details and specifications shall be reviewed and approved by the Planning, Building and Transportation Department Director and City Engineer:
 - a. Final street striping plans, sidewalk details, and bicycle rack design and locations.
 - b. Final water shuttle landing and docking plans, provisions for public access to the end of Pier 6 and appropriate signage for the public water shuttle service.
 - c. A complete WELO Landscape Document Package, as defined by Alameda Municipal Code (AMC) Section 30-58.3(d).
 - d. Minimize the size of the storm water runoff treatment areas within the dry boat storage area.

- e. Final details to show a bulb out into the parking lot at the end of the pedestrian access through the Wrap A building to prevent pedestrians immediately confronting parked vehicles.
7. Shade Trees. The Landscape plans shall be amended to increase the number of shade trees in the Harbor View Park. The final plans shall be subject to the review and Recreation and Parks Director and the Planning, Building and Transportation Department Director.
8. Public Access Easement through Building at Foot of Union Street: The final design of the public access easement through the building at the foot of Union Street will be reviewed and approved by the Planning Board during the review of the Tentative Map and the Design Review for the building itself.
9. View Corridor through Building at Foot of Chestnut Street: The view corridor through the building at the foot of Chestnut Street will be subject to design review when the building is submitted to the Planning Board for Design Review.
10. Park Name. The "Harbor View Park" name shall be reviewed by the Recreation and Parks Commission and City Council prior to any final park signage being erected.
11. Modifications: Minor project design details requested by the Applicant may be established, modified, and approved by the Planning, Building and Transportation Department Director. Engineering standards and specifications requested by the Applicant may be established, modified and approved by the Public Works Director, or his designee. Major modifications that are not consistent with this design review approval or these conditions shall be subject to review and approval of the Planning Board.

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

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

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

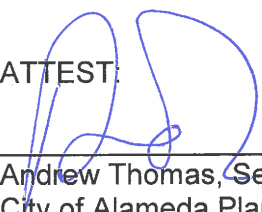
I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 25th day of March, 2019, by the following vote to wit:

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

NOES: (0)

ABSENT: (1) Rothenberg

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-19-07

DECLARING A STATEMENT OF COMPLIANCE UNDER PERIODIC REVIEW FOR A DEVELOPMENT AGREEMENT FOR THE DEL MONTE PROJECT, FOR THE PERIOD FROM JANUARY 2018 THROUGH APRIL 15, 2019

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

WHEREAS, the Board held a public hearing on this request on April 8, 2019, and examined pertinent documents; and

WHEREAS, the Board finds that TL Partners I, LP has complied with the terms and conditions of the Development Agreement for the Del Monte Project, for the period from January 2018 through April 15, 2019, as summarized in the Annual Report Letter submitted by TL Partners I, LP dated March 1, 2019, and has demonstrated a continuing good faith effort to implement the terms and conditions as set forth in said Development Agreement.

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

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

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

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

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 8th day of April, 2019, by the following vote to wit:

AYES: (7) Sullivan, Cavanaugh, Curtis, Mitchell, Rothenberg, Saheba, and Teague

NOES: (0)

ABSENT: (0)

ATTEST:



Allen Tai, Secretary
City of Alameda Planning Board

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**CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-19-08**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING LOT LINE ADJUSTMENT (PLN19-0018) AT 2130/2140 SOUTH SHORE CENTER AND 2130 OTIS DRIVE/501 SOUTH SHORE CENTER

WHEREAS, an application was made on January 10, 2019, by Rebecca Wiener on behalf of Jamestown South Shore Center LP for a lot line adjustment for properties located within the Alameda South Shore Center; and

WHEREAS, the subject property is designated as Community Commercial within the General Plan Diagram; and

WHEREAS, the subject property is located in a C-2-PD (Central Business Planned Development) Zoning District; and

WHEREAS, the Planning Board considered the proposed lot line adjustment at the regularly scheduled meeting of April 22, 2019, and examined pertinent maps, drawings, and documents.

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

- The property division is for the creation of a new property line and/or to facilitate the transfer of land from one (1) lot to adjoining lots.
- The portion of the lot remaining after the creation of the new parcel meets all the requirements for a lot (area, width, etc.) as set forth in the City zoning regulations.
- No street improvements or other subdivision improvements are required.
- The proposed property division and the use of a lot adjustment map meet with the approval of both the City Engineer and Planning Director; and

BE IT FURTHER RESOLVED, the Planning Board finds the subject action to approve a lot line adjustment is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305 – Minor Alterations in Land Use Limitations; and

BE IT FURTHER RESOLVED, that the Planning Board hereby approves Lot Line Adjustment Map PLN19-00018, subject to the following conditions.

1. Final approval shall be subject to the final review and signed approval of both the City Engineer and the City Planning Director.
2. The lot adjustment map shall be filed on a sheet, the outside dimensions of which shall be eleven by seventeen (11" x 17") inches, the quality of which shall be an acceptable tracing paper, polyester base film, or cloth and the format and information shown thereon shall be as required by the City Engineer.
3. The original drawings or reproducible copies of deed record drawings will be kept in the City Engineer's files.
4. The deed describing the transfer shall be recorded with the County Recorder.

5. **HOLD HARMLESS.** The Applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda City Planning Board and their respective agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Alameda, Alameda City Planning Board, and their respective agents, officers, or employees to attack, set aside, void or annul, an approval by the City of Alameda, the Community Development Department, Alameda City Planning Board, the City of or City Council related to this project. The City shall promptly notify the Applicant of any claim, action, or proceeding and the City shall cooperate in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding. No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision plus extensions authorized by California Code of Civil Procedure Section 1094.6

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

NOTICE. The conditions of project approval set forth herein include certain fees and other exactions. Pursuant to Government Code section 66020(d) (1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and exactions. The applicant is hereby further notified that the 90-day appeal period, in which the applicant may protect these fees and other exactions, pursuant to Government Code section 66-2-(a) has begun. If the applicant fails to file a protest within this 90-day period complying with all requirements of section 66020, the applicant will be legally barred from later challenging such fees or exactions.

The decision of the Planning Board shall be final unless appealed to the City Council, in writing and within ten (10) days of the decision, by filing with the 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 22nd day of April, 2019, by the following vote to wit:

AYES: (6) Sullivan, Cavanaugh, Curtis, Rothenberg, Saheba, and Teague
NOES: (0)
ABSENT: (1) Mitchell

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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CITY OF ALAMEDA PLANNING BOARD
RESOLUTION PB-19-09

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING SETBACK AND PARKING PLAN, AND CONTINUANCE OF THE LIGHTING AND LANDSCAPE PLANS FOR DESIGN REVIEW APPLICATION NO. PLN18-0381 FOR THE CONSTRUCTION OF A 172-ROOM HOTEL AND RESTAURANT LOCATED NEAR THE CORNER OF HARBOR BAY PARKWAY AND BAY EDGE ROAD

WHEREAS, an application was made by Robert Leach for Harbor Bay Hospitality, LLC. ("Applicant") on August 27, 2018, requesting Design Review and Development Plan Amendment for the construction of a new 172-room five-story hotel and restaurant on an approximately 5.5 acre site located approximately 467-feet northwest of the corner of Harbor Bay Parkway and Bay Edge Road, within the Harbor Bay Business Park; and

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

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

WHEREAS, the Planned Development for the Business Park was approved by PD-81-2, and subsequently amended by PDA-85-4, PDA05-0003; PLN07-061, and PLN15-0092; and

WHEREAS, the Board held a study session on October 8, 2018 and provided comments on the proposed design and development plan amendment; and

WHEREAS, the Board held a public hearing on December 10, 2018, and approved Planning Board Resolution PB-18-23 for the Design Review and Development Plan Amendment, and

WHEREAS, on December 10, 2018, the Planning Board made the necessary findings to determine that no further environmental review was necessary under the California Environmental Quality Act (CEQA), and

WHEREAS, the City Council held a de novo public hearing on February 5, 2019 to consider an appeal of Planning Board decision to approve Resolution PB-18-23, which includes the Planning Board's CEQA findings regarding the project, and after considering all of the information on the record and hearing from the appellants, upheld Planning Board Resolution No. PB-18-23; and

WHEREAS, Planning Board Resolution PB-18-23 required that the applicant return to the Planning Board with final architectural design, landscape plan, lighting plan, and parking plan for final review and approval by the Planning Board.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds that the proposed revisions to the landscape plans, lighting plans, and parking plans do not create any new environmental impacts or worsen any impacts previously identified that were not previously considered in the December 10, 2018 resolution.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Board approves the Final setback and parking plan of the proposed hotel project as described in Exhibit 1: Marriott Residence Inn Alameda Design Review, subject to the following conditions:

1. Planning Board Resolution PB-18-23: The project shall comply with all conditions of approval in Planning Board Resolution No. PB-18-23. In the event in a conflict between the conditions contained in this this resolution and resolution PB-18-23, the conditions of approval in this resolution shall govern.
2. Building Permit Conditions: These conditions and the conditions of PB-18-23 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 May 20, 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. Final Lighting, Landscape Plan: Prior to issuance of the Building Permit, the applicant shall prepare a final lighting and landscape plan for final review and approval by the Planning Board.
5. Public Art: Prior to issuance of Certificate of Occupancy, the applicant shall install art panels on both side elevations that have been approved by the City of Alameda Public Art Commission. The cost of the art installation shall be a minimum of 1% of the construction costs.
6. Garbage pick-up: Garbage truck access and garbage pick-up shall be limited to the daylight hours after 7 AM.
7. Access Road: Final Access Road design shall be subject to Planning Director and City Engineer approval.
8. Expiration: This Development Plan Amendment and Design Review approval shall expire and become void unless actual construction under valid permits has commenced within two years after this approval. A one-time extension for an additional two years may be granted upon written request.

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 28th day of May, 2019, by the following vote to wit:

AYES: (7) Sullivan, Cavanaugh, Curtis, Mitchell, Rothenberg, Saheba, and Teague

NOES: (0)

ABSENT: (0)

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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CITY OF ALAMEDA PLANNING BOARD
RESOLUTION PB-19-10

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING FINAL ARCHITECTURAL MASSING AND FOOTPRINT FOR DESIGN REVIEW APPLICATION NO. PLN18-0381 FOR THE CONSTRUCTION OF A 172-ROOM HOTEL AND RESTAURANT LOCATED NEAR THE CORNER OF HARBOR BAY PARKWAY AND BAY EDGE ROAD

WHEREAS, an application was made by Robert Leach for Harbor Bay Hospitality, LLC. ("Applicant") on August 27, 2018, requesting Design Review and Development Plan Amendment for the construction of a new 172-room five-story hotel and restaurant on an approximately 5.5 acre site located approximately 467-feet northwest of the corner of Harbor Bay Parkway and Bay Edge Road, within the Harbor Bay Business Park; and

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

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

WHEREAS, the Planned Development for the Business Park was approved by PD-81-2, and subsequently amended by PDA-85-4, PDA05-0003; PLN07-061, and PLN15-0092; and

WHEREAS, the Board held a study session on October 8, 2018 and provided comments on the proposed design and development plan amendment; and

WHEREAS, the Board held a public hearing on December 10, 2018, and approved Planning Board Resolution PB-18-23 for the Design Review and Development Plan Amendment, and

WHEREAS, on December 10, 2018, the Planning Board made the necessary findings to determine that no further environmental review was necessary under the California Environmental Quality Act (CEQA), and

WHEREAS, the City Council held a de novo public hearing on February 5, 2019 to consider an appeal of Planning Board decision to approve Resolution PB-18-23, which includes the Planning Board's CEQA findings regarding the project, and after considering all of the information on the record and hearing from the appellants, upheld Planning Board Resolution No. PB-18-23; and

WHEREAS, Planning Board Resolution PB-18-23 required that the applicant return to the Planning Board with final architectural design, landscape plan, lighting plan, and parking plan for final review and approval by the Planning Board.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds that the proposed revisions to the architectural plans do not create any new environmental impacts or worsen any impacts previously identified that were not previously considered in the December 10, 2018 resolution.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Board approves the Final Design Review of the proposed hotel project as described in Exhibit 1: Marriott Residence Inn Alameda Design Review, subject to the following conditions:

1. Planning Board Resolution PB-18-23: The project shall comply with all conditions of approval in Planning Board Resolution No. PB-18-23. In the event in a conflict between the conditions contained in this this resolution and resolution PB-18-23, the conditions of approval in this resolution shall govern.
2. Building Permit Conditions: These conditions and the conditions of PB-18-23 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 May 20, 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 and Signs: Prior to issuance of Building Permits, the applicant shall prepare final architectural design elevations for both the hotel and restaurant for final review and approval by the Planning Board.
5. Public Art: Prior to issuance of Certificate of Occupancy, the applicant shall install art panels on both side elevations that have been approved by the City of Alameda Public Art Commission. The cost of the art installation shall be a minimum of 1% of the construction costs.
6. Garbage pick-up: Garbage truck access and garbage pick-up shall be limited to the daylight hours after 7 AM.
7. Access Road: Final Access Road design shall be subject to Planning Director and City Engineer approval.
8. Expiration: This Development Plan Amendment and Design Review approval shall expire and become void unless actual construction under valid permits has commenced within two years after this approval. A one-time extension for an additional two years may be granted upon written request.

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 28th day of May, 2019, by the following vote to wit:

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

NOES: (3) Sullivan, Rothenberg, Saheba

ABSENT: (0)

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

* * * * *

**CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-19-11**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING PLANNED DEVELOPMENT AMENDMENT, FINAL DEVELOPMENT PLAN, AND DESIGN REVIEW APPLICATION NO. PLN18-0562 FOR THE CONSTRUCTION OF AN APPROXIMATELY 12,000 SQUARE FOOT ANIMAL SHELTER AT 2331 NORTH LOOP ROAD

WHEREAS, the subject property is located at 2331 North Loop Road in the Harbor Bay Business Park, and designated as Business Park on the General Plan Diagram; and

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

WHEREAS, the Planned Development for the Business Park was approved by PD-81-2 (Resolution No. 1203), and subsequently amended by PDA-85-4 and PDA05-0003; and

WHEREAS, an application was made by John Lipp on behalf of Friends of the Alameda Animal Shelter ("Applicant") requesting approval for the construction of an approximately 12,000 square foot, two-story animal shelter facility for indoor boarding of up to 37 animals, adoption and veterinary services, administrative offices, and community events; and

WHEREAS, upon review of submittal application materials, it was determined that the project would require a Planned Development Amendment, Final Development Plan, and Design Review approval, and the proposed location of an animal shelter within 200 feet of a residential district would necessitate an amendment to the C-M zoning district use regulations (collectively, "the Project"); and

WHEREAS, PD-81-2 requires the Planning Board approve a Final Development Plan for every new development proposal within the Business Park; and

WHEREAS, the Planning Board held a duly noticed public hearing on June 10, 2019 for the Project and examined pertinent maps, drawings, and documents.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board makes the following findings regarding the Project's compliance with the California Environmental Quality Act (CEQA):

1. The City previously prepared and certified/adopted the Final Environmental Impact Report for Harbor Bay Isle, State Clearinghouse No. 1984112706 (EIR), and the Addendum thereto (together, Previous CEQA Documents), in accordance with CEQA, which contemplated development of the entirety of the Harbor Bay Business Park. A review of environmental factors for the Project, including, but not limited to, traffic, airport land use compatibility, noise, and biological conditions revealed that none of the circumstances necessitating further CEQA review are present, thus the City can rely on the Previous CEQA Documents.

BE IT FURTHER RESOLVED that the Planning Board makes the following findings relative to the application (PLN18-0562):

PLANNED DEVELOPMENT AMENDMENT/ FINAL DEVELOPMENT PLAN FINDINGS (AMC Sections 30-4.13(f), (m)):

1. **The development is a more effective use of the site than is possible under the regulations for which the PD district is combined.** The previously adopted development regulations for the Harbor Bay Business Park did not consider the unusual circumstances specific to the project site, such as the irregular shape of the property and the presence of a public utility easement, that greatly reduce the buildable area of the property. The building footprint, parking, and overall site layout reflect a more appropriate use and design of the lot than would be possible under the existing development regulations for this property. The Planned Development Amendment and Final Development Plan reflect a balance between the site constraints and building placement and orientation. The resulting plan is an effective commercial development that provides compatible interfaces with the adjacent properties and uses, while addressing the operational needs of an animal shelter and associated landscaping, parking, and pedestrian access amenities.
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.** The proposed animal shelter is compatible with the surrounding office park and adjacent residential neighborhood. The design of the building is complementary to existing buildings in the business park, and the building itself is visually interesting with architectural detailing and articulation. The Project is sensitive to the adjacent single family homes by incorporating a "sensory garden" with landscaping and trees to separate the building and the homes. Furthermore, the overall building height is two stories and 30 feet tall, matching the maximum height of the adjacent two-story homes. Therefore, the proposed project, with conditions of approval, will be compatible with the adjacent surrounding development.
3. **The proposed use will be served by adequate transportation and service facilities, including pedestrian, bicycle, and transit facilities.** The business park is in an urban area with adequate transportation and service facilities. The applicant will develop a vacant lot within the business park and make improvements to the project frontage that is required for all development in Alameda. The proposed parking lot and shared parking agreement with a nearby property owner will provide adequate parking facilities for the project. Furthermore, the project will continue to provide access between the adjacent lagoon and North Loop Road, allowing the residential neighborhood to access the shoreline trail. The project will provide both long term and short term parking for employees and visitors to the facility.
4. **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 deleterious effects on existing business districts or the local economy.** The proposed Project will not adversely impact surrounding land uses, including the residential neighborhood directly adjacent to the property. The use of the building as an animal shelter will be subject to subsequent use permit approval to ensure all operational characteristics of the facility will address any potential nuisance issues so as to not interfere with the public health, safety and welfare. As designed, the building will provide adequate sound proofing to keep all animal noises at a minimum. Outdoor animal runs will be used periodically during the day under staff supervision, who will monitor the behavior of animals and promptly collect waste to avoid noise and odor nuisances.

5. **The proposed use relates favorably to the General Plan.** The project is consistent with Policy SN-55 of the Safety and Noise Element, which encourages the City utilize the development entitlement process to require local businesses to reduce noise impacts on the community by following operating procedures that limit the potential for conflicts. The proposed project also supports General Plan policies for the development of Harbor Bay Business Park and to increase complementary business opportunities and job generation in Alameda.

DESIGN REVIEW FINDINGS (AMC Section 30-37.5):

1. **The proposed project design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual.** The proposed building includes materials, architectural elements, and building colors that are compatible the General Plan and Zoning Ordinance. The design of the building is complementary to existing buildings in the business park, and the building itself is visually interesting with architectural detailing and articulation as set forth in the Design Review Manual. Site features such as landscaping are incorporated to soften interfaces with adjacent residential homes. The overall development plan also conforms to the Harbor Bay Business Park development regulations and guidelines for compatibility with the adjacent airport environment and commercial development.
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 building design is compatible with the surrounding office park and adjacent residential neighborhood. The Project is sensitive to the adjacent single family homes by incorporating a "sensory garden" with landscaping and trees to separate the building and the homes. The building is similar in design and scale with other buildings in the business park and the adjacent office buildings. The overall building height is two stories and 30 feet tall, matching the maximum height of the adjacent two-story homes. Therefore, the proposed project, with conditions of approval, will be compatible with the adjacent surrounding development.
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.** Design elements have been incorporated into the building and site plan to ensure the compatibility of the project with the character and uses of adjacent development. Specifically, these design elements including keeping a building height of two-stories to match adjacent residential homes, including landscaped buffers along the property lines, and providing a formal walkway connecting the site along the path between the lagoon and the Harbor Bay shoreline.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board recommends the City Council adopt an ordinance containing amendments to AMC Chapter XXX (Development Regulations) pertaining to creating a definition for animal shelters and enumerating animal shelter, including supervised outdoor runs as uses requiring use permits within the C-M, Commercial Manufacturing District.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Board approves file no. PLN18-0562 for Planned Development Amendment, Final Development Plan, and Design Review for the construction of an approximately 12,000 square foot animal shelter at 2331 North Loop Road, 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 Forge Architects, date stamped received on April 16, 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.
3. ALUC/FAA Compliance: Prior to issuance of building permits, the applicant shall provide verification of final Federal Aviation Administration (FAA) and Alameda County Airport Land Use Commission compliance. The applicant shall provide the FAA a Form (currently designated 7460 although FAA may designate a substitute form), completed to FAA satisfaction, which describes the electronic and light emissions and reflections from the facility toward Port of Oakland runways and related information. The FAA Form 7460 or the equivalent regulates both building external elements and construction elements including temporary use of cranes. The applicant shall also provide evidence that any construction crane height is acceptable to the Port of Oakland. The applicant shall conform to FAA requirements in the Form 7460 or FAA-approved equivalent process. The applicant shall conform to any process of the Alameda County Airport Land Use Commission and shall provide verification to the Planning Director of compliance efforts.
4. Planning Board Resolution No. 1203 Compliance: Prior to issuance of Building Permits, the applicant shall provide verification of compliance with the conditions of Planning Board Resolution No. 1203, which are incorporated by reference and which shall be printed on the first page of all building plans and improvement plans.
5. Use Permit: If the recommended Zoning Text Amendments regarding animal shelters in the C-M Zone become effective, the applicant shall obtain a Use Permit for operation of an indoor animal shelter and supervised outdoor runs prior to the issuance of building permits.
6. Dust Control: Prior to issuance of building or grading permits, the developer/applicant shall ensure that a dust control program is implemented consistent with City and BAAQMD requirements. Construction activities shall be subject to the requirements of the Alameda Municipal Code, which restricts construction to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturday, unless a permit is first secured from the City Manager or designee based upon a showing of significant financial hardship. Design specifications shall incorporate Waste Management and Recycling elements for building and site demolition debris.
7. Noise: Prior to the issuance of building permits and prior to any future change in building use, the applicant shall submit an acoustical analysis meeting the requirements of Condition No. 60 of Resolution No. 1203 with the building permit applications.
8. Signage: Any temporary or permanent signage is subject to a sign permit approval. All signage shall be consistent with the requirements of the approved signage program for Harbor Bay Business Park.
9. Lighting: New exterior lighting fixtures shall be consistent with AMC Section 30-5.16.c, the Alameda Dark Skies Ordinance.

10. Water Efficiency Landscape Ordinance: Prior to issuance of building permits or improvement plans, Applicant/Developer shall submit a complete WELO Landscape Documentation Package, as defined by Alameda Municipal Code (AMC) Section 30-58.3(d), subject to the approval of the Planning Director.
11. Modifications: Minor project design details requested by the Applicant may be established, modified, and approved by the Planning Director. Engineering standards and specifications requested by the Applicant may be established, modified and approved by the Public Works Director, or his designee. Major modifications that are not consistent with this design review approval or these conditions shall be subject to review and approval of the Planning Board.
12. Expiration: This Final Development Plan and Design Review approval shall expire and become void unless actual construction under valid permits has commenced within two years after this approval. A one-time extension for an additional two years may be granted upon written request.
13. Prior to the issuance of building permits the applicant/developer shall provide an executed joint use and parking agreement, in a form approved by the City Attorney, with the owner of the property at 2100 North Loop Road for the shared use of 23 parking spaces. The agreement shall be for a minimum term of seven years and shall be recorded to constitute a covenant running with all affected parcels of land, specifying the terms of use of the shared parking facility, including but not limited to the posting of signs informing users that the facilities are available to all affected uses.

PUBLIC WORKS (GENERAL)

14. The project shall comply with Chapter 22 of the Alameda Municipal Code (Streets and Sidewalks) as determined by the City Engineer.
15. The project shall comply with all current, applicable, plans, standards, policies and guidelines including Alameda's Municipal Code (AMC), Standard Plans and Specifications, and Standard Subdivision Specifications and Design.
16. The fee for plan checking and inspection shall be calculated in accordance with the latest Schedule of Fees & Charges as approved by the City Council. A cash security deposit of an amount as determined by the City Engineer will be required prior to issuance of the improvement plans.
17. A current title report, less than six months old, shall be submitted to identify current ownership and any existing easements or land use restrictions.
18. An Encroachment Permit is required for all work within the Public Right-of-Way.

IMPROVEMENT PLANS

19. The Applicant shall submit for review and approval construction Improvement Plans for all on- and off-site improvements. The plans shall be prepared, signed and stamped as approved by a registered Civil Engineer licensed in the State of California. The Improvement Plans shall be approved by the Public Works Department prior to issuance of a Building Permit for the development.

20. An Engineer's Cost estimate for frontage and site improvements shall be submitted for review and approval by the Public Works Department. The developer shall provide a construction performance bond and a materials and labor bond equivalent to the cost of the public improvements within the right-of-way along the project frontage.
21. The developer shall construct and dedicate to the public full street improvements, including concrete curb, gutter, sidewalk, paving, drainage system, streetlights and landscaping, all to the satisfaction of the City Engineer. The existing street shall be resurfaced whenever a street is cut for utility or other installations. The pavement shall be resurfaced 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.
22. Any improvements to street lighting shall be designed in accordance with the City of Alameda Street, Parking Lot and Pathway Lighting Design Guide, latest edition. Any adjustments to bring street lighting up to City standards will be incorporated into final permit drawings.
23. The Applicant shall submit a soils investigation and geotechnical report for the proposed development, subject to the review and approval of the City Engineer. The report shall address the structural and environmental analysis of existing soils and groundwater and provide recommendations for all grading, retaining walls, bulkheads, surface and sub-surface drainage, lot drainage, utility trench backfilling, and pavement design. The improvement plans shall incorporate all design and construction criteria specified in the report and shall be reviewed and signed by the Soils Engineer specifying that all recommendations within the report have been followed.
24. 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.
25. 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.
26. All development shall be designed to account for future predicted sea level rise to Elevation 13 feet, NAVD88 Datum.
27. Only two curb cuts per parcel will be allowed.
28. The improvement plans shall include a construction phase erosion and sedimentation plan for review and approval.

DRAINAGE AND STORMWATER TREATMENT

29. 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.

30. 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 and determine the improvements, if any, to ensure sufficient capacity for this project and anticipated cumulative growth in the associated drainage basin. The applicant will pay for the cost of the modeling study. The Applicant shall include the recommended improvements into the project's improvements.
31. The project shall incorporate permanent stormwater 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. Efforts should be made to minimize impervious surface areas, especially directly connected impervious surface areas.
32. The project shall incorporate permanent post-construction stormwater quality controls in accordance with the City of Alameda's National Pollution Discharge Elimination System (NPDES) Permit. Stormwater design and treatment measures shall be constructed consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual.
33. The development is subject to full trash capture requirements of the City's NPDES permit. A full trash capture system or device is any single device or series of devices that traps all particles retained by a 5mm mesh screen and has a design treatment capacity of not less than the peak flow rate Q resulting from a one-year, one-hour storm in the sub-drainage area. Plan sheets shall include location, detail and cross-sectional drawings of any stormwater full trash capture device(s).
34. Prior to the issuance of any permits for the project, the Applicant shall include a finalized Stormwater Quality Management Plan with the Improvement Plans. The plans shall include detail drawings of the stormwater design and treatment measures consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance.
35. The City of Alameda C3 certification form shall be submitted along with the Stormwater Quality Management Plan. The form shall be signed and stamped by a qualified independent civil engineer with stormwater treatment facility design experience, licensed in the State of California, and acceptable to the City Engineer that indicates the treatment meets the established sizing design criteria for stormwater treatment measures.
36. Prior to the issuance of any permits for the project, the Applicant shall submit for review and approval by the City Engineer a Stormwater Operations and Maintenance (O&M) Plan that provides a thorough discussion of the inspection, operations and maintenance requirements of all of the stormwater measures, including trash capture, stormwater treatment, and the pervious pavement measures of the site. This O&M Plan shall be consistent with the City of Alameda O&M Plan Checklist. Once approved as final, provide City Public Works a pdf file of the completed O&M plan.

37. Prior to issuance of the certificate of occupancy, the Property Owner(s) shall execute a 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.
38. Prior to issuance of the 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.
39. 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

40. The Applicant shall comply with all applicable policies and requirements of the current approved transportation plans, including Alameda's Bicycle Master Plan, the Pedestrian Master Plan, the Long Range Transit Plan, the Transportation Demand Management and Transportation System Management (TSM/TDM) Plan, and the Multimodal Circulation Plan, Transportation Element of the General Plan, and the Transportation Choices Plan. Bicycle parking shall be consistent with AMC 30-7.15 Bicycle Parking.
41. Transportation facilities, including streets, sidewalks, pathways, parking lots, striping, signage, and signalization, shall be designed in accordance with Alameda's Bicycle Facility Design Standards and Pedestrian Design Guidelines as well as the Caltrans Design Manual and Standard Plans and the California MUTCD.
42. 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.
43. Parking layout shall be constructed in conformance with the City's off-street parking design standards, AMC Section 30-7.9 Off-Street Parking and Loading Space Regulations, and Accessible stalls and shall comply with all other applicable City and Caltrans and California MUTCD Standards.
44. 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

45. Sanitary sewers shall be in accordance with the EBMUD Regional Standards for Sanitary Sewer Installation.

46. 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.
47. The Applicant shall include the City and EBMUD recommended improvements, if any, into the project's improvements plans prior to approval of the improvement plan.
48. 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.
49. 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.
50. The Applicant shall design and construct water, power, telecom, gas, and other utilities in accordance with applicable utility standards.
51. All new utilities shall be placed underground prior to the issuance of an occupancy permit.
52. Fire sprinkler system test water discharges shall be directed to the sanitary sewer system or to appropriately-sized onsite vegetated area(s).
53. The project shall accommodate three waste streams: recycling, organics, and trash; as required by the Alameda County Waste Management Authority's Mandatory Recycling Ordinance (ACWMA Ord. 2012-01). All solid waste containers shall have fitted lids.
54. All trash containers outside the building shall be stored in a roofed trash enclosure. The trash enclosure shall have a concrete pad, designed to prevent run-on to and runoff from the enclosure. The enclosure shall have solid walls on three sides with a lockable gate on the fourth side. If the trash enclosure is attached to the building it should have fire sprinklers.
55. 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 improvements plans, parcel/final map(s), or the building permit, whichever comes first. If no building permit is required, the plans must be approved by the PWD prior to establishment of the use.
56. The Development shall comply with AMC Section 21-24 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.
57. 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 Integrated Pest Management Policy, and other applicable standards.

58. 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.

FIRE DEPARTMENT

59. The applicant shall be responsible for a water main extension to serve the project, whose design shall be shown on the improvement plans to the satisfaction of the East Bay Municipal Utility District, the Public Works Director, and the Fire Chief.
60. All fire lanes within the development shall be marked as fire access roads to the satisfaction of the Fire Chief.
61. A key box (Knox Box) shall be installed at a location approved by the fire code official. Key box to contain keys to enter the building for immediate access for life-saving or fire-fighting purposes. Keys to be placed within the box are to include the exterior door key(s), electrical room key, elevator equipment room key, elevator operations key, fire alarm control panel room key, fire alarm control panel key, and the fire sprinkler riser room key.

ALAMEDA MUNICIPAL POWER (AMP)

62. The applicant shall comply to AMP's Rules and Regulations as stated in Article X and AMP's "Material and Installation Criteria for Underground Electrical Systems" (both available www.alamedamp.com) and provide completed "Service Planning Sheets" for AMP's review prior to submitting plans for building permits.
63. The applicant shall provide information on the location of transformers and total load in kilowatts or kilowatt/volts (KVA) to Alameda Municipal Power (AMP) for approval prior to building permit issuance. If necessary, the applicant shall provide (at no charge to AMP) an easement and access to all AMP facilities on the property prior to issuance of building permits.

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

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

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

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

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

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 10th day of June, 2019, by the following vote to wit:

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

NOES: (0)

ABSENT: (3) Curtis, Mitchell, Saheba

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

* * * * *

CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-19-12

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING THE DESIGN REVIEW FOR THE FIFTH STREET EXTENSION NORTH OF MITCHELL AVENUE

WHEREAS, an application was made on May 15, 2019, by Catellus Development Corporation for Design Review of the Fifth Street Extension between Mitchell Avenue and the Alameda Landing Waterfront Park; and

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

WHEREAS, the subject property is located in a M-X (Mixed Use) Zoning District; and

WHEREAS, the Bayport-Alameda Landing Master Plan as approved by the City Council on January, 2 2007 establishes the basic alignment and overall right of way for the 5th Street and Mitchell Avenue extensions; and

WHEREAS, the Planning Board held a public hearing and reviewed the proposed design for the extensions on June 10, 2019; and

NOW THEREFORE, BE IT RESOVED, the Planning Board hereby approves Design Review for the Fifth Street Extension from Mitchell Avenue to the Alameda Landing Waterfront Park based on the following findings:

1. The proposed design for the 5th Street extension is consistent with the General Plan and the Bayport/Alameda Landing Master Plan goals and objectives for circulation within Alameda Landing site.
2. The proposed designs will provide for a pedestrian, bicycle, and transit friendly environment.
3. A Supplemental Environmental Impact Report has been certified by the City of Alameda on December 5, 2006 for the Alameda Landing Mixed Use Development in compliance with the California Environmental Quality Act (CEQA) (State Clearinghouse #2006012091). Pursuant to CEQA Guidelines Section 15162, no new significant impacts have been identified and no additional CEQA review is required.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Board approves Design Review No. PLN19-0211 for the construction of the Fifth Street extension north of Mitchell Avenue, subject to the following conditions:

1. The final improvement plans submitted for building permits shall remove the landscape planting islands located on each side of the Fifth Street in order to create additional street parking.

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

NOTICE. The conditions of project approval set forth herein include certain fees and other exactions. Pursuant to Government Code section 66020(d) (1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and exactions. The applicant is hereby further notified that the 90-day appeal period, in which the applicant may protect these fees and other exactions, pursuant to Government Code section 66-2-(a) has begun. If the applicant fails to file a protest within this 90-day period complying with all requirements of section 66020, the applicant will be legally barred from later challenging such fees or exactions.

The decision of the Planning Board shall be final unless appealed to the City Council, in writing and within ten (10) days of the decision, by filing with the 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 28th day of October 2019, by the following vote to wit:

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

NOES: (0)

ABSENT: (3) Curtis, Mitchell, and Saheba

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-19-13

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA RECOMMENDING THE CITY COUNCIL APPROVE PARCEL MAP 10960 AND APPROVING FINAL DEVELOPMENT PLAN AMENDMENT AND DESIGN REVIEW APPLICATION NO. PLN19-0051 FOR THE CONSTRUCTION OF THREE FLEX-SPACE BUILDINGS, BETWEEN 93,450 SQUARE FEET AND 125,853 IN SIZE, LOCATED AT 1320, 1430, AND 1410 HARBOR BAY PARKWAY.

WHEREAS, the subject properties are located at 1310, 1430, and 1410 Harbor Bay Parkway in the Harbor Bay Business Park, and designated as Business Park on the General Plan Diagram; and

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

WHEREAS, the Planned Development for the Business Park was approved by PD-81-2 (Resolution No. 1203), and subsequently amended by PDA-85-4 and PDA05-0003; and

WHEREAS, PD-81-2 requires the Planning Board approve a Final Development Plan for every new development proposal within the Business Park; and

WHEREAS, in April 1985 the City approved FDP-85-2 to develop five office buildings on an vacant 30-acre site; and

WHEREAS, only two of the five buildings approved by FDP-85-2 were constructed; and

WHEREAS, on February 5, 2019 an application was made by Joe Ernst on behalf of srmErnst Development Partners for a Final Development Plan Amendment to change the site layout for the three unbuilt buildings from FDP-85-2, Design Review for the proposed designs of the three buildings, and a Parcel Map to create two commercial condominium units in each of the three proposed buildings; and

WHEREAS, the Planning Board held a duly noticed public hearing on June 24, 2019 for the Project and examined pertinent maps, drawings, and documents.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board makes the following findings regarding the Project's compliance with the California Environmental Quality Act (CEQA):

1. The City previously prepared and certified/adopted the Final Environmental Impact Report for Harbor Bay Isle, State Clearinghouse No. 1984112706 (EIR), and the Addendum thereto (together, Previous CEQA Documents), in accordance with CEQA, which contemplated development of the entirety of the Harbor Bay Business Park. A review of environmental factors for the Project, including, but not limited to, traffic, airport land use compatibility, noise, and biological conditions revealed that none of the circumstances necessitating further CEQA review are present, thus the City can rely on the Previous CEQA Documents.

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

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

BE IT FURTHER RESOLVED that the Planning Board makes the following findings relative to the application (PLN19-0051):

FINAL DEVELOPMENT PLAN AMENDMENT FINDINGS (AMC Sections 30-4.13(f), (m)):

1. **The development is a more effective use of the site than is possible under the regulations for which the PD district is combined.** The Final Development Plan Amendment provides for three new office/manufacturing/flex buildings that include landscaping and open spaces, and pedestrian and bicycle facilities. The Final Development Plan utilizes landscaping, building placement and orientation to create an effective and successful commercial development that creates a compatible interface with the adjacent properties and uses, and provides strategies for the conservation of natural resources and sustainable landscaping design.
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.** The proposed development qualifies as a commercial development pursuant to the C-M-PD Commercial Manufacturing - Planned Development Zoning District, and satisfies the purposes of the C-M-PD district regulations. The project site plan is designed to conform to the Harbor Bay Business Park Development Plan objectives and requirements adopted to ensure that the project would be compatible with the adjacent airport environment and commercial development. The Development Plan will provide for adequate landscaping, including Bay Friendly-compatible native landscaping, as required by City standards.
3. **The proposed use will be served by adequate transportation and service facilities, including pedestrian, bicycle, and transit facilities.** The Development Plan is designed in a manner compatible with existing and potential contiguous uses. The project plans provide for well-designed pedestrian facilities, bicycle access, and vehicular access to nearby transit amenities including a ferry terminal and shuttle service to BART.
4. **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**

deleterious effects on existing business districts or the local economy. The proposed Development Plan is consistent with the Harbor Bay Business Park Development Plan. The proposed Development Plan is designed to be compatible with adjacent commercial uses by providing attractive improvements and pedestrian and bicycle amenities, and by supporting the business park shuttle service.

5. **The proposed use relates favorably to the General Plan.** The proposed development supports General Plan policies for the development of Harbor Bay Business Park and General Plan policies to increase complementary business opportunities in Alameda. The project also generates jobs consistent with General Plan goals.

DESIGN REVIEW FINDINGS (AMC Section 30-37.5):

1. **The proposed project design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual.** The project meets the development regulations of the C-M Zoning District, and the development regulations established for the Harbor Bay Business Park by Resolution 1203 as amended by PDA-85-4, PDA-87-7, and PDA05-0003. The project is consistent with General Plan Guiding Policy 2.8 to support development of the Harbor Bay Business Park consistent with existing approvals and agreements. The quality and size of this project enable it to make a major contribution to the identity of Alameda and to the economic health of the East Bay.
2. **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 building height was approved by the Federal Aviation Administration for compatibility with the height requirements of the adjacent Oakland Airport. The building is similar in design and scale with other office/flex/manufacturing buildings in the business park.
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.** Design elements have been incorporated into the building and site plan to ensure the compatibility of the project with the character and uses of adjacent development. Specifically, these design elements including keeping a building height of two-stories to match adjacent residential homes, including landscaped buffers along the property lines, and providing a formal walkway connecting the site along the path between the lagoon and the Harbor Bay shoreline.

PARCEL MAP FINDINGS (AMC Section 30-78.5):

1. **The proposed subdivision is in conformance with the General Plan and Zoning for this site.** The Parcel Map is consistent with the Business Park General Plan designation and C-M-PD zoning regulations for the property. The project would allow the subdivision of an existing 2.81 acre parcel into two commercial condominium spaces into two commercial condominiums and create a common area parcel within a 46,000 square foot building currently under construction and previously approved by the Planning Board.
2. **The site is physically suitable for the proposed commercial development in the General Plan.** The proposed subdivision is designed to conform to the Harbor Bay

Business Park Development Plan standards and requirements adopted to ensure that the project would be compatible with adjacent uses.

3. **The site is physically suitable for the density of the development.** The proposed subdivision is consistent with density standards of the General Plan and Zoning Ordinance. This map will not change the previously approved Final Development Plan and Design Review, which was found to be consistent with development standards for the C-M-PD zoning district and the Business Park designation of the General Plan.
4. **The proposed design of the subdivision and improvements, as conditioned, will not cause environmental damage or substantially and avoidably injure fish or wildlife or their habitat.** The development of the site will not introduce hazards that are inconsistent with standard commercial development within the C-M-PD zoning district and the Business Park General Plan designation. The previously approved Final Development Plan and Design Review had conditions of approval to ensure that no unintended environmental damage or exposure of future occupants to environmental dangers could occur.
5. **The design of the subdivision will not conflict with easements acquired by the public at large for access through or use of property within the subdivision.** All required easements are to be retained.
6. **The design of the subdivision and its improvements will not cause serious public health problems.** The Final Development Plan and Design Review includes conditions that assure the property is free of hazardous materials and would not adversely affect public health.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Board approves file no. PLN19-0051 for a Final Development Plan Amendment, and Design Review for the construction of three office/flex/manufacturing buildings, totaling 321,260 square feet with associated landscaping and parking improvements, 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 Forge Architects, date stamped received on May 16, 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.
3. ALUC/FAA Compliance: Prior to issuance of building permits, the applicant shall provide verification of final Federal Aviation Administration (FAA) and Alameda County Airport Land Use Commission compliance. The applicant shall provide the FAA a Form (currently designated 7460 although FAA may designate a substitute form), completed to FAA satisfaction, which describes the electronic and light emissions and reflections from the facility toward Port of Oakland runways and related information. The FAA Form 7460 or the equivalent regulates both building external elements and construction elements including temporary use of cranes. The applicant shall also provide evidence that any construction crane height is acceptable to the Port of Oakland. The applicant shall conform to FAA requirements in the Form 7460 or FAA-approved equivalent process. The applicant shall conform to any process of the Alameda County Airport Land Use Commission and shall provide verification to the Planning Director of compliance efforts.

4. Planning Board Resolution No. 1203 Compliance: Prior to issuance of Building Permits, the applicant shall provide verification of compliance with the conditions of Planning Board Resolution No. 1203, which are incorporated by reference and which shall be printed on the first page of all building plans and improvement plans.
5. Dust Control: Prior to issuance of building or grading permits, the developer/applicant shall ensure that a dust control program is implemented consistent with City and BAAQMD requirements. Construction activities shall be subject to the requirements of the Alameda Municipal Code, which restricts construction to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturday, unless a permit is first secured from the City Manager or designee based upon a showing of significant financial hardship. Design specifications shall incorporate Waste Management and Recycling elements for building and site demolition debris.
6. Noise: Prior to the issuance of building permits and prior to any future change in building use, the applicant shall submit an acoustical analysis meeting the requirements of Condition No. 60 of Resolution No. 1203 with the building permit applications.
7. Signage: Any temporary or permanent signage is subject to a sign permit approval. All signage shall be consistent with the requirements of the approved signage program for Harbor Bay Business Park.
8. Lighting: New exterior lighting fixtures shall be consistent with AMC Section 30-5.16.c, the Alameda Dark Skies Ordinance.
9. Water Efficiency Landscape Ordinance: Prior to issuance of building permits or improvement plans, Applicant/Developer shall submit a complete WELO Landscape Documentation Package, as defined by Alameda Municipal Code (AMC) Section 30-58.3(d), subject to the approval of the Planning Director.
10. 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.
11. 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.
12. Affordable Housing Fee: The applicant shall pay all Affordable Housing Fees per AMC Section 27-1.
13. Modifications: Minor project design details requested by the Applicant may be established, modified, and approved by the Planning Director. Engineering standards and specifications requested by the Applicant may be established, modified and approved by the Public Works Director, or his designee. Major modifications that are not consistent with this design review approval or these conditions shall be subject to review and approval of the Planning Board.
14. Expiration: This Final Development Plan Amendment and Design Review approval shall expire and become void unless actual construction under valid permits has commenced within two years after this approval. A one-time extension for an additional two years may be granted upon written request.

PUBLIC WORKS (GENERAL)

15. The project shall comply with Chapter 22 of the Alameda Municipal Code (Streets and Sidewalks) as determined by the City Engineer.
16. The project shall comply with all current, applicable, plans, standards, policies and guidelines including Alameda's Municipal Code (AMC), Standard Plans and Specifications, and Standard Subdivision Specifications and Design.
17. The fee for plan checking and inspection shall be calculated in accordance with the latest Schedule of Fees & Charges as approved by the City Council. A cash security deposit of an amount as determined by the City Engineer will be required prior to issuance of the improvement plans.
18. A current title report, less than six months old, shall be submitted to identify current ownership and any existing easements or land use restrictions.
19. An Encroachment Permit is required for all work within the Public Right-of-Way.

IMPROVEMENT PLANS

20. The Applicant shall submit for review and approval construction Improvement Plans for all on- and off-site improvements. The plans shall be prepared, signed and stamped as approved by a registered Civil Engineer licensed in the State of California. The Improvement Plans shall be approved by the Public Works Department prior to issuance of a Building Permit for the development.
21. An Engineer's Cost estimate for frontage and site improvements shall be submitted for review and approval by the Public Works Department. The developer or contractor shall provide a construction performance bond and a materials and labor bond equivalent to the cost of the public improvements within the right-of-way along the project frontage.
22. For areas disturbed in the public right of way, the developer shall construct and dedicate to the public full street improvements, including concrete curb, gutter, sidewalk, paving, drainage system, streetlights and landscaping, all to the satisfaction of the City Engineer. The existing street shall be resurfaced whenever a street is cut for utility or other installations. The pavement shall be resurfaced 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.
23. Any improvements to street lighting shall be designed in accordance with the City of Alameda Street, Parking Lot and Pathway Lighting Design Guide, latest edition. Any adjustments to bring street lighting up to City standards will be incorporated into final permit drawings.
24. The Applicant shall submit a soils investigation and geotechnical report for the proposed development, subject to the review and approval of the City Engineer. The report shall address the structural and environmental analysis of existing soils and groundwater and provide recommendations for all grading, retaining walls, bulkheads, surface and sub-surface drainage, lot drainage, utility trench backfilling, and pavement design. The

improvement plans shall incorporate all design and construction criteria specified in the report and shall be reviewed and signed by the Soils Engineer specifying that all recommendations within the report have been followed.

25. 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.
26. 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.
27. All development shall be designed to account for future predicted sea level rise to Elevation 13 feet, NAVD88 Datum.
28. The improvement plans shall include a construction phase erosion and sedimentation plan for review and approval.

DRAINAGE AND STORMWATER TREATMENT

29. All on site surface drainage shall be collected and conveyed in an adequately designed underground storm drainage system in a manner to be approved by the City Engineer. The downstream drainage system shall be analyzed and inadequacies, if any, corrected as determined by the City Engineer. The site shall be graded so that no additional runoff is directed to and so as not to impede runoff from adjacent properties.
30. 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.
31. All projects shall incorporate permanent stormwater 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.
32. The development shall incorporate permanent post-construction stormwater quality controls for the entirety of the site in accordance with the City of Alameda's National Pollution Discharge Elimination System (NPDES) Permit. Civil Plans sheets shall include stormwater design and treatment measures to be constructed consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual.

33. The development is subject to full trash capture requirements of the City's NPDES permit. Civil 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. 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.
34. Prior to the issuance of any permits for the development, the Applicant shall submit a Stormwater Quality Control Plan (included with the Civil Plans) and a stamped, signed City of Alameda C3 certification form from a qualified independent civil engineer with stormwater treatment facility design experience, licensed in the State of California, and acceptable to City Engineer that indicates the LID and treatment measure designs of the improvement plans and Stormwater Quality Control Plan meet the established sizing design criteria for stormwater treatment measures for the entirety of the site. The Civil Improvement Plans shall be consistent with the approved Stormwater Quality Control Plan submittal.
35. Prior to the issuance of any permits for the project, the Applicant shall submit for review and approval by City Engineer a Stormwater C3-LID Measures Operations and Maintenance (O&M) Plan that provides a thorough discussion of the inspection, operations and maintenance requirements of all of the stormwater treatment, including trash capture, and LID design measures at the site. This O&M Plan shall be consistent with the City of Alameda's C3-LID Measures O&M Plan Checklist. Once approved as final, provide City Public Works with a pdf file copy of the completed O&M Plan.
36. Prior to project acceptance and any certificate of occupancy, the Property Owner shall execute a C3-LID Treatment Measures Maintenance Agreement with the City for each project site, complete with an approved Operations and Maintenance Plan, the template for annual self-reporting, and assurances for property access for City verification inspections.
37. 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, consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual. 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.
38. The developer shall comply with the State Water Quality Control Board's Construction General Permit requirements. Prior to the issuance of any permits for the project, copies of the required "Notice of Intent" (NOI), "Storm Water Pollution Prevention Plan" (SWPPP), and the WDID# shall be submitted to the City Engineer. The SWPPP shall utilize the California Storm Water Quality Association (CASQA)'s Best Management Practices Handbook for Construction Activities, the ABAG Manual of Standards for Erosion &

Sediment Control Measures, the City's Grading and Erosion Control ordinances and other generally accepted engineering practices for erosion control.

39. 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

40. The Applicant shall comply with all applicable policies and requirements of the current approved transportation plans, including Alameda's Bicycle Master Plan, the Pedestrian Master Plan, the Long Range Transit Plan, the Transportation Demand Management and Transportation System Management (TSM/TDM) Plan, and the Multimodal Circulation Plan, Transportation Element of the General Plan, and the Transportation Choices Plan. Bicycle parking shall be consistent with AMC 30-7.15 Bicycle Parking.
41. Transportation facilities, including streets, sidewalks, pathways, parking lots, striping, signage, and signalization, shall be designed in accordance with Alameda's Bicycle Facility Design Standards and Pedestrian Design Guidelines as well as the Caltrans Design Manual and Standard Plans and the California MUTCD.
42. 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.
43. Parking layout shall be constructed in conformance with the City's off-street parking design standards, AMC Section 30-7.9 Off-Street Parking and Loading Space Regulations, and Accessible stalls and shall comply with all other applicable City and Caltrans and California MUTCD Standards.
44. 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

45. Sanitary sewers shall be in accordance with the EBMUD Regional Standards for Sanitary Sewer Installation.
46. 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.
47. The Applicant shall include the City and EBMUD recommended improvements, if any, into the project's improvements plans prior to approval of the improvement plan.
48. 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.

49. Prior to issuance of Certificate of Occupancy, the Applicant shall secure all necessary permit approvals from EBMUD regarding the installation of all water or sewer service connections for the project.
50. The Applicant shall design and construct water, power, telecom, gas, and other utilities in accordance with applicable utility standards.
51. All new utilities shall be placed underground prior to the issuance of an occupancy permit.
52. Fire sprinkler system test water discharges shall be directed to the sanitary sewer system or to appropriately-sized onsite vegetated area(s).
53. The project shall accommodate three waste streams: recycling, organics, and trash; as required by the Alameda County Waste Management Authority's Mandatory Recycling Ordinance (ACWMA Ord. 2012-01). All solid waste containers shall have fitted lids.
54. All trash containers outside the building shall be stored in a roofed trash enclosure. The trash enclosure shall have a concrete pad, designed to prevent run-on to and runoff from the enclosure. The enclosure shall have solid walls on three sides with a lockable gate on the fourth side. If the trash enclosure is attached to the building it should have fire sprinklers.
55. 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 improvements plans, parcel/final map(s), or the building permit, whichever comes first. If no building permit is required, the plans must be approved by the PWD prior to establishment of the use.
56. The Development shall comply with AMC Section 21-24 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.
57. 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 Integrated Pest Management Policy, and other applicable standards.
58. 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.

FIRE DEPARTMENT

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

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

ALAMEDA MUNICIPAL POWER (AMP)

62. The applicant shall comply to AMP's Rules and Regulations as stated in Article X and AMP's "Material and Installation Criteria for Underground Electrical Systems" (both available www.alamedamp.com) and provide completed "Service Planning Sheets" for AMP's review prior to submitting plans for building permits.
63. The applicant shall provide information on the location of transformers and total load in kilowatts or kilowatt/volts (KVA) to Alameda Municipal Power (AMP) for approval prior to building permit issuance. If necessary, the applicant shall provide (at no charge to AMP) an easement and access to all AMP facilities on the property prior to issuance of building permits.

BE IT FURTHER RESOLVED, that the Planning Board hereby recommends the City Council approve the Parcel Map 10960 application, subject to the following conditions.

1. All maps filed pursuant to this approval shall be in substantial compliance with the map titled, "Parcel Map 10960" prepared by Kier & Wright Civil Engineers & Surveyors, Inc. date stamped received February 22, 2019, and on file in the office of the Alameda Planning, Building and Transportation Department.
2. The Parcel Map shall be in substantial compliance with the tentative Parcel Map.
3. The subdivider shall record the Final Map within twenty-four (24) months of approval, or conditional approval of the Tentative Map by the City Council. An extension of time, not to exceed an additional twelve (12) months, for the filing of the Final Map may be granted by expiration of the approved or conditionally approved Tentative Map. Extensions of time shall not exceed one (1) year in aggregate, unless permitted so by the Subdivision Map Act.
4. The Parcel Map shall be in full compliance with the requirements of Alameda Municipal Code Section 30-81.4. The Parcel Map 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 Map. In addition, the following is required as part of the Parcel Map approval;
 - a. Prior to City Council approval of the Final Map, the applicant shall submit a mylar copy and a CAD file of the Final Map, or another file format, to the satisfaction of the City Engineer.
 - b. A refundable cashier's check in the amount of \$400 to guarantee a mylar copy of the recorded Parcel Map.

- c. Payment for all reasonable office and engineering costs, including overhead, in conjunction with reviewing the Parcel Map.
5. Covenants, Conditions and Restrictions (CC&Rs) shall be prepared to the satisfaction of the City of Alameda. Copies of the recorded CC&Rs and condominium plan shall be provided to the City Engineer. Should the CC&Rs include designation of parking spaces between different property owners the CC&Rs shall not designate parking at a rate more than two and a half (2.5) parking spaces per one thousand (1,000) square feet of floor area to an individual property owner.

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

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

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

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


I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 14th day of January, 2019, by the following vote to wit:

AYES: (6) Sullivan, Cavanaugh, Curtis, Rothenberg, Saheba, and Teague

NOES: (0)

ABSENT: (1) Mitchell

ATTEST:


Andrew Thomas, Secretary
City of Alameda Planning Board

CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-19-15

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA MODIFYING DEVELOPMENT PLAN AND DESIGN REVIEW APPLICATIONS (PLN19-0044) AND APPROVING A LOT LINE ADJUSTMENT (PLN19-0180) FOR THE REHABILITATION AND REUSE OF THE FORMER DEL MONTE WAREHOUSE BUILDING LOCATED AT 1501 BUENA VISTA AVENUE

WHEREAS, the Planning Board approved Planning Board Resolution PB-14-12 on September 22, 2014 approving Development Plan and Design Review applications for the Del Monte Warehouse Building; and

WHEREAS, the Planning Board approved Planning Board PB-19-04 on February 25, 2019 amending Resolution PB-14-12; and

WHEREAS, in June 2019, TL Partners I LP submitted a request for additional Development Plan and Design Review amendments and a lot line adjustment to facilitate the sale and construction of the Del Monte project; and

WHEREAS, the applications for a lot line adjustment and development plan amendment include lands within the Del Monte Master Plan planning area and a small portion of adjacent lands owned by TL Partners, which are zoned M-1 Manufacturing Intermediate Industrial/Planned Development Zoning District; and

WHEREAS, the General Plan designation of the Del Monte Master Plan site remains Mixed Use; and

WHEREAS, the Zoning Designations for the site remain MX Mixed Use/Planned Development Zoning and Multi-family Overlay Zoning Districts; and

WHEREAS, parking is a permitted use within the MX Mixed Use/Planned Development Zoning and Multi-family Overlay Zoning Districts and within the M-1 Manufacturing Intermediate Industrial/Planned Development Zoning District; and

WHEREAS, both the MX Mixed Use/Planned Development Zoning and the M-1 Manufacturing Intermediate Industrial/Planned Development Zoning District require review and approval of a Development Plan application to build parking; and

WHEREAS, the Planning Board held a public hearing and examined all pertinent materials on July 8, 2019.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board finds that redevelopment and reuse of the Del Monte Warehouse Building for 362 rental residential units, plus 10 work/live units, pursuant to the proposed Development Plan Amendment, Design Review Amendment, and Lot Line July 8, 2019
Planning board Meeting

Adjustment, is consistent with the Del Monte Warehouse Master Plan (the “DM Master Plan”). Any project approvals or related conditions of approval which reference condominium units, CC&Rs, or homeowner’s associations are not intended to limit the residential unit type. All references to condominium units or for sale units and the associated requirements shall also apply to rental units. For example, all references to CC&Rs shall include an equivalent governing document for rental units, and all references to a homeowner’s association shall include a property management company or other appropriate entity for rental units. All references and requirements referencing a homeowner’s association, including but not limited to those for the Transportation Demand Management Plan shall be addressed through the property management company or other appropriate entity for rental units.

NOW THEREFORE BE IT RESOLVED, that pursuant to AMC Section 30-4.20(g)), the Board has made the following findings relative to the Development Plan applications and Design Review amendments:

- A. **The development plans depict an effective use of the site.** The Development Plan and Design Review amendments support the effective use of the site for residential and commercial uses, internal roadways and paseos, landscaping and open spaces, and pedestrian, transit and bicycle facilities designed to provide a neighborhood that is pedestrian, bicycle and transit friendly. The Development Plans allow for the effective management of on-site parking facilities and utilizes street extensions, landscaping, building placement and orientation to create an effective and successful residential neighborhood that can be marketed and developed expeditiously, that can create a compatible interface with the adjacent properties and uses, and provide strategies for the conservation of natural resources, renewable energy and sustainable design.
- B. **The proposed Development Plan and Design Review Amendments are consistent with the General Plan and Master Plan.** The proposed development as amended continues to support General Plan policies for the redevelopment and reuse of the Northern Waterfront, General Plan policies to preserve the Del Monte Building consistent with the Secretary of Interior Standards, General Plan policies to increase housing opportunities in Alameda, and General Plan policies to extend public streets, bicycle lanes, transit lanes and pedestrian access through the area, and is consistent with the objectives of the DM Master Plan. This project also facilitates future development of, and access to, the adjacent waterfront land areas, which supports General Plan policies to increase access to public waterfront parks.
- C. **The proposed Development Plan and Design Review Amendments will not adversely affect other property in the vicinity and will not have substantial deleterious effects on existing business districts or the local economy.** The proposed Development Plan and Design Review plans as amended continue to be consistent with the Northern Waterfront General Plan Amendment (“Northern Waterfront GPA”) and the DM Master Plan, and

July 8, 2019

Planning board Meeting

qualifies as a mixed-use development pursuant to the MX Mixed Use Planned Development Zoning District which specifies mixed uses, including residential, commercial and open space uses, for this site. The development plan as submitted are compatible with adjacent residential uses by providing attractive public improvements, and ample pedestrian, transit, and bicycle facilities.

- D. The location of the proposed use, as amended, is compatible with other land uses in the general neighborhood area, and the project design and size is architecturally, aesthetically, and operationally harmonious with the community and surrounding development.** The proposed development plans, design review plans, and lot line adjustment support development of the affected property in a manner that will be architecturally, aesthetically, and operationally harmonious with the community and surrounding development. The proposed parking will ensure adequate on-site parking for the intended use of the site and provide opportunities for shared use of those facilities for project guests and waterfront users.
- E. The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.** The Development Plan, as amended, remains compatible with existing and potential contiguous uses. The street network, location of entry roads, orientation of residential uses along Buena Vista Avenue and the Northern Waterfront, and the location of bicycle facilities, pedestrian facilities, and transit facilities are all designed to complement and support the planned surrounding uses. The plans, as amended, continue to provide for a well-designed pedestrian network, bicycle access, and vehicular access. The proposed improvements on Clement and Buena Vista Avenues will support and encourage use of and access to the waterfront.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the proposed Lot Line Adjustment is consistent with the requirements of the Alameda Municipal Code and the objectives of the Del Monte Master Plan; the property line adjustment is for the creation of a new property line to facilitate the transfer of land from one (1) lot to adjoining lots, no street improvements or other subdivision improvements are required that have not been already required pursuant to the Del Monte Master Plan and Development Agreement, and the proposed lot line adjustment map meet with the approval of both the City Engineer and Planning Director; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Board finds that the proposed Development Plan and Design Review amendments and the Lot Line Adjustment will not create any new significant environmental impacts that were not already identified and mitigated by the approved environmental document and mitigation monitoring reporting program; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Board hereby approves the Del Monte Development Plan and Design Review

modifications and Lot Line Adjustments shown in Exhibit 1, 2 and 3, subject to the following conditions:

1. Substantial Compliance with Approvals: The plans submitted for the Building Permit shall be in substantial compliance with Exhibit 1 and 2 presented on July 8, 2019 and all conditions of approval of Planning Board Resolution PB-14-12 approved on September 22, 2014, and Planning Board Resolution PB-19-04 approved on February 25, 2019. Where conflicts occur between the resolutions, the requirements of Exhibits 1 and 2 and this resolution shall govern.
2. Lot Line Adjustment: Final approval of the Lot Line Adjustment shall be subject to the final review and signed approval of both the City Engineer and the Planning Director. The lot adjustment map shall be filed on a sheet, the outside dimensions of which shall be eleven by seventeen (11" x 17") inches, the quality of which shall be an acceptable tracing paper, polyester base film, or cloth and the format and information shown thereon shall be as required by the City Engineer. The original drawings or reproducible copies of deed record drawings will be kept in the City Engineer's files. The deed describing the transfer shall be recorded with the County Recorder.
3. Surface Materials. The Building Permit Plans shall show stucco with a medium sand finish with no raking and panel scoring pattern similar to the original "Hardi Panel" system pattern shown on the original plans.
4. Construction Period. Prior to commencement of construction, the applicant shall submit a Construction Period Traffic Control Plan and construction fencing plan for approval by the Public Works Director and Planning Director. The plans will be designed to minimize construction period traffic, noise, and dust impacts on adjacent neighbors and the senior citizens at Littlejohn Commons.
5. Parking Management: The parking areas shall be shared between the buildings residential and commercial tenants and managed by the property owners. The cost to lease a parking space for private use by a building tenant shall be "unbundled" from the cost of renting or leasing a residential or commercial space. If at a future date, the property owner choses to request a condominium map for the project, then a maximum of one space may be permanently assigned to each unit consistent with the 2014 TDM Plan.
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 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.

Hold Harmless and Indemnification Agreement The developer/applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold

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

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

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

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 8th day of July 2019, by the following vote to wit:

AYES: (6) Cavanaugh, Curtis, Hom, Rothenberg, Saheba, and Teague

NOES: (0)

ABSENT: (0)

RECUSED: (1) Ruiz

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

* * * * *

CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-19-16

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING FINAL ARCHITECTURAL ELEVATIONS, LANDSCAPE PLAN, LIGHTING PLAN AND PARKING PLAN FOR DESIGN REVIEW APPLICATION NO. PLN18-0381 FOR THE CONSTRUCTION OF A 172-ROOM HOTEL AND RESTAURANT LOCATED AT 2900 HARBOR BAY PARK PARKWAY

WHEREAS, an application was made by Robert Leach for Harbor Bay Hospitality, LLC. ("Applicant") on August 27, 2018, requesting Design Review and Development Plan Amendment for the construction of a new 172-room five-story hotel and restaurant on an approximately 5.5 acre site located approximately 467-feet northwest of the corner of Harbor Bay Parkway and Bay Edge Road, within the Harbor Bay Business Park; and

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

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

WHEREAS, the Planned Development for the Business Park was approved by PD-81-2, and subsequently amended by PDA-85-4, PDA05-0003; PLN07-061, and PLN15-0092; and

WHEREAS, the Board held a study session on October 8, 2018 and provided comments on the proposed design and development plan amendment; and

WHEREAS, on December 10, 2018, the Planning Board independently reviewed, considered, and determined based on substantial evidence in light of the whole record that no further review pursuant to the California Environmental Quality Act (CEQA) is required for the proposed project because the proposed modifications to the approved development result in no new significant or substantially more severe environmental effects than were previously identified in the existing environmental documents; and

WHEREAS, the Board held a public hearing on December 10, 2018, and approved Planning Board Resolution PB-18-23 for the Design Review and Development Plan Amendment, and required that the applicant return to the Planning Board with final architectural design, landscape plan, lighting plan, and parking plan for final review and approval by the Planning Board, and

WHEREAS, on December 18, 2018, appellant Brian Tremper filed a timely appeal of the Planning Board's decision to approve the project; and

WHEREAS, on December 19, 2018, appellant Laborers International Union of North America, Local Union 304 filed a timely appeal of the Planning Board's decision to approve the project; and

WHEREAS, the City Council held a de novo public hearing on February 5, 2019 to consider an appeal of Planning Board decision to approve Resolution PB-18-23, which includes the Planning Board's CEQA findings regarding the project, and after considering all of the

information on the record and hearing from the appellants, upheld Planning Board Resolution No. PB-18-23; and

WHEREAS, the Planning Board held a public hearing on May 28, 2019 and approved the final building setback, building footprint, building massing, and parking plan of a 172-room hotel and restaurant in the Harbor Bay Business Park immediately adjacent to the Harbor Bay Ferry Terminal (the project). At the meeting, the Planning Board also directed the applicant to return to the Board for final approval of the architectural elevations, landscaping, and lighting plan for the project; and

WHEREAS, on July 22, 2019, the Planning Board reviewed the applicant's revised final architectural design, landscape plan, and lighting plan and considered testimony from the public.

NOW, THEREFORE, BE IT RESOLVED, the Planning Board finds adoption of this resolution not subject to the California Environmental Quality Act under *McCorkle Eastside Neighborhood Group v. City of St. Helena* (2018) 31 Cal.App.5th 80, which found that design review for by right projects is a ministerial decision under Public Resources Code section 21080; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Planning Board finds that the proposed revisions to the architectural plans, landscape plans, lighting plans, and parking plans do not create any new environmental impacts or worsen any impacts previously identified that were not previously considered in the December 10, 2018 resolution.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Board approves the Final Design Review of the proposed hotel project as described in Exhibit 1: Marriott Residence Inn Alameda Design Review, subject to the following conditions:

1. Planning Board Resolution PB-18-23: The project shall comply with all conditions of approval in Planning Board Resolution No. PB-18-23. In the event in a conflict between the conditions contained in this this resolution and resolution PB-18-23, the conditions of approval in this resolution shall govern.
2. Building Permit Conditions: These conditions and the conditions of PB-18-23 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, (Exhibit 1 to the July 22, 2019 Staff Report) 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. Lighting: All hotel and parking lot lighting shall be compliant with AMC Section 30-5 (Dark Skies). *The final parking lot lighting plan submitted for building permits shall be consistent with Section 30-7.17 and shall provide a maximum of ½ foot-candle, with a ratio of no greater than fifteen to one to be provided by light standards no taller than 16 feet. Along the northern edge of the parking lots, 16 foot light standards shall be limited to the driveway entrances. Bollard lighting shall be provided at along the rest of the northern edge of the parking lot. The plan shall also include automatic dimmers to reduce the lighting levels during the late night hours from midnight to dawn to minimize impacts on adjacent residential neighbors.*

5. Landscape Maintenance: The applicant and successor owners shall be responsible for the timely maintenance (i.e. watering, fertilizing, trimming, pruning, removal of diseased plantings and replanting plants of comparable size) and prompt replacement of all landscaping on the property consistent with the approved landscaping plan on sheets L1.0, L1.1, and L1.2 of the approved plan set, as modified by Conditions No. 6 and No. 7 below. Prior to Certificate of Occupancy, the applicant shall provide proof of a service agreement in place for regular landscape maintenance on the property.
6. Final Landscape Plan: Prior to issuance of building permits, the final landscaping plan shall show full landscaping along the southern banks of the lagoon facing the residents to the north, and include evergreen trees and plants where landscape screening is required. Any proposed changes to the landscape plan shall be reviewed by the adjacent HOA prior to any final decision on the proposed change by the City of Alameda.
7. Headlight Barrier: Prior to issuance of building permits, the final landscape plan submitted for building permits shall include construction details for a 4.5-foot tall barrier along the north side of the parking lot to shield vehicle headlights from the residential properties across the lagoon. The applicant shall work with the community to select a barrier design that will provide screening of headlights along the northern side of the vehicle parking lot, to the satisfaction of the Planning Director. The barrier shall be designed to allow wildlife to cross the barrier at ground level. Along the south side of the parking lot, the plans shall reflect a 3-foot landscape berm with evergreen shrubs to shield the Bay Trail from headlights.
8. Signs: Hotel signs shall be limited to a back lit halo sign above the porte cochere on the north elevation of the first floor and a back lit halo sign on the north side of the building.
9. Architectural Elevations: The final architectural plans submitted for building permits shall include:
 - a. Clear story glazing above all ground floor canopies. Venting louvers shall be used only above those canopies where ventilation units are provided.
 - b. The roof cornice shall be increased in width to 24 inches in width.
 - c. A four (4) inch window recess on all windows.
10. Public Art: Prior to issuance of Certificate of Occupancy, the applicant shall install public art that have been approved by the City of Alameda Public Art Commission. The cost of the art installation shall be a minimum of 1% of the construction costs.
11. Garbage pick-up: Garbage truck access and garbage pick-up shall be limited to the daylight hours after 7 AM.
12. Access Road: Final parking lot driveway design shall be subject to Planning Director and City Engineer approval.
13. Expiration: This Development Plan Amendment and Design Review approval shall expire and become void unless actual construction under valid permits has commenced within two years after this approval. A one-time extension for an additional two years may be granted upon written request.

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.

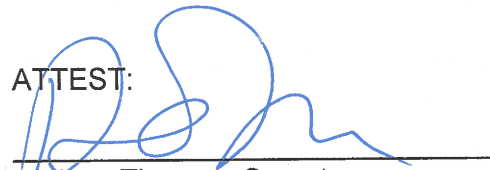
I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 22nd day of July 2019, by the following vote to wit:

AYES: (6) Cavanaugh, Curtis, Hom, Rothenberg, Ruiz, and Teague

NOES: (0)

ABSENT: (1) Saheba

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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**CITY OF ALAMEDA PLANNING BOARD
RESOLUTION PB-19-17**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING FINAL ARCHITECTURAL DESIGN FOR APPLICATION NO. PLN17-0538 FOR THE CONSTRUCTION OF A 54'-6", FOUR-STORY HOTEL WITH 96 ROOMS AT 1825 PARK STREET

WHEREAS, an application was made by Paul Patel for Ganesha, LLC. ("Applicant") on October 26, 2017, requesting a Design Review and Parking Reduction approval to construct a new four-story, 96-room hotel with 62 parking spaces located on approximately 0.74 acres at 1825 Park Street; and

WHEREAS, the proposed project includes a surface parking lot in the rear with 62 parking spaces, where 96 spaces are required unless the Planning Board approves a parking reduction along with Transportation Demand Measures pursuant to AMC Section 30-7.12; and

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

WHEREAS, the project site is located within a NP-G, North Park Street Gateway subdistrict with a MF, Multi-Family Residential Combining Zone overlay; and

WHEREAS, on March 26, 2018, the Planning Board held a study session on the project and provided comments on the proposed design and parking demand study; and

WHEREAS, on January 28, 2019, the Planning Board held a public hearing on the project and approved the Design Review and Parking Reduction for PLN17-0538, with findings and conditions of approval in Resolution PB-19-02; and

WHEREAS, on February 6, 2019, Ty Hudson on behalf of UNITE HERE Local 2850 filed a timely appeal of the Planning Board's decision to approve the project; and

WHEREAS, on March 19, 2019, after conducting a public hearing, the City Council adopted a resolution denying the appeal and remanding the design review for further consideration by the Planning Board. The City Council found that the Planning Board correctly approved the Parking Reduction application because the project adequately meets the criteria and requirements of AMC 30-7, and directed the Planning Board to (a) revise Condition of Approval 5 (Carpool Ride Share Services) in Resolution PB-19-02 to align with the City's climate goals and designate a safe drop-off location for Transportation Network Companies (TNCs), and (b) reconsider the building architecture consistent with the City Council direction; and

WHEREAS, on July 8, 2019, the applicant submitted revised project plans to the

Planning Board with final architectural design for final review and approval by the Planning Board; and

WHEREAS, on July 22, 2019, the Planning Board held a duly noticed public hearing on the architectural design for final review and approval.

NOW, THEREFORE, BE IT RESOLVED, the Planning Board finds adoption of this resolution not subject to the California Environmental Quality Act under *McCorkle Eastside Neighborhood Group v. City of St. Helena* (2018) 31 Cal.App.5th 80, which found that design review for by right projects is a ministerial decision under Public Resources Code section 21080; and

BE IT RESOLVED, that the Planning Board hereby approves the final architectural design for a four-story hotel with 96-rooms, subject to compliance with the following conditions:

1. Planning Board Resolution PB-19-02: The project shall comply with all conditions of approval in Planning Board Resolution No. PB-19-02, except as modified in this resolution. In the event of a conflict between the conditions contained in this resolution and Resolution PB-19-02, the conditions of approval in this resolution shall govern.
2. Building Permit Conditions: These conditions and the conditions of Resolution PB-19-02 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. 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.
 - d. Decorative fin shall extend 5'-1" above the top of the tower and provide sufficient space for the Holiday Inn Express "H" logo.
5. 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, 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 in-room 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.

6. 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.
7. 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 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*).
8. 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.

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 22nd day of July 2019, by the following vote to wit:

AYES: (6) Cavanaugh, Curtis, Hom, Rothenberg, Ruiz, and Teague

NOES: (0)

ABSENT: (1) Saheba

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-19-18

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING USE PERMIT APPLICATION NO. PLN19-0330 TO ALLOW AN OUTDOOR SEATING AREA IN THE REAR PATIO AT 1205 PARK STREET.

WHEREAS, on July 18, 2019, an application was made by Mike Yakura on behalf of Spinning Bones Restaurant ("Applicant") requesting approval for a Use Permit to use an existing 480-square-foot rear patio for outdoor customer seating at 1205 Park Street ("Project"); and

WHEREAS, the City deemed the application complete on August 12, 2019; and

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

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

WHEREAS, the Planning Board held a duly noticed public hearing on September 9, 2019 for the Project 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 Section 15301 - Existing Facilities, 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 (PLN19-0330):

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 patio is compatible with other commercial and residential land uses in the surrounding neighborhood area. The proposed use of the rear patio for customer dining is a low-intensity use due to its small size of approximately 480 square feet, which limits the seating capacity to only 15 customers. The project is conditioned to prohibit live or amplified music in the patio that would be incompatible with neighboring residential uses. Additionally the hours for customers to use the outdoor patio area are limited to between 11:00 A.M. and 3:00 P.M. to minimize disturbances to the surrounding neighborhood area.
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 fully developed and does not require additional service facilities. The proposed outdoor patio is an option for customers and the patio seating alone will not increase the vehicle traffic or parking demand of the restaurant use. The Park Street Business District has several City operated parking lots and street parking within walking distance to the restaurant, as well as bike parking facilities throughout the district. The site is located on Park Street which is served by AC Transit bus routes 20, 51A, and O.

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 outdoor seating, as conditioned, will not adversely affect the surrounding properties, or hurt existing business districts or the local economy. The proposed use is a low-intensity use that is consistent with the pedestrian-oriented commercial uses facilitated by the Community Commercial zoning regulations. The proposed outdoor dining use will benefit the district by bringing foot traffic to the site and by occupying a vacant retail space. The proposal does not involve design changes to the exterior of the building. Compliance with the conditions of approval will further minimize the possibility of adverse effects on adjacent property.

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

The proposed outdoor seating for a restaurant will provide a low-intensity use compatible with the Community Commercial General Plan designation. The proposal is consistent with the General Plan because the proposed use would not have any negative impacts upon the surrounding properties and commercial businesses. General Plan Policy 2.5.a also calls for providing enough retail business and services to provide Alameda residents with a full range of services. Allowing a restaurant to provide 15 outdoor dining spaces in an otherwise underutilized rear patio supports this General Plan policy; and

BE IT FURTHER RESOLVED, that the Planning Board approves file no. PLN19-0330 for a Use Permit to allow an outdoor seating area in the rear patio at 1205 Park Street, subject to the following conditions:

1. **Use Permit Renewal Required After First Year:** This Use Permit approval is valid for twelve months from the date of approval. The applicant shall submit a use permit application and pay application fees for the use permit renewal prior to twelve months after the date of approval, at which point restaurant seating in the outdoor patio approved under this Use Permit may continue until an action on the permit renewal is made by the Planning Board at a public hearing conducted in conformance with Alameda Municipal Code Section 30-21. If no use permit application is submitted prior to the twelve month anniversary of this approval the use permit shall expire, and restaurant seating in the outdoor patio shall be prohibited
2. **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. Restaurant employees shall be informed of these conditions of approval and limits of this Use Permit.
3. **Maximum Occupancy:** The maximum allowed occupancy of the outdoor seating area shall be 15 customers.
4. **Outdoor Patio Area Hours of Operation:** The hours for customers to use the outdoor patio shall be limited to between the hours of 11:00 AM and 3:00 PM, seven days a week. The applicant shall restrict customer use of the patio outside of these hours. Additionally, a sign shall be placed in the entrance of the outdoor patio stating "No Customer Access to Patio After 3:00 P.M."
5. **Limitations On Outdoor Patio Area Use:** No live music or amplified speakers are allowed in the outdoor patio. No smoking is allowed in the outdoor patio area. A "No Smoking" sign shall be posted in the outdoor patio area at all times.

6. **Good Neighbor Condition:** The applicant shall have posted at all times at the entrance to the outdoor patio and in the patio signs for customers to be aware and courteous of residential neighbors.
7. **Noise Ordinance:** The applicant shall ensure that all operations are conducted in conformance with the Noise Ordinance, AMC Section 4-10.
8. **Exterior Lighting:** New exterior lighting fixtures shall be low intensity, directed downward and shielded to minimize offsite glare consistent with the City's Dark Skies Ordinance, AMC Section 30-16.c. Exterior lighting shall be limited to light fixtures required by applicable health and safety codes.
9. **Privacy Screening:** Prior to the issuance of Certificate of Occupancy for the outdoor patio, the applicant shall install a new privacy fence along the rear property line that is eight feet tall, as permitted in AMC Section 30-5.14. Final design shall have input from adjacent residential neighbors.
10. **Revocation:** Upon receipt of three valid noise complaints due to business operations in the outdoor patio the Planning Board shall conduct a revocation hearing. A valid noise complaint shall be determined by the responding City official based on the guidelines set forth by Alameda Municipal Code (AMC) Section 4-10.8 or through California Penal Code 415 (Crimes Against the Public Peace) and confirmed by the Planning Director. 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. The Applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda City Planning Board and their respective agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Alameda, Alameda City Planning Board, and their respective agents, officers, or employees to attack, set aside, void or annul, an approval by the City of Alameda, the Planning, Building & Transportation Department, Alameda City Planning Board, or City Council related to this project. The City shall promptly notify the Applicant of any claim, action, or proceeding and the City shall cooperate in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.

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 9th day of September 2019, by the following vote to wit:

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

NOES: (3) Cavanaugh, Curtis, Rothenberg

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

* * * * *

CITY OF ALAMEDA PLANNING BOARD
RESOLUTION No. PB-19-19

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING DESIGN REVIEW APPLICATION NO. PLN19-0056 FOR THE CONSTRUCTION OF AN APPROXIMATELY 738-SQUARE-FOOT ONE-STORY RESTAURANT, 200-SQUARE-FOOT TRASH ENCLOSURE, AND ASSOCIATED LANDSCAPE AND PARKING LOT IMPROVEMENTS LOCATED AT 1527 PARK STREET.

WHEREAS, an application was made on February 11, 2019, by Maxwell Beaumont for Teresa Do, requesting Design Review approval for the construction of a 738-square-foot restaurant, a 200-square-foot trash enclosures- and associated landscaping and parking lot improvements; and

WHEREAS, the application was accepted as complete on September 4, 2019; and

WHEREAS, the project site is located within the C-C-T, Community Commercial – Theater combining district; and

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

WHEREAS, restaurants are permitted by right in the C-C-T, Community Commercial – Theater combining district; and

WHEREAS, the Planning Board held a noticed public hearing to consider approval of said project application and examined all pertinent materials on September 23, 2019.

NOW THEREFORE, BE IT RESOLVED, that the Planning Board finds this project categorically exempt from environmental review pursuant to CEQA Guidelines Section 15303 New Construction of Small Structures , and finds that none of the exceptions to the categorical exemptions apply:

1. The restaurant is a permitted use in the C-C-T District
2. The structure is less than 10,000 square feet in floor area.
3. The project does not involve the use of significant amounts of hazardous materials.
4. The site is in an urban area and all necessary public services and facilities are available to the site.
5. The surrounding area is not environmentally sensitive.

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, because the proposed new construction is compatible in design and use of materials with the existing building and surrounding neighborhood
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 restaurant is a traditional commercial building design approximately 19-feet 10-inches tall with a 14-foot interior ceiling height consistent with the Design Review Manual. The proposed building height, parking, and site plan complies with General Plan policies and Zoning Ordinance requirements. The design utilizes large wood-framed glazing with transom windows to provide a prominent storefront on front elevation. The building fronts along the public sidewalk to facilitate a harmonious pedestrian oriented experience as intended in the Community Commercial – Theatre combining district. The surface parking lot is hidden behind the building as recommended by the Design Review Manual, and meets the parking requirements of the Zoning Ordinance. The parking lot design also includes landscaping along the rear perimeter to facilitate a harmonious transition between the property 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 large windows, exterior materials, architectural elements, and building colors to match and complement the buildings in the surrounding neighborhood. The building uses smooth stucco siding with a ceramic tile bulkhead and a stucco molding that wraps around the base of the building. Roof treatment consists of a flat roof embellished with a parapet, decorative corbels, and stucco molding to provide visual interest to the building. Ornamental goose neck lighting elegantly illuminate the street side pedestrian entrance and the restaurant signage. The landscaping in the rear of the building is consistent with the surface parking landscape requirements.

BE IT FURTHER RESOLVED THAT the Planning Board hereby approves the Design Review Application No. PLN19-0056 for an approximately 738-square-foot restaurant, 200-square-foot trash enclosure, and landscaping and parking lot improvements, subject to compliance with the following conditions:

Planning

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 Beaumont & Associates, received on September 11, 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.

3. The Design Review approval for the 738-square-foot restaurant and trash enclosure shall expire and become void unless substantial construction under valid permits has occurred within two years after this approval. A one-time extension for an additional two years may be granted by the Community Development Director upon written request.
4. The plans submitted for building permits shall include construction details for the windows, parapet design, awning, and canopy.
5. Sign Permit: The applicant shall obtain a separate sign permit for signage on the hotel pursuant to AMC Section 30-6.
6. Bicycle Parking: Prior to issuance of building permits, the applicant shall work with the Transportation Planning Division to determine the locations for the two short term and two long term bicycle parking spaces for the facility.
7. 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.
8. Construction activities: 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.
9. Lighting: All new exterior lighting fixtures shall be directed downward and shielded to minimize offsite glare.
10. Mechanical Equipment: Any noise making mechanical equipment located on the ground, which generates noise exceeding ambient noise levels (prior to installation of the equipment) at the common property line with the adjacent residential neighborhoods shall be enclosed in a sound blocking enclosure meeting the noise standards established by the Alameda Municipal Code. The enclosure shall be built to the following minimum standards:
 - a) The barrier can be any thickness so long as its weight is 4lbs/ft² or greater.
 - b) The barrier must be nonporous, with a solid door.
 - c) The barrier must enclose the equipment on all sides. The building walls may serve as one or more of the sides.
 - d) The wall height should be a minimum of three feet (3') greater than the tallest piece of equipment.
11. All Time and Material charges for this application shall be paid in full prior to the issuance of building permits.

Public Works

General

12. 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.

13. 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.
14. 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.
15. 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.
16. 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.
17. Rebuild the driveway and associated sidewalk to City Standard 6297-24 for a commercial driveway which is 6-inches thick.
18. Prior to submittal of building permits, the applicant shall show on the building permits that the new trash enclosure will serve both the existing and new restaurant. The old trash enclosure shall no longer be used for trash pick-ups.
19. The trash enclosure drain shall be connected to the sanitary sewer and the trench drain shall discharge to the storm drain system.

Improvement Plans

20. 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.
21. 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.
22. The roadway in front of the driveway entrance shall be striped "KEEP CLEAR".
23. 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.
24. 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.

25. 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.
26. All developments shall be designed to account for future predicted sea level rise to Elevation 13 feet, NAVD88 Datum.

Drainage and Stormwater Treatment

27. 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.
28. 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).
29. 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.
30. 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.
31. The applicant shall submit for approval a completed City of Alameda Stormwater Checklist.
32. Roof leaders discharges shall be directed to landscaped areas.

Utilities

33. Sanitary sewage shall be in accordance with the EBMUD Regional Standards for Sanitary Sewer Installation.
34. 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.
35. 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.

36. 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/>.
37. 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.
38. The Applicant shall design and construct water, power, telecom, gas, and other utilities in accordance with applicable utility standards.
39. Fire sprinkler system test water discharges shall be directed to the sanitary sewer system or to appropriately-sized onsite vegetated area(s).

Other Standard Conditions

40. The project shall be designed to accommodate three waste streams: recycling, organics, and trash; as required by the Alameda County Waste Management Authority's Mandatory Recycling Ordinance (ACWMA Ord. 2012-01).
41. 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.
42. 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. The trash enclosure shall have a floor drain plumbed to the sanitary sewer system and have a water supply connected to a hose bib.
43. The Development shall comply with Alameda Municipal Code 23-24 and submit a Waste Management Plan documenting the diversion of project related construction and demolition debris to the satisfaction of the Public Works Director.
44. 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

45. The trash enclosure facility and surrounding grades 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. The trash enclosure facility shall be roofed and shall also drain to the sanitary sewer.

46. The Improvement Plan sheets shall describe/include construction activity best management practices to be implemented in conformance with the City's erosion, sediment and discharge-control standards to prevent any water quality impacts during construction activity.

Transportation Planning

47. Prior to issuance of building permits, the applicant shall work with the Transportation Planning Division to provide short and long term bicycle parking for the facility consistent with AMC 30-7.15 Bicycle Parking.

Fire Department

48. Prior to issuance of Building Permits, the applicant shall work with the Fire Department to ensure permitting compliance for the following:

- Automatic Fire Sprinklers
- New Fire Alarm System
- Suppression system – Hood & Duct

49. Prior to Certificate of Occupancy, the applicant shall install the following unless modified by the Fire Department:

- 1 Fire Extinguisher 10-B:C.
- Lighted exit signs on both exits
- Address clearly marked on Park Street side of the building
- Fire Department Knox box with keys to all doors, mounted to the building on the left side of the front door.

Indemnification

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

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 September, 2019, by the following vote to wit:

AYES: (7) Cavanaugh, Curtis, Hom, Rothenberg, Ruiz, Saheba, and Teague

NOES: (0)

ABSENT: (0)

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-19-20

APPROVING DEVELOPMENT PLAN AND DESIGN REVIEW APPLICATION NO. PLN19-0270 FOR A FOUR- TO FIVE-STORY RESIDENTIAL BUILDING WITH 360 MULTI-FAMILY UNITS AND 8 WORK/LIVE UNITS AS PART OF PHASE I OF THE ALAMEDA MARINA MASTER PLAN PROJECT LOCATED AT 1815 CLEMENT AVENUE.

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

WHEREAS, the Alameda Marina site is designated 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 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, on June 24, 2019, the Planning Board of the City of Alameda held a duly noticed public hearing and recommended the City Council approve Master Plan Amendments that provide for a well-designed pedestrian network, bicycle access, and vehicular access related to the waterfront in support of the Master Plan vision; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds the environmental effects of the proposed project were considered and disclosed in the Alameda Marina Master Plan Environmental Impact Report (State Clearinghouse #2016102064). No further environmental review is required under the California Environmental Quality Act for the proposed project. The proposed multi-family residential building will not result in any new environmental impacts or cause any previously disclosed significant impacts to become more severe, and all

October 14, 2019
Planning Board Meeting

mitigations specified in the EIR are included as conditions of approval for the project as required by the Alameda Marina Master Plan; and

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

1. **The Development Plan qualifies for approval under the Alameda Marina Master Plan and satisfies the purpose of the Mixed Use zoning regulations under AMC Section 30-4.20.** The proposed Development Plan is consistent with the Alameda Marina Master Plan for construction of a multi-family residential building for 360 units at this location. The Development Plan qualifies for approval under AMC Section 30-4.20(g) as it satisfies the purpose of the regulations to facilitate mixed use development by providing a mix of residential and commercial Work/Live uses.
2. **The Development Plan is designed in a manner compatible with existing and potential contiguous uses. The Development Plan also provides a sufficient vehicular and non-vehicular circulation system within the project with the least amount of duplication, and the Plan provides the best interface with other systems.** The building is oriented to Clement Avenue and Schiller Street and provides pedestrian oriented interfaces with the surrounding spaces. A pedestrian corridor provides public access between 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 eight work/live units along Schiller Street also provide commercial spaces that provide a transition from this residential building to the adjacent Maritime/Commercial Core.
3. **The Development Plan provides and maintains adequate landscaping using, where appropriate, native plants and taking maximum advantage of the screening capabilities of landscaping.** The proposed plan includes nearly 50,000 square feet of total open space, much of which is occupied with native plants and landscaping, consistent with Bay-friendly landscape standards and complying with state water efficient landscape requirements. The ground level landscaping provides a good transition between the public sidewalks and private open spaces used by residents in the 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.** This plan provides for the development of 360 housing units that are necessary to address a severe housing shortage in the community. These critically needed housing units include affordable housing units that are expected to be occupied within a reasonable time.
5. **The Development Plan provides sufficient area, and encourages adequate public accessibility and usage of the water/land interface.** A pedestrian corridor provides public access between 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.
6. **The Development Plan provides a comprehensive, coordinated, controlled system of informational and directional graphic signage throughout the development.** The Development Plan consists of a single building with clear points of entry, which minimizes the need for a comprehensive wayfinding signage program. The pedestrian corridor will include signage that identifies it as a public walkway between Clement Avenue and the waterfront.

7. **The Development Plan demonstrates progressive techniques for the conservation of, and decreased consumption of, nonrenewable energy.** The proposed multi-family building will be designed to achieve LEED Silver certification or an equivalent sustainability standard as required under the Master Plan; and

BE IT FURTHER RESOLVED, that the Planning Board makes the following findings regarding 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 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 Schiller Street and provides pedestrian oriented interfaces with the surrounding spaces. A pedestrian corridor provides public access between 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 eight work/live units along Schiller Street also provide commercial spaces that provide a transition from this residential building to the adjacent 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 approves Development Plan and Design Review application no. PLN19-0270 for a four-and-five-story residential building with 360

multi-family units and 8 Work/Live units as part of Phase I of the Alameda Marina Master Plan project, subject to the following conditions:

Planning Board Conditions:

1. Public Portal Ceiling Treatment: The Building Plans shall show a consistent treatment of the ceiling of the public paseo and include a similar lighting and materials on the north portal as is shown in the south portal in the Planning Board packet drawings.

Planning Conditions.

2. CEQA Mitigation Measures: Prior to issuance of a Building Permit or Site Improvement Permit, 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.
3. Alameda Marina Master Plan and Tentative Map Consistency: All future development or improvement of the property shall be subject to review by the Planning Director for consistency with the adopted Alameda Marina Master Plan and Tentative Map, as amended. Development of proposed buildings shall be subject to all conditions of approval imposed on the Master Plan and Alameda Marina Tentative Map.
4. Affordable Housing Plan: Prior to issuance of the first Building Permit, the Applicant shall execute and record an Affordable Housing Agreement to ensure compliance and monitoring requirements consistent with the Inclusionary Housing Ordinance. The Affordable Housing Agreement shall be in compliance with Section 8.1 *Affordable Housing* of the Master Plan and shall identify forty-nine (49) affordable housing units broken down into the following income categories:
 - i. Sixteen (16) units shall be affordable to very-low income households.
 - ii. Twelve (12) units shall be affordable to low income households (12 units).
 - iii. Twenty-one (21) units shall be affordable to moderate income households.
5. Transportation Demand Management Plan: Prior to issuance of the first building permit, the Applicant shall prepare and submit a Transportation Demand Management Plan for Planning Board review and approval. The plan shall address parking management requirements in *Section 6.6 Parking* of the Master Plan (page 51). These programs include but are not limited to Unbundled Parking, Shared Parking (enforcement of no residential parking being allowed in marina parking lots), and Car Share Parking as specified on pages 50 and 51 of the Master Plan.
6. Pedestrian Corridor Access: The following pertains to the Pedestrian Corridor that runs through the subject building from Clement Avenue to the waterfront.
 - a. Public Access Easement. Prior to issuance of a certificate of occupancy for the first unit, the Applicant shall provide a Public Access Easement for the Pedestrian Corridor. The form of the easement shall be approved by the City Attorney.
 - b. Public Access Signage. The applicant shall provide signage at points where the Pedestrian Corridor intersects the building to identify that the public access corridor

- continues through the building. The locations, design, and content of the signage shall be provided in graphic details on the Building Permit plans.
- c. Gates Prohibited. No gates shall be erected that would block access to the section of the Pedestrian Corridor that runs through the building. The prohibition on erecting any gate or similar barrier shall be stated in a form approved by the City Attorney and recorded on the property. Any Covenants, Conditions & Restrictions (CC&Rs) applicable to the property shall also state this prohibition.
7. Work/Live 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.
- No work/live studio, or any portion thereof, shall be sold as an individual unit.
 - 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.
 - 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.
 - 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.
8. Window Recess: Building Permit plans shall provide a window section detail that depicts a 3" recess between the window glazing and the exterior surface of the exterior siding on the windows above the ground floor.
9. Loading Zone: The loading zone on Schiller Street shall be 10 feet wide to accommodate parking of wide delivery trucks. The final design and configuration of the loading zone shall be to the satisfaction of the City Engineer.
10. Sustainable Strategies: Building Permit plans shall meet LEED Silver certification or equivalent implementation of sustainable building techniques, as determined by the Building Official.
11. Functional Elements: Building Permit plans shall provide sufficient details to demonstrate compliance with the Function Elements section on page 57 of the Master Plan.
12. Bird Safe Building Ordinance: Building Permit plans shall demonstrate compliance with the Alameda Bird-Safe Building Ordinance (AMC Section 30-5.16.b).
13. Dark Skies Ordinance: Plans submitted for building permits shall demonstrate compliance with the Alameda Dark Skies Ordinance (AMC Section 30-5.16.c).

14. Public Art Requirement: Prior to final building inspection, the Applicant shall demonstrate compliance with the Public Art Ordinance (AMC Section 30-98).
15. Building Signage: Building signage shall be subject to separate Sign Permit approval according to the Sign Ordinance (AMC Section 30-6).
16. 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.
17. Other Agency Approvals: Prior to approval of improvements related to work within the jurisdictional areas, Applicant shall provide evidence that all required approvals, permits, or waivers from Bay Conservation and Development Commission (BCDC), Regional Water Quality Control Board (RWQCB), including compliance with the existing 401 Certification for the construction of a storm water outfall, and/or the Army Corps of Engineers have been obtained. The final Improvement Plans shall incorporate all other agency comments.
18. Public Improvements Phasing: Project development phasing shall be consistent with the project phasing requirements of the Alameda Marina Master Plan. All public shoreline, infrastructure, sea level rise, public access, and Clement Avenue improvements in each phase shall be completed prior to issuance of the first building permit in the next phase of the project.
19. Development of this project requires public right-of-way and on-site improvements that were approved as part of Tentative Map 8500, Alameda Marina. All public and private improvements shown within Tentative Map 8500 west of and including Schiller Street extension shall be completed to the satisfaction of the City Engineer prior to occupancy of any unit.
20. Improvement Plans, Subdivision Improvement Agreement, and Bonds for a phased final map shall be approved prior to the issuance of a Building Permit.

Site Specific Storm water Treatment

21. All on site surface drainage shall be collected and conveyed in an adequately designed underground storm drainage system in a manner to be approved by the City Engineer. The downstream drainage system shall be analyzed and inadequacies, if any, corrected as determined by the City Engineer. The site shall be graded so that no additional runoff is directed to adjacent properties and so as not to impede runoff from adjacent properties.
22. Project Civil Improvement Plans shall incorporate permanent storm water design techniques, source control measures, and permanent post-construction storm water quality controls to manage the quantity and quality of storm water runoff from the planned development to prevent and minimize impacts to water quality, in accordance with the City of Alameda's National Pollution Discharge Elimination System (NPDES) Permit, and consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual. Project plans shall indicate the efforts taken to minimize impervious surface areas, especially directly connected impervious surface areas.

23. Project Civil Improvement Plans shall detail the project site strategy to comply with full trash capture requirements of the City's NPDES permit. A full trash capture system or device is any single device or series of devices that traps all particles retained by a 5mm mesh screen and has a design treatment capacity of not less than the peak flow rate Q resulting from a one-year, one-hour storm in the sub-drainage area. Plan sheets shall include location, detail and cross-sectional drawings of the storm water full trash capture device(s) necessary to treat the entirety of the site.
24. Prior to the issuance of any permits for the development, the Applicant shall submit a Stormwater Control Plan and stamped, signed City of Alameda C3 certification form from a qualified independent civil engineer with storm water treatment facility design experience, licensed in the State of California, and acceptable to City Engineer that indicates the LID and treatment measure designs of the Civil Improvement plans and the Stormwater Control Plan meet the established sizing design criteria for storm water treatment measures. The Civil Improvement Plans shall be consistent with and include the approved Stormwater Control Plan submittal.
25. Prior to the issuance of any permits for the project, the Applicant shall submit for review and approval by City Public Works a Storm water C3-LID Measures Operations and Maintenance (O&M) Plan that provides a thorough discussion of the inspection, operations and maintenance requirements of all of the storm water treatment, including trash capture, and LID design measures at the site. This O&M Plan shall be consistent with the City of Alameda's C3-LID Measures O&M Plan Checklist. After PW approval of the O&M Plan, the applicant shall provide PW with a pdf copy of the approved O&M Plan.
26. Prior to project acceptance and any certificate of occupancy, the Applicant shall submit a certification report (Report) prepared by a registered civil engineer, licensed in the State of California, affirming that all project site storm water treatment measures have been constructed per the City approved plans and specifications. As appropriate, the Report shall include, but not be limited to, assurances that: imported materials used for the treatment measure(s) are certified by the supplier; installation of these materials is per approved plans and specifications and meets the intent of the design engineer; required on-site testing results conform with approved plans and specifications; treatment measures conform to dimensions, grades and slopes on approved plans and specifications; all structural features of the treatment measures comply with plan specifications; the irrigation system is installed and functions as designed; healthy vegetation/ground cover is installed as shown on plans. The Report shall be submitted in a form acceptable to the City Engineer.
27. 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 (OMP), the template for annual self-reporting, and assurances for property access for City verification inspections. Or, where a property owners' association (such as an HOA), rather than a distinct property owner, will be responsible for managing the long-term care of a project site's storm water measures and implementing the approved OMP, then the following shall occur prior to project acceptance and any certificate of occupancy: all required and approved OMPs for storm water site design

and treatment measures and full trash capture devices, templates and responsibilities for annual self-reporting, and assurances for property access for City verification inspections shall be included and incorporated within the property owners associations' (e.g., HOAs') CC&Rs for the assignment of long-term maintenance responsibilities for all of these systems/devices.

28. The Applicant shall comply with the State Water Quality Control Board's Construction General Permit requirements. Copies of the required "Notice of Intent" (NOI) and "Storm Water Pollution Prevention Plan" (SWPPP) along with the WDID# shall be submitted to the City Engineer prior to commencement of any site work. The SWPPP shall utilize the California Storm Water Best Management Practices Handbook for Construction Activities, the ABAG Manual of Standards for Erosion & Sediment Control Measures, the City's Grading and Erosion Control ordinances and other generally accepted engineering practices for erosion control.
29. The Civil Improvement Plans shall list the City's erosion and sediment control standards and provide detail drawings and installation specifications for all water quality control measures. The applicant/developer shall be responsible for ensuring that all contractors and sub-contractors install and regularly maintain all control measure elements required in the project SWPPP and/or the Civil Improvement Plans during any and all construction activities in order to prevent any pollutants entering directly or indirectly the storm water system or waters of the State. 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.
30. Landscape Plans shall be designed to minimize runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution. Consideration shall be given to pest-resistant landscaping and design features and the use of integrated pest management (IPM) principles and techniques.
31. The Civil 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. Installation locations shall be clearly identified. Permanently affixed thermoplastic, metallic or plastic laminate style markers are examples of acceptable forms.
32. The Civil Improvement Plan design of all external enclosures for solid waste, recycling and organics shall prevent water run-on to the area, runoff from the area, and contain litter, trash and other pollutants, so that these materials are not dispersed by the wind or otherwise discharged to the storm drain system. Any trash enclosure facilities with a water supply shall also drain to the sanitary sewer.
33. 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.

Site Specific Power Conditions

34. Concurrent with submittal of Improvement Plans, the Applicant shall coordinate with Alameda
- October 14, 2019
Planning Board Meeting

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.

35. The Applicant shall comply to AMP's Rules and Regulations and "Material and Installation Criteria for Underground Electrical Systems" (both available at www.alamedamp.com) and provide completed "Service Planning Sheets" for AMP's review prior to submitting plans for building permits.
36. 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. The standard service to the building would be 208/120 V, three phase, four wire.
37. 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.
38. The Applicant shall provide and install street lighting consistent with City's standard. 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.
39. New street trees shall maintain clearances from electrical utilities as follows: a) street/pathway lights and utility poles – 25-feet; e) joint trench and all underground electrical lines – five feet; f) front of electrical pad-mounted equipment (e.g. switches, transformers and capacitors) – ten feet. Verify minimum clearance distances of trees/shrubs from all sides and back of electrical pad-mounted equipment with Alameda Municipal Power (AMP).
40. The Applicant shall have all streetlights included in the Improvement Plans, installed, fully functional, operational and approved by the City of Alameda Public Works Director 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 for the streetlight energy costs.
41. 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. Applicant shall purchase and install fixtures meeting the City of Alameda Public Works standards.
42. 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.
43. 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.

44. 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.
45. Plans for building permits shall identify all necessary easements and access for AMP to all electrical utility facilities that are in the private properties.
46. 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.
47. 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.
48. Existing 12kV overhead lines along Clement Avenue (Willow St to Alameda Marina Drive) on the north side shall be converted to underground at no charge to AMP. The 115kV lines will remain overhead. The developer should provide easements for new pad mounted switches and transformers to convert the overhead systems to underground. The south side of Clement may remain overhead.
49. New buildings shall maintain 15 feet of clearance from the 115 kV overhead electrical facilities.
50. 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.
51. The Applicant shall submit, with the site improvement plans, detailed drawings showing the required site electric utility facilities.
52. All service installations to commercial/industrial, multiple dwelling units and subdivisions, shall be underground.
53. Existing 12KV primary cable and equipment crossing to Coast Guard Island shall be avoided and adequately protected during construction to prevent damage. Developer shall be responsible for the repair and replacement of the damage equipment primary cable crossing and equipment. The cost of any relocation of existing facility will be fully paid by the developer. This does not include Switch L-747 and submarine cables, which are to be preserved in place.
54. The applicant/developer will 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.

55. HOLD HARMLESS. The applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda City Planning Board and their respective agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Alameda, Alameda City Planning Board, and their respective agents, officers, or employees to attack, set aside, void or annul, an approval by the City of Alameda, the Planning, Building and Transportation Department, Alameda City Planning Board, the City of Alameda or the Alameda City Council related to this project. The City shall promptly notify the Applicant of any claim, action, or proceeding and the City shall cooperate in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding. No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision plus extensions authorized by California Code of Civil Procedure Section 1094.6.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 14th day of October 2019, by the following vote to wit:

AYES: (7) Cavanaugh, Curtis, Hom, Rothenberg, Ruiz, Saheba, and Teague
NOES: (0)
ABSENT: (0)

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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**CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-19-21**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ground level landscaping provides a good transition between the public sidewalks, interior site circulation, and open space within the development.

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

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

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

65589.5, upon health, safety, or physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

4. The requested waiver to allow multifamily buildings would not have a specific, adverse impact, on any real property that is listed in the California Register of Historical Resources or designated a City of Alameda Historical Monument or included in the City of Alameda's Historical Building Study List.
5. The requested development standard waiver would not be contrary to state or federal law; and

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

Planning and Design Conditions

1. The plans submitted for the Building Permit shall be in substantial compliance with Exhibit 1: Alameda Landing Residential Development Plan Review Package prepared by Pulte Group dated September 30, 2019, and on file in the City of Alameda Planning Building & Transportation Department, except as modified by the conditions specified in this resolution.
2. Residential Design Review: Prior to the issuance of a building permit for any building, the applicant shall submit a Design Review application for all vertical improvements. The Design Review plans shall demonstrate compliance with the Design Guidelines and Universal Design requirements of the Alameda Landing Master Plan, as amended.
 - a. Waste Management Plan: The Design Review submittal shall show a waste management plan illustrating how the recycling and garbage bins will be placed outside of the homes in the alley while still allowing for vesical access from homes.
3. Palm Trees: The proposed palm trees in the landscape plan shall be replaced with a different tree that provides shade and is compostable.
4. Commercial Design Review and Construction Phasing: The building permit for the 5,000 square foot commercial structure with minimum ceiling heights of 12 feet adjacent to the Waterfront Park shall be issued prior to the building permit for the 330th residential unit. The design review plans for the building shall be reviewed and approved by the Planning Board prior to issuance of the 150th building permit. The plans may include a freestanding 5,000 square foot commercial building or a mixed use building with 5,000 square feet of commercial space, consistent with the Master Plan, and residential units on the upper floors if the Planning Board is able to determine that the additional units are available under the 2017 Master Plan Amendment Trip Matrix. Upon review of the Design Review plans for the building, the Planning Board may also adjust the requirement for the issuance of the building permit prior to the 330th residential building permit established by this condition.

5. Waterfront Park Construction Phasing: To implement the final City of Alameda and final BCDC permit conditions for the waterfront park, the first half of the Waterfront Park as defined by the BCDC permit shall be completed prior to issuance of the 178th residential building permit. The second half of the park shall be completed prior to the issuance of the 300th building permit.
 - a. Prior to issuance of improvement plans for the pocket parks, the applicant shall submit final design details for the two required pocket parks at the terminus of the two mandated view corridors for final review and approval by the Planning, Building and Transportation Director, who will ensure that the applicant's proposal to utilize these areas as Fire Truck staging areas does not in any way reduce the value of these areas as public park extensions, as envisioned in the final City of Alameda and final BCDC approvals for the Waterfront Park. The final design for the park in Phase I shall be approved prior to issuance of the first building permit in Phase I, and the final design of the park in Phase 2 shall be approved before the first building permit in Phase 2.
6. Greenhouse Gas Emission Reductions: To minimize the use of fossil fuels and greenhouse gas emissions from the project, the improvement plans will ensure that power will be provided by electricity. No gas infrastructure will be provided or constructed to serve the residential buildings.
7. Transportation Demand Management: Prior to occupancy of the first housing unit, the Residential Homeowners Association shall join a Transportation Management Association and provide transportation funding in amounts consistent with the 2017 Alameda Landing Master Plan Amendments.
8. Bicycle, Pedestrian and Alley Access and Design: The Improvement Plans shall provide for:
 - a. Public access signs located at the entrances of the bike and pedestrian pathways, greenways, and pocket parks along Mitchell Ave and the waterfront park.
 - b. Improvement details for the Mitchell Avenue bicycle and pedestrian crossing at Bette Street.
 - c. Improvement details showing the location and type of the fifty (50) short term bicycle parking spaces listed in the Development Plan.
 - d. Improvement details for a 10 foot wide Mitchell Avenue sidewalk with street trees and transit stops.
 - e. Improvement details for the Western Buffer Greenway consistent with BCDC and City requirements. Improvement details for the raised pedestrian crossings in the 50 foot "view and bridge corridor" where the north-south pedestrian paths within the corridor cross "B" Street and "C" street. The details shall employ a surface material and/or treatment to differentiate from the predominant asphalt surface material used for the private streets and alleys.
9. Dust Control: Prior to issuance of building or grading permits, the developer/applicant shall ensure that a dust control program is implemented consistent with City and BAAQMD requirements. Construction activities shall be subject to the requirements of the Alameda Municipal Code, which restricts construction to the hours of 7:00 a.m. to 7:00

October 14, 2019

Planning Board Meeting

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.

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

Special Conditions

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

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

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

October 14, 2019

Planning Board Meeting

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

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

Public Works General Conditions

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

Improvement plans

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

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

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

Drainage and Storm water Treatment

33. All on site surface drainage shall be collected and conveyed in an adequately designed underground storm drainage system in a manner to be approved by the City Engineer. The downstream drainage system shall be analyzed and inadequacies, if any, corrected as determined by the City Engineer. The site shall be graded so that no additional runoff is directed to and so as not to impede runoff from adjacent properties.
34. 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

October 14, 2019

Planning Board Meeting

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.

35. All projects shall incorporate permanent storm water design techniques and source control measures to manage the quantity and quality of storm water runoff from the planned development to prevent and minimize impacts to water quality, in accordance with the City of Alameda's National Pollution Discharge Elimination System (NPDES) Permit, and consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual. Project plans shall indicate the efforts taken to minimize impervious surface areas, especially directly connected impervious surface areas.
36. The development shall incorporate permanent post-construction storm water quality controls in accordance with the City of Alameda's National Pollution Discharge Elimination System (NPDES) Permit. Storm water design and treatment measures shall be constructed consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual.
37. The development is subject to full trash capture requirements of the City's NPDES permit. A full trash capture system or device is any single device or series of devices that traps all particles retained by a 5mm mesh screen and has a design treatment capacity of not less than the peak flow rate Q resulting from a one-year, one-hour storm in the sub-drainage area. Plan sheets shall include location, detail and cross-sectional drawings of the storm water full trash capture device(s) necessary to treat the entirety of the site. All private street and property runoff shall be treated before it reaches the public storm drain system.
38. Prior to the issuance of any permits for the development, the Applicant shall submit a Storm water Quality Management Plan and stamped, signed City of Alameda C3 certification form from a qualified independent civil engineer with storm water treatment facility design experience, licensed in the State of California, and acceptable to City Engineer that indicates the LID and treatment measure designs of the improvement plans and Storm water Quality Management Plan meet the established sizing design criteria for storm water treatment measures. The Civil Improvement Plans shall be consistent with the approved Storm water Quality Management Plan submittal.
39. Prior to the issuance of any permits for the project, the Applicant shall submit for review and approval by City Engineer a Storm water C3-LID Measures Operations and Maintenance (O&M) Plan that provides a thorough discussion of the inspection, operations and maintenance requirements of all of the storm water treatment, including trash capture, and LID design measures at the site. This O&M Plan shall be consistent with the City of Alameda's C3-LID Measures O&M Plan Checklist.

40. State Water Resources Control Board: The applicant/developer shall provide to the City Engineer or his designee, prior to the issuance of the first combination building/grading permit for each project block or phase, a copy of both the WDID# issued to the project site by the State Water Resources Control Board (SWRCB) and the required Storm Water Pollution Prevention Plan (SWPPP). These documents shall provide verification to the City that the project site is in compliance with SWRCB Order No. 2009-0009-DWQ.
41. Best Management Practices: The applicant/developer shall be responsible for ensuring that all contractors and sub-contractors install, implement and effectively maintain appropriate sediment control, erosion control and other water quality protection measures to prevent any pollutants from entering the municipal storm water drainage system or the Oakland Inner Harbor, either directly or indirectly, during all construction activities. All implemented measures shall be consistent with the City's urban runoff Best Management Practices (BMPs) standards. Civil Plan sheets shall include all City BMPs standards as Notes. The applicant/developer shall pay for any required cleanup, testing, and/or City administrative costs resulting from consequence of construction materials entering the storm water drainage system.
42. Storm water Quality and Treatment Controls: The Civil Improvement Plans for each project block or phase shall incorporate appropriate pollution prevention source control measures, permanent low impact development (LID) measures, storm water treatment controls, full trash capture controls, and design techniques to manage the quantity and quality of storm water runoff from the project site to prevent and minimize impacts to water quality consistent with the Provision C3 requirements of the City's municipal storm water permit and in accordance with the guidelines of the Alameda Countywide Clean Water Program. Efforts shall be taken to minimize impervious surface areas, especially directly connected impervious surface areas. Roof drains shall discharge and drain to an unpaved area wherever practicable. Design techniques may include green roofs, rainwater harvesting, vegetated swales, vegetated buffer zones, bio retention units, retention/detention basins and ponds, tree well systems, and the incorporation of pervious surface areas and LID measures. The Improvement Plans shall provide details sufficient to ensure that the storm water design and treatment measures shall be constructed consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual. Applicants may also refer to the Bay Area Storm water Management Agencies Association (BASMAA) Start at the Source Manual for technical guidance. All storm water design and treatment measures for private development pads shall be consistent with the C3 requirements and be located on the development pad or an adjacent private development pad and shall not be located on property planned for public parks or public rights of way.
43. Storm Water Quality Management Plan: The Civil Improvement Plan submittals shall include a finalized storm water quality management plan for each distinct project block and/or phase, consistent and concurrent with the finalized improvement plans, to demonstrate and verify appropriate site design for LID, storm water treatment and trash control consistent with the Provision C3 and C10 requirements of the municipal storm water permit and the guidelines from the Alameda Countywide Clean Water Program. This Plan shall include: a completed, updated, City of Alameda's Storm water Requirements Checklist; the determination and identification of drainage management areas (DMAs) for all proposed impervious surface areas on the proposed project site; the

establishment of Provision C.3- and Provision C.10-compliant storm water quality measures for each DMA; a site plan map and inventory identifying each DMA and the corresponding compliance measure(s), including area values (in square feet) for all areas and total summation values; a stamped, signed City of Alameda certification form from a qualified independent civil engineer with storm water treatment facility design experience, licensed in the State of California, and acceptable to the Public Works Department that indicates the Plan and all the LID, storm water treatment and trash control measures designs meet the established sizing design criteria for storm water treatment measures.

44. On-Site Storm Water Trash Capture: Prior to the issuance of the first grading/building/combination permit for each project phase, the Improvement Plans shall indicate the location(s) and type(s) of storm water trash capture measure(s) being installed on the project site to ensure that the storm water drainage from the project site is subject to full trash capture consistent with the City's municipal storm water permit definition of a full trash capture device. Improvement plan sheets shall provide sufficient plan views and details of the full trash capture device installation(s) necessary for engineering review and approval. A full trash capture system or device is any single device or series of devices that trap all particles retained by a 5mm mesh screen and has a design treatment capacity of not less than the peak flow Q resulting from a one-year, one-hour storm in the sub-drainage area. Plan sheets shall include detail and cross-sectional drawings of any storm water full trash capture device.
45. Storm Drain Markings: All new storm drain inlets shall be clearly marked with the words 'No Dumping! Drains to Bay' by means approved by the Public Works Department. Permanently affixed thermoplastic, metallic or plastic laminate style markers are acceptable forms. The Improvement Plans shall clearly indicate this.
46. Operations and Maintenance Plan: Prior to approval of the Civil Improvement Plans for each project block and/or phase, the Applicant/Developer shall submit a storm water treatment measures Operations and Maintenance (O&M) plan for review and approval to the Public Works Department. The O&M plan shall include, but not be limited to: treatment and design measure(s) descriptions and summary inventory, including all full trash capture devices; a legible, recordable, reduced-scale (8.5"x11") copy(-is) of the Site Plan indicating the treatment and design measure(s) location(s) and site drainage patterns; treatment measure(s), including trash capture, maintenance requirements and maintenance schedule; the approved plant list and planning plan; detailed description of the integrated pest management principals and techniques and/or Bay Friendly Landscaping Program techniques to be utilized during landscape maintenance to ensure pesticide/herbicide use-minimization in landscaped areas; name and contact information of current maintenance personnel; and template of the annual O&M report submittal to the City. The O&M plan(s) for all storm water treatment and design measures to be maintained by any HOA shall be incorporated with the CC&Rs of the relevant HOA.
47. 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

48. The Applicant shall comply with all applicable policies and requirements of the current approved transportation plans, including the Alameda's Bicycle Master Plan, the Pedestrian Master Plan, the Long Range Transit Plan, the Transportation Demand Management and Transportation System Management (TSM/TDM) Plan, the Multimodal Circulation Plan, Transportation Element of the General Plan, and the Transportation Choices Plan. Bicycle parking shall be consistent with AMC 30-7.15 Bicycle Parking.
49. 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.
50. Parking layout shall be constructed in conformance with City's off-street parking design standards, Alameda Municipal Code Section 30, Article 1, Chapter 6 Off-Street Parking and Loading Regulations. Accessible stalls, ramps, loading and unloading platforms including for vans, slope and grade of ramps, landings and stalls, signs, striping, logo, width of landings and such details as are required shall comply with applicable City and State Standards.
51. 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

52. Sanitary sewerage shall be in accordance with the EBMUD Regional Standards for Sanitary Sewer Installation.
53. The City participates in the EBMUD Regional Private Sewer Lateral Program; therefore the Applicant shall comply with the provisions of this program prior to the issuance of Certificate of Occupancy. Each parcel within the subdivision must be issued a Compliance Certificate by EBMUD. Please review the program requirements and cost for Compliance Certificates: <http://www.eastbaypsl.com/eastbaypsl/>.
54. 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.
55. The Applicant shall design and construct water, power, telecom, gas, and other utilities in accordance with applicable utility standards.
56. Fire sprinkler system test water discharges shall be directed to the sanitary sewer system or to appropriately-sized onsite vegetated area(s).

Public Works Other Standard Conditions

57. A separate Building Permit is required for the construction of each structure on the site. The Applicant should contact the Building Division to discuss submittal requirements.

58. The project shall be designed to accommodate three waste streams: recycling, organics, and trash; as required by the Alameda County Waste Management Authority's Mandatory Recycling Ordinance (ACWMA Ord. 2012-01).
59. 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.
60. Trash enclosure(s) shall comply with Best Management Practices in accordance with the Clean Water Act. These facilities shall be designed to prevent water run-on to the area, runoff from the area, and to contain litter, trash and other pollutants, so that these materials are not dispersed by the wind or otherwise discharged to the storm drain system. Any trash enclosure facilities with a water supply shall also drain to the sanitary sewer.
61. All trash containers outside the building shall be stored in a roofed trash enclosure. The trash enclosure shall have a concrete pad, designed to prevent run-on to and runoff from the enclosure. The enclosure shall solid walls on three sides with a lockable gate on the fourth side. If the trash enclosure is attached to the building it should have fire sprinklers.
62. 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.
63. The landscape and irrigation plans for on-site and public right-of-way improvements shall be prepared, and signed and stamped as approved, by a licensed landscape architect. The plans shall be in accordance with the most recent version of the "Bay-Friendly Landscape Guidelines" developed by StopWaste.Org, and the Bay Friendly Coalition, the AMC, the Alameda Master Tree Plan, the Alameda Tree Removal Policy, the Integrated Pest Management Policy, as well as conditions of approval by the Planning Board, and other applicable standards, as applicable. Landscaping shall be designed to improve curb appeal while promoting low maintenance plant material and xeriscaping. Landscaping plans shall be designed to minimize runoff and promote surface infiltration.
64. The Developer shall obtain all necessary permits from other regulatory agencies for projects within sensitive areas or which have significant storm water pollution potential. Other regulatory agencies include, but are not limited to, the Regional Water Quality Control Board, Department of Fish and Wildlife, Army Corps of Engineers, and the Bay Conservation and Development Commission.
65. Construction activities are restricted to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturday, unless a permit is first secured from the City Manager or designee based upon a showing of significant financial hardship.

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

66. Conditions, Covenants and Restrictions (CC&R's): Condition of Approval for all Blocks/Lots shall explicitly state that the approved storm water treatment measures

Operations and Maintenance (O&M) Plans shall be incorporated and included within the CC&Rs of the relevant property owners' associations, including but not limited to the Master Homeowners' Association(s) (HOA) for residential properties.

67. Storm water Agreement: Prior to the issuance of the certificate of occupancy, for any on-site storm water treatment or design measure not to be maintained by an HOA, the Applicant/Developer shall execute a Storm water Treatment Measures Maintenance Agreement (Storm water Agreement) with the City. The Storm water Agreement shall include, but not be limited to: the O&M plan for all approved storm water treatment measures; identification of the party responsible for implementing the O&M plan; assurances of access to inspect and verify the treatment system O&M for the life of the project; and assurances of the submittal of the annual O&M report to the City. The executed Storm water Agreement shall be recorded, at applicant/developer's expense, with the County Recorder's Office of the County of Alameda.
68. Storm water Treatment Measures Construction Certification Report: Prior to the issuance of the first occupancy permit (or as adjusted by any project site Phasing Plan) for each project block and/or phase, the applicant/developer shall submit a certification report (Report) affirming that all project site storm water treatment measures and full trash capture devices have been constructed per the City approved plans and specifications. The Report shall be prepared by a registered civil engineer, licensed in the State of California. As appropriate, the Report shall include, but not be limited to, assurances that: imported materials used for the treatment measure(s) are certified by the supplier; installation of these materials is per approved plans and specifications and meets the intent of the design engineer; any required on-site testing results conform with approved plans and specifications; treatment measures conform to dimensions, grades and slopes on approved plans and specifications; all structural features of the treatment measures comply with plan specifications; the irrigation system is installed and functions as designed; healthy vegetation/ground cover is installed as shown on plans. The Report shall be submitted in a form acceptable to the Public Works Director or designee.
69. 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.
70. 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.
71. Prior to project acceptance and any certificate of occupancy, the Applicant shall submit a certification report (Report) prepared by a registered civil engineer, licensed in the State of California, affirming that all project site storm water treatment measures have been constructed per the City approved plans and specifications. As appropriate, the Report shall include, but not be limited to, assurances that: imported materials used for the treatment measure(s) are certified by the supplier; installation of these materials is per approved plans and specifications and meets the intent of the design engineer; required on-site testing results conform with approved plans and specifications; treatment

measures conform to dimensions, grades and slopes on approved plans and specifications; all structural features of the treatment measures comply with plan specifications; the irrigation system is installed and functions as designed; healthy vegetation/ground cover is installed as shown on plans. The Report shall be submitted in a form acceptable to the City Engineer.

Fire Safety Conditions:

71. The developer/applicant shall provide adequate turn around space or through access for any street greater than 150 feet in length to the satisfaction of the Fire Chief and the City Engineer. Emergency Vehicle Access roads shall have an adequate turning radius for fire apparatus (inside turning radius of 28 feet, outside turning radius 44 feet 8 inches, minimum height 13 feet 6 inches, minimum width 20 feet) and 26 feet wide in the immediate vicinity or portion thereof buildings 30 feet or taller. All streets and courts within the development that are required to be fire access roads, shall be marked as fire access roads to the satisfaction of the Fire Chief. All roads that are required to be fire access roads shall be designed to handle fire apparatus weight of up to 35,000 pounds per axle. Parking shall be prohibited within the streets and alleys that are dedicated as fire lanes. CC&R's shall include an enforcement mechanism.
72. The improvement plans for the project site shall include a Fire Water System designed to the satisfaction of EBMUD and the Alameda Fire Department. The Applicant shall be responsible for the placement of on-site hydrants. The location and number of hydrants shall be established in improvements plans. Placement shall be shown on the improvement plans and shall be to the satisfaction EBMUD, the City Fire Chief and the City Engineer.
73. Prior to approval of the Improvement Plans, the applicant shall submit plans for review and approval by the Public Works Director and the Fire Chief, that:
 - a. Provide fire hydrants spaced throughout the project as required in California Fire Code Appendix C. Ensure sufficient fire flow for the development compliant with California Fire Code Appendix B and AMC 15-1.2 where a maximum reduction of the fire flow can be reduced by 50% for fire sprinklered buildings.
 - b. Fire hydrant flows shall be a minimum of 1,500 G.P.M. from any one hydrant;
 - c. Provide adequate turn around space or acceptable emergency vehicle through access for any street greater than 150 feet in length;
 - d. Ensure that all roads that are required to be fire access roads have an adequate turning radius for fire apparatus (inside turning radius of 28" and outside turning radius of 44'8").

Alameda Municipal Power (AMP)

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

75. The applicant shall provide information on the location of transformers and total load in kilowatts or kilowatt/volts (KVA) to AMP for approval prior to building permit issuance. If necessary, the applicant shall provide (at no charge to AMP) an easement and access to all AMP facilities on the property prior to issuance of building permits.
76. Concurrent with submittal of Improvement Plans, the Applicant shall coordinate with AMP regarding power requirements. All submittals shall refer to AMP's "Material and Installation Criteria for Underground Electrical Systems" for minimum clearances of street trees/shrubs from streetlights, electrical transformers and other utility electrical equipment.
77. The Final Map shall provide a 30 foot easement for the 115 kV line. No shrubs and trees shall be allowed around poles.
78. The development shall allocate areas for pad mounted transformers and switches. This is addition to the primary and secondary boxes and conduits that will be required to provide power to the development.
79. The developer shall provide load estimate for PV and EV installations in the development.
80. The project shall provide for space for primary conduits coming from the Bay Ship and Yacht property from the west.
81. The development will be served from 208/120 V or 480/277 V sources, not 120/240 V.
82. New street trees shall maintain clearances from electrical utilities as follow: a) street/pathway lights and utility poles – 25-feet (with the exception of 15 feet between streetlights and palm trees); b) joint trench and all underground electrical lines – five feet; c) access doors of electrical pad-mounted equipment (e.g. switches, transformers and capacitors) – **ten feet**; d) all sides of electrical pad-mounted equipment – **three feet**. Verify minimum clearance distances of trees/shrubs from all sides and back of electrical pad-mounted equipment with Alameda Municipal Power (AMP). Any variance from these standards must be approved by AMP, and may include mitigation measures, such as root barriers.
83. The Applicant shall provide all necessary underground substructures, including conduits, pull boxes, electric utility equipment pads, etc. per the AMP specifications. AMP will require easements for all transformers, primary and secondary boxes, and conduits. AMP will furnish and install all required transformers, high voltage distribution cables, and secondary cables.
84. The Applicant/Developer shall install all electric pull boxes and vaults in-line with the conduit joint trench. No conduit bend will be allowed between electric pull boxes, unless conduit section terminates to an electrical equipment pad. All primary and secondary electrical distribution pull boxes shall not be greater than two section deep (34-inches from finish grade to bottom of pull box). Any deviations from this standard shall be approved by the AMP Project Engineer in writing.

85. Applicant/Developer will be required to provide an oil containment facility for all AMP owned pad-mount distribution switches and/or transformers installed within 100-feet of any body of water or in other critical locations. Applicant/Contractor shall contact AMP to verify all dimensions, elevations, and orientation before commencing work.
86. The Applicant shall furnish and install code-size service cables in code-size conduit from each customer electric meter switchgear to the nearest secondary pull box (or Service Point) in the public right-of-way, as designated by AMP. AMP will connect the service to the distribution transformer or to the secondary distribution system.
87. The improvement plans and all subdivision maps shall show all necessary easements and access to all electrical utility facilities that are in the private properties, at no charge to AMP.
88. Prior to issuance of Certificate of Occupancy, the Applicant shall furnish and install service equipment for each building. The service equipment shall meet Electric Utility Service Equipment Requirement Committee (EUSERC) standards. Electric meter(s) shall be located as close as practicable to the point of entry of the service-entrance conductors to the building. Outdoor meter locations are preferred. When meters are located within a building, the meter room shall be directly accessible from the exterior of the building. No remote metering.
89. Concurrent with acceptance of work by City Council, the applicant/developer shall dedicate, and AMP shall take over ownership and will be responsible for maintaining all new substructures for under grounding primary and secondary circuits, and distribution transformers once the improvements have been inspected by AMP and found to have been properly installed. The Applicant or successor property owner(s) shall be responsible for the service cables and service equipment.
90. The Applicant/developer shall be responsible for all expenses involved in the duct/joint trench system engineering design, plan check, project coordination, and electrical construction inspection. The Applicant shall be responsible for the cost of an AMP assigned inspector during construction.
91. The Applicant/developer shall submit, with the site improvement plans, detailed drawings showing the required site electric utility facilities.

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

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

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

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

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 14th day of October 2019, by the following vote to wit:

AYES: (7) Cavanaugh, Curtis, Hom, Rothenberg, Ruiz, Saheba, and Teague

NOES: (0)

ABSENT: (0)

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

* * * * *

**CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-19-22**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA RECOMMENDING THAT THE CITY COUNCIL APPROVE A TENTATIVE MAP FOR CONDOMINIUM PURPOSES (TRACT 8524) LOCATED AT 2800 FIFTH STREET AND COMMONLY KNOWN AS THE ALAMEDA LANDING WATERFRONT RESIDENTIAL PROJECT.

WHEREAS, an application was made on August 1, 2019 by Pulte Home Company, LLC for a Tentative Map for Condominium Purposes on a 17.2-acre site to support construction of 357 residential units, 5,000 square feet of commercial space, internal roadways and alleys, parking lot, parks and open spaces at 2800 Fifth Street and commonly known as the "Alameda Landing Waterfront Residential Project"; and

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

WHEREAS, the subject property is located in a M-X (Mixed-Use - Planned Development) Zoning District; and

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

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

WHEREAS, subdivision of the property will facilitate the development of Alameda Landing Waterfront consistent with the General Plan and approved Master Plan; and

WHEREAS, subdivision of the property will occur in phases consistent with the tentative map application; and

WHEREAS, the Planning Board held a duly noticed public hearing and examined all pertinent materials on October 14, 2019; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board makes the following findings relative to Tentative Map 8524:

1. **The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, Zoning, and the Bayport/Alameda Landing Master Plan, as Amended.** The proposed tentative map is consistent with the site's General Plan Mixed Use Designation, MX Mixed Use Zoning Designation, and Amended Bayport/Alameda Landing Master Plan. The subdivision will create parcels for the development of up to 357 housing units, 5,000 square feet of commercial space, parking lot, and supporting open space. 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.
2. **The site is physically suitable for the type of development.** The tentative map facilitates the development of Alameda Landing consistent with the Alameda Landing Master Plan with Waterfront Park facing residential uses, appropriate buffers between residential uses and adjacent manufacturing uses, and a network of publicly accessible open spaces and parks.
3. **The site is physically suitable for the density of the development.** The proposed subdivision supports 357 residential units, which is less than the maximum of 400 units established by the Amended Bayport/Alameda Landing Master Plan for this site.
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.** Development of the site is subject to the environmental protections and mitigations imposed by the final Environmental Impact Report for the project.
5. **The design of the subdivision and its improvements will not conflict with easements acquired by the public at large for access through or use of property within the subdivision.** All existing easements for the provision of utilities and services are preserved on the tentative map and easements for future utilities, services, and a bicycle and pedestrian bridge are provided.
6. **The design of the subdivision and its improvements will not cause serious public health problems.** Subdivision of the property will facilitate investment in the property, which is necessary to upgrade the existing substandard infrastructure and preserve public health and will comply with the Alameda Landing Master Plan; and

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. On December 5, 2006, the City Council certified by Resolution No. 14047 the 2006 Supplemental EIR in accordance with CEQA. The City has prepared several addenda to the 2006 Supplemental EIR in 2007, 2008, 2012, and 2017; and

BE IT FURTHER RESOLVED, that the Planning Board hereby recommends that the City Council approve the Tentative Map Tract 8524, subject to the following conditions:

General Conditions:

1. All maps filed pursuant to this approval shall be in substantial compliance with the map titled, "TENTATIVE MAP FOR CONDOMINIUM PURPOSES – ALAMEDA LANDING WATERFRONT" prepared by CARLSON, BARBEE & GIBSON, INC, marked Exhibit 1, and on file in the office of the Alameda Planning, Building & Transportation Department.
2. The Final Map(s) shall be in substantial compliance with the Tentative Map. The Tentative Map may be finalized in phases. Prior to the approval of the first Final Map(s) that includes improvements, all applicable conditions of approval of the approved Tentative Map, as revised or amended, shall be satisfied.
3. 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.
4. Prior to the City Council approval of the Final Map(s), the Applicant shall submit a Mylar copy and a CAD file of the Final Map.
5. Prior to approval of Final Map(s), the following shall be required: a refundable cashier's check in the amount of \$400 to guarantee a Mylar copy of the recorded Parcel or Final Map(s); payment for all reasonable office and engineering costs, including overhead, in conjunction with reviewing the Final Map(s) and associated improvement plans and easements; three copies of the approved on-site/off-site civil improvement plans and landscape plans, along with a velum or other reproducible set (plans only); and a CD or DVD digital copy acceptable to the City Engineer.
6. Prior to issuance of a building permit, grading permit or site improvement permit, whichever occurs first, the applicant shall submit a Mitigation Measure Compliance Checklist confirming compliance with all required environmental mitigation measures contained in the Alameda Landing MMRP adopted by the Alameda City Council on December 5, 2006.
7. The applicant/developer shall provide access for emergency vehicles, trash collection vehicles, and tenant and resident circulation within each phase of development.
8. Prior to issuance of site improvement permit for work within jurisdictional lands, the applicant shall provide evidence that all required approvals, permits, or waivers from Bay Conservation and Development Commission (BCDC), Regional Water Quality Control Board (RWQCB), including a possible 401 Certification for the construction of a storm water outfall, and/or the Army Corps of Engineers, if any, have been obtained. The final improvement plans shall incorporate all other agency requirements.

Special Conditions

9. CC&Rs. In conjunction with the on-site improvement plans, the applicant/developer shall prepare Master Conditions, Covenants and Restrictions (CC&R's) for all properties

within the project area, which CC&Rs shall establish a Master Homeowners' Association(s) (HOA) for the residential properties of the project. All residential property owners must be a member of an HOA. The applicant/developer must submit Master CC&Rs, and HOA requirements for the residential development to the City for approval prior to recording the first Final Map and prior to having the documents recorded. The applicant/developer shall bear all costs for recording the documents.

10. Phasing. Each phase of development shall provide the necessary street, utility, and other infrastructure to support that phase, meet the needs for public access, multimodal traffic circulation and the City's design standards as determined through the approval of the Master Demolition, Grading, Improvement and Phasing Plan (MDGIP) and improvement plans for each phase subject to the provisions of the Alameda Landing Residential Project Development Agreement.
11. Affordable Housing Agreement: Prior to the first Final Map approval, the project applicant shall execute an Affordable Housing Agreement with the City in conformance with the requirements of Section 7.4 of the Disposition and Development Agreement (Alameda Landing Mixed Use Project) dated and executed as of December 5, 2006. The Affordable Housing Agreement will require, in part, construction of 39 on-site residential units affordable to very low-, low- and moderate-income households. The project will provide at least 21 moderate-income units, 7 low-income and 11 very low-income units.
12. Bicycle Pedestrian Bridge Easement: The Final Map shall provide for a 50-foot wide Bicycle and Pedestrian Bridge easement in favor of the City of Alameda, as shown on the Tentative Map and Development Plan. The 50-foot Bridge easement shall extend from the Waterfront Park to the Mitchell Greenway as shown on the Development Plan and Tentative Map and provide the City with the rights to construct and maintain a public bicycle and pedestrian bridge from Alameda to Oakland. The Final Map will also allow the City of Alameda to construct the Bridge on the Western Buffer, which includes a 50 foot wide public access easement that extends from the Waterfront Park to the Mitchell Greenway. The Final Map shall also allow use of the Mitchell Greenway parcel for replacement of storm water treatment areas and bridge landings, as needed by the City of Alameda. The Bicycle and Pedestrian Bridge Easements described above shall allow for the construction, operation, and maintenance of a publicly accessible bicycle and pedestrian bridge and foundation system and any associated public amenities, such as public paths, bridge maintenance facilities, public signage, or other improvements desired by the City to promote and protect public access to the easement and the future bridge, which will connect to Oakland's Jack London Square, over the Oakland Estuary. It is anticipated that the bridge will be open to public access 24 hours per day. All planning, design and construction costs of the future bridge will be the responsibility of the City of Alameda or others, with no obligation to the homeowners or Homeowners Association (HOA). The easement will allow the City to plan, construct and maintain the bridge and modify any existing landscaping, storm drain facilities, storm water infrastructure, connections to adjacent roadways, and utilities within the easement area to support public access and use of the bridge. Any existing storm water treatment areas that are affected by the bridge will be required to be replaced to meet the requirements of the State Water board permit. Any modifications to the HOA facilities

should be replaced in a way that does not increase the HOA maintenance costs. Improvement plans for the Final Map shall ensure that only those permanent underground or overhead utilities, defined below are placed further than 10 feet from the outside edge of the 50 foot wide easement, to ensure that the central 30 feet has minimal permanent underground utilities and infrastructure that would need to be relocated to construct a bridge. Drainage lines and utilities to support the existing storm water treatment swales, utilities in the roads and alleys crossing the bridge easement and utility service lines to adjacent homes may be located within the central 30 feet of the 50-foot easement and will be relocated at a later date if needed by the City of Alameda.

13. Bicycle Pedestrian Bridge Disclosure Documents: Prior to first Final Map approval, the applicant shall provide for Planning, Building, and Transportation Director review and approval a draft "Supplemental Disclosure Statement Regarding Future Pedestrian/Bicycle Bridge – Addendum to Home Purchase Agreement and Escrow Instructions." The Disclosure Statement shall adequately inform all home owners of the City's intention to build a bicycle pedestrian bridge and provide a required signature line for each home buyer. The disclosure form shall also disclose that the City of Alameda may choose to build the bridge on the Fifth Street public right of way or on the Western Buffer.
14. Land Use Disclosures: Prior to first Final Map approval, the applicant shall provide for Planning, Building, and Transportation Director review and approval a draft "Supplemental Disclosure Statement Regarding Adjacent Industrial and Maritime Land Use – Addendum to Home Purchase Agreement and Escrow Instructions." The Disclosure Statement shall adequately inform all home owners that adjacent and nearby maritime manufacturing industries, the Port of Oakland, and heavy industrial uses such as Schnitzer Steel, may operate 24 hours a day and generate unpleasant noise, odors, and smoke.
15. Public Access Easements for all paseos and public parks: The Final Map shall provide public access easements on all paseos providing access to the front of homes and the public parks shown on the Development Plan that are located within the project.
16. Greenhouse Gas Emission Reductions: To minimize the use of fossil fuels and greenhouse gas emissions from the project, the improvement plans will ensure that power will be provided by electricity. No gas infrastructure will be provided or constructed to serve the residential buildings.

Public Works General Conditions

17. An Encroachment Permit is required for all work within the Public Right-of-Way and Public Lands, including newly widened Mitchell Avenue, Waterfront Park, and Fifth Avenue Extension. Prior to the issuance of an Encroachment Permit, a traffic control plan that addresses pedestrian circulation around the site and parking and/or travel lane closures on the surrounding streets shall be submitted for review and approval by the City Engineer.

18. 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.
19. The Applicant shall enter into a Subdivision Improvement Agreement with the City, pay all fees, and provide a security in a form and amount acceptable to the City prior to approval of Final Map.
20. The Development 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.
21. The Development shall comply with all current, applicable, plans, standards, policies and guidelines including Alameda's Municipal Code (AMC), Standard Plans and Specifications, and Standard Subdivision Specifications and Design. All documents can be found at the City's Public Works webpage, under Key Documents, at <https://www.alamedaca.gov/Departments/Public-Works> , or are available by email on request from Public Works.
22. The fee for plan checking and inspection shall be calculated in accordance with the latest Schedule of Fees & Charges as approved by the City Council. A cash security deposit of an amount as determined by the City Engineer will be required prior to issuance of the improvement plans.

Improvement plans

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 approval of the Final Map or issuance of a Building Permit for the development.
24. The developer shall construct and provide public access easements for full private street improvements, including concrete curb, gutter, sidewalk, paving, drainage system, streetlights and street trees, all to the satisfaction of the City Engineer. The street section for any private access roads shall be designed by a registered civil engineer and is subject to approval by the City Engineer.
25. 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.
26. The Applicant shall submit a soils investigation and geotechnical report for the proposed development, subject to the review and approval of the City Engineer. The report shall

address the structural and environmental analysis of existing soils and groundwater and provide recommendations for all grading, retaining walls, bulkheads, surface and sub-surface drainage, lot drainage, utility trench backfilling, and pavement design. The improvement plans shall incorporate all design and construction criteria specified in the report and shall be reviewed and signed by the Soils Engineer specifying that all recommendations within the report have been followed.

27. 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.
28. All developments shall be designed to account for future predicted sea level rise to Elevation 13 feet, NAVD88 Datum. The project shall also be designed with to accommodate additional future adaptability provisions for sea level rise above Elevation 13 feet. Projects within the BCDC jurisdiction will be required to meet BCDC's Sea Level Rise conditions.
29. A FEMA elevation certificate is required for each building located within 100-year flood zones as identified on the Flood Insurance Rate Maps (FIRM), at the time the first floor slab is poured. A second Elevation Certificate based on completed construction is required prior to Building Permit Final and Certificate of Occupancy for any structure.

Drainage and Storm water Treatment

30. All on site surface drainage shall be collected and conveyed in an adequately designed underground storm drainage system in a manner to be approved by the City Engineer. The downstream drainage system shall be analyzed and inadequacies, if any, corrected as determined by the City Engineer. The site shall be graded so that no additional runoff is directed to and so as not to impede runoff from adjacent properties.
31. 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.
32. All projects shall incorporate permanent storm water design techniques and source control measures to manage the quantity and quality of storm water runoff from the planned development to prevent and minimize impacts to water quality, in accordance with the City of Alameda's National Pollution Discharge Elimination System (NPDES) Permit, and consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual. Project plans shall indicate the

efforts taken to minimize impervious surface areas, especially directly connected impervious surface areas.

33. The development shall incorporate permanent post-construction storm water quality controls in accordance with the City of Alameda's National Pollution Discharge Elimination System (NPDES) Permit. Storm water design and treatment measures shall be constructed consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual.
34. The development is subject to full trash capture requirements of the City's NPDES permit. A full trash capture system or device is any single device or series of devices that traps all particles retained by a 5mm mesh screen and has a design treatment capacity of not less than the peak flow rate Q resulting from a one-year, one-hour storm in the sub-drainage area. Plan sheets shall include location, detail and cross-sectional drawings of the storm water full trash capture device(s) necessary to treat the entirety of the site. All private street and property runoff shall be treated before it reaches the public storm drain system.
35. Prior to the issuance of any permits for the development, the Applicant shall submit a Storm water Quality Management Plan and stamped, signed City of Alameda C3 certification form from a qualified independent civil engineer with storm water treatment facility design experience, licensed in the State of California, and acceptable to City Engineer that indicates the LID and treatment measure designs of the improvement plans and Storm water Quality Management Plan meet the established sizing design criteria for storm water treatment measures. The Civil Improvement Plans shall be consistent with the approved Storm water Quality Management Plan submittal.
36. Prior to the issuance of any permits for the project, the Applicant shall submit for review and approval by City Engineer a Storm water C3-LID Measures Operations and Maintenance (O&M) Plan that provides a thorough discussion of the inspection, operations and maintenance requirements of all of the storm water treatment, including trash capture, and LID design measures at the site. This O&M Plan shall be consistent with the City of Alameda's C3-LID Measures O&M Plan Checklist.
37. State Water Resources Control Board: The applicant/developer shall provide to the City Engineer or his designee, prior to the issuance of the first combination building/grading permit for each project block or phase, a copy of both the WDID# issued to the project site by the State Water Resources Control Board (SWRCB) and the required Storm Water Pollution Prevention Plan (SWPPP). These documents shall provide verification to the City that the project site is in compliance with SWRCB Order No. 2009-0009-DWQ.
38. Best Management Practices: The applicant/developer shall be responsible for ensuring that all contractors and sub-contractors install, implement and effectively maintain appropriate sediment control, erosion control and other water quality protection measures to prevent any pollutants from entering the municipal storm water drainage system or the Oakland Inner Harbor, either directly or indirectly, during all construction activities. All implemented measures shall be consistent with the City's urban runoff Best Management Practices (BMPs) standards. Civil Plan sheets shall include all City BMPs standards as

Notes. The applicant/developer shall pay for any required cleanup, testing, and/or City administrative costs resulting from consequence of construction materials entering the storm water drainage system.

39. Storm water Quality and Treatment Controls: The Civil Improvement Plans for each project block or phase shall incorporate appropriate pollution prevention source control measures, permanent low impact development (LID) measures, storm water treatment controls, full trash capture controls, and design techniques to manage the quantity and quality of storm water runoff from the project site to prevent and minimize impacts to water quality consistent with the Provision C3 requirements of the City's municipal storm water permit and in accordance with the guidelines of the Alameda Countywide Clean Water Program. Efforts shall be taken to minimize impervious surface areas, especially directly connected impervious surface areas. Roof drains shall discharge and drain to an unpaved area wherever practicable. Design techniques may include green roofs, rainwater harvesting, vegetated swales, vegetated buffer zones, bio retention units, retention/detention basins and ponds, tree well systems, and the incorporation of pervious surface areas and LID measures. The Improvement Plans shall provide details sufficient to ensure that the storm water design and treatment measures shall be constructed consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual. Applicants may also refer to the Bay Area Storm water Management Agencies Association (BASMAA) Start at the Source Manual for technical guidance. All storm water design and treatment measures for private development pads shall be consistent with the C3 requirements and be located on the development pad or an adjacent private development pad and shall not be located on property planned for public parks or public rights of way.
40. Storm Water Quality Management Plan: The Civil Improvement Plan submittals shall include a finalized storm water quality management plan for each distinct project block and/or phase, consistent and concurrent with the finalized improvement plans, to demonstrate and verify appropriate site design for LID, storm water treatment and trash control consistent with the Provision C3 and C10 requirements of the municipal storm water permit and the guidelines from the Alameda Countywide Clean Water Program. This Plan shall include: a completed, updated, City of Alameda's Storm water Requirements Checklist; the determination and identification of drainage management areas (DMAs) for all proposed impervious surface areas on the proposed project site; the establishment of Provision C.3- and Provision C.10-compliant storm water quality measures for each DMA; a site plan map and inventory identifying each DMA and the corresponding compliance measure(s), including area values (in square feet) for all areas and total summation values; a stamped, signed City of Alameda certification form from a qualified independent civil engineer with storm water treatment facility design experience, licensed in the State of California, and acceptable to the Public Works Department that indicates the Plan and all the LID, storm water treatment and trash control measures designs meet the established sizing design criteria for storm water treatment measures.
41. On-Site Storm Water Trash Capture: Prior to the issuance of the first grading/building/combination permit for each project phase, the Improvement Plans shall indicate the location(s) and type(s) of storm water trash capture measure(s) being installed on the

project site to ensure that the storm water drainage from the project site is subject to full trash capture consistent with the City's municipal storm water permit definition of a full trash capture device. Improvement plan sheets shall provide sufficient plan views and details of the full trash capture device installation(s) necessary for engineering review and approval. A full trash capture system or device is any single device or series of devices that trap all particles retained by a 5mm mesh screen and has a design treatment capacity of not less than the peak flow Q resulting from a one-year, one-hour storm in the sub-drainage area. Plan sheets shall include detail and cross-sectional drawings of any storm water full trash capture device.

42. Storm Drain Markings: All new storm drain inlets shall be clearly marked with the words 'No Dumping! Drains to Bay' by means approved by the Public Works Department. Permanently affixed thermoplastic, metallic or plastic laminate style markers are acceptable forms. The Improvement Plans shall clearly indicate this.
43. Operations and Maintenance Plan: Prior to approval of the Civil Improvement Plans for each project block and/or phase, the Applicant/Developer shall submit a storm water treatment measures Operations and Maintenance (O&M) plan for review and approval to the Public Works Department. The O&M plan shall include, but not be limited to: treatment and design measure(s) descriptions and summary inventory, including all full trash capture devices; a legible, recordable, reduced-scale (8.5"x11") copy(-is) of the Site Plan indicating the treatment and design measure(s) location(s) and site drainage patterns; treatment measure(s), including trash capture, maintenance requirements and maintenance schedule; the approved plant list and planning plan; detailed description of the integrated pest management principals and techniques and/or Bay Friendly Landscaping Program techniques to be utilized during landscape maintenance to ensure pesticide/herbicide use-minimization in landscaped areas; name and contact information of current maintenance personnel; and template of the annual O&M report submittal to the City. The O&M plan(s) for all storm water treatment and design measures to be maintained by any HOA shall be incorporated with the CC&Rs of the relevant HOA.
44. 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

45. The Applicant shall comply with all applicable policies and requirements of the current approved transportation plans, including the Alameda's Bicycle Master Plan, the Pedestrian Master Plan, the Long Range Transit Plan, the Transportation Demand Management and Transportation System Management (TSM/TDM) Plan, the Multimodal Circulation Plan, Transportation Element of the General Plan, and the Transportation Choices Plan. Bicycle parking shall be consistent with AMC 30-7.15 Bicycle Parking.
46. 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.

47. Parking layout shall be constructed in conformance with City's off-street parking design standards, Alameda Municipal Code Section 30, Article 1, Chapter 6 Off-Street Parking and Loading Regulations. Accessible stalls, ramps, loading and unloading platforms including for vans, slope and grade of ramps, landings and stalls, signs, striping, logo, width of landings and such details as are required shall comply with applicable City and State Standards.
48. 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

49. Sanitary sewerage shall be in accordance with the EBMUD Regional Standards for Sanitary Sewer Installation.
50. The City participates in the EBMUD Regional Private Sewer Lateral Program; therefore the Applicant shall comply with the provisions of this program prior to the issuance of Certificate of Occupancy. Each parcel within the subdivision must be issued a Compliance Certificate by EBMUD. Please review the program requirements and cost for Compliance Certificates: <http://www.eastbaypsl.com/eastbaypsl/>.
51. 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.
52. The Applicant shall design and construct water, power, telecom, gas, and other utilities in accordance with applicable utility standards.
53. Fire sprinkler system test water discharges shall be directed to the sanitary sewer system or to appropriately-sized onsite vegetated area(s).

Public Works Other Standard Conditions

54. A separate Building Permit is required for the construction of each structure on the site. The Applicant should contact the Building Division to discuss submittal requirements.
55. The project shall be designed to accommodate three waste streams: recycling, organics, and trash; as required by the Alameda County Waste Management Authority's Mandatory Recycling Ordinance (ACWMA Ord. 2012-01).
56. 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.

57. Trash enclosure(s) shall comply with Best Management Practices in accordance with the Clean Water Act. These facilities shall be designed to prevent water run-on to the area, runoff from the area, and to contain litter, trash and other pollutants, so that these materials are not dispersed by the wind or otherwise discharged to the storm drain system. Any trash enclosure facilities with a water supply shall also drain to the sanitary sewer.
58. All trash containers outside the building shall be stored in a roofed trash enclosure. The trash enclosure shall have a concrete pad, designed to prevent run-on to and runoff from the enclosure. The enclosure shall solid walls on three sides with a lockable gate on the fourth side. If the trash enclosure is attached to the building it should have fire sprinklers.
59. 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.
60. The landscape and irrigation plans for on-site and public right-of-way improvements shall be prepared, and signed and stamped as approved, by a licensed landscape architect. The plans shall be in accordance with the most recent version of the "Bay-Friendly Landscape Guidelines" developed by StopWaste.Org, and the Bay Friendly Coalition, the AMC, the Alameda Master Tree Plan, the Alameda Tree Removal Policy, the Integrated Pest Management Policy, as well as conditions of approval by the Planning Board, and other applicable standards, as applicable. Landscaping shall be designed to improve curb appeal while promoting low maintenance plant material and xeriscaping. Landscaping plans shall be designed to minimize runoff and promote surface infiltration.
61. The Developer shall obtain all necessary permits from other regulatory agencies for projects within sensitive areas or which have significant storm water pollution potential. Other regulatory agencies include, but are not limited to, the Regional Water Quality Control Board, Department of Fish and Wildlife, Army Corps of Engineers, and the Bay Conservation and Development Commission.
62. Construction activities are restricted to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturday, unless a permit is first secured from the City Manager or designee based upon a showing of significant financial hardship.

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

63. Conditions, Covenants and Restrictions (CC&R's): Condition of Approval for all Blocks/Lots shall explicitly state that the approved storm water treatment measures Operations and Maintenance (O&M) Plans shall be incorporated and included within the CC&Rs of the relevant property owners' associations, including but not limited to the Master Homeowners' Association(s) (HOA) for residential properties.
64. Storm water Agreement: Prior to the issuance of the certificate of occupancy, for any on-site storm water treatment or design measure not to be maintained by an HOA, the Applicant/Developer shall execute a Storm water Treatment Measures Maintenance Agreement (Storm water Agreement) with the City. The Storm water Agreement shall

include, but not be limited to: the O&M plan for all approved storm water treatment measures; identification of the party responsible for implementing the O&M plan; assurances of access to inspect and verify the treatment system O&M for the life of the project; and assurances of the submittal of the annual O&M report to the City. The executed Storm water Agreement shall be recorded, at applicant/developer's expense, with the County Recorder's Office of the County of Alameda.

65. Storm water Treatment Measures Construction Certification Report: Prior to the issuance of the first occupancy permit (or as adjusted by any project site Phasing Plan) for each project block and/or phase, the applicant/developer shall submit a certification report (Report) affirming that all project site storm water treatment measures and full trash capture devices have been constructed per the City approved plans and specifications. The Report shall be prepared by a registered civil engineer, licensed in the State of California. As appropriate, the Report shall include, but not be limited to, assurances that: imported materials used for the treatment measure(s) are certified by the supplier; installation of these materials is per approved plans and specifications and meets the intent of the design engineer; any required on-site testing results conform with approved plans and specifications; treatment measures conform to dimensions, grades and slopes on approved plans and specifications; all structural features of the treatment measures comply with plan specifications; the irrigation system is installed and functions as designed; healthy vegetation/ground cover is installed as shown on plans. The Report shall be submitted in a form acceptable to the Public Works Director or designee.
66. 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.
67. 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.
68. Prior to project acceptance and any certificate of occupancy, the Applicant shall submit a certification report (Report) prepared by a registered civil engineer, licensed in the State of California, affirming that all project site storm water treatment measures have been constructed per the City approved plans and specifications. As appropriate, the Report shall include, but not be limited to, assurances that: imported materials used for the treatment measure(s) are certified by the supplier; installation of these materials is per approved plans and specifications and meets the intent of the design engineer; required on-site testing results conform with approved plans and specifications; treatment measures conform to dimensions, grades and slopes on approved plans and specifications; all structural features of the treatment measures comply with plan specifications; the irrigation system is installed and functions as designed; healthy vegetation/ground cover is installed as shown on plans. The Report shall be submitted in a form acceptable to the City Engineer.

Fire Safety Conditions

69. The developer/applicant shall provide adequate turn around space or through access for any street greater than 150 feet in length to the satisfaction of the Fire Chief and the City Engineer. Emergency Vehicle Access roads shall have an adequate turning radius for fire apparatus (inside turning radius of 28 feet, outside turning radius 44 feet 8 inches, minimum height 13 feet 6 inches, minimum width 20 feet) and 26 feet wide in the immediate vicinity or portion thereof buildings 30 feet or taller. All streets and courts within the development that are required to be fire access roads, shall be marked as fire access roads to the satisfaction of the Fire Chief. All roads that are required to be fire access roads shall be designed to handle fire apparatus weight of up to 35,000 pounds per axle. Parking shall be prohibited within the streets and alleys that are dedicated as fire lanes. CC&R's shall include an enforcement mechanism.
70. The improvement plans for the project site shall include a Fire Water System designed to the satisfaction of EBMUD and the Alameda Fire Department. The Applicant shall be responsible for the placement of on-site hydrants. The location and number of hydrants shall be established in improvements plans. Placement shall be shown on the improvement plans and shall be to the satisfaction EBMUD, the City Fire Chief and the City Engineer.
71. Prior to approval of the Improvement Plans, the applicant shall submit plans for review and approval by the Public Works Director and the Fire Chief, that:
- a. Provide fire hydrants spaced throughout the project as required in California Fire Code Appendix C. Ensure sufficient fire flow for the development compliant with California Fire Code Appendix B and AMC 15-1.2 where a maximum reduction of the fire flow can be reduced by 50% for fire sprinklered buildings.
 - b. Fire hydrant flows shall be a minimum of 1,500 G.P.M. from any one hydrant;
 - c. Provide adequate turn around space or acceptable emergency vehicle through access for any street greater than 150 feet in length;
 - d. Ensure that all roads that are required to be fire access roads have an adequate turning radius for fire apparatus (inside turning radius of 28' and outside turning radius of 44'8").

Alameda Municipal Power (AMP)

72. The applicant shall comply to AMP's Rules and Regulations and AMP's "Material and Installation Criteria for Underground Electrical Systems" (both available at www.alamedamp.com) and provide completed "Service Planning Sheets" for AMP's review prior to submitting plans for building permits.
73. The applicant shall provide information on the location of transformers and total load in kilowatts or kilowatt/volts (KVA) to AMP for approval prior to building permit issuance. If

necessary, the applicant shall provide (at no charge to AMP) an easement and access to all AMP facilities on the property prior to issuance of building permits.

74. Concurrent with submittal of Improvement Plans, the Applicant shall coordinate with AMP regarding power requirements. All submittals shall refer to AMP's "Material and Installation Criteria for Underground Electrical Systems" for minimum clearances of street trees/shrubs from streetlights, electrical transformers and other utility electrical equipment.
75. The Final Map shall provide a 30 foot easement for the 115 kV line. No shrubs and trees shall be allowed around poles.
76. The development shall allocate areas for pad mounted transformers and switches. This is addition to the primary and secondary boxes and conduits that will be required to provide power to the development.
77. The developer shall provide load estimate for PV and EV installations in the development.
78. The project shall provide for space for primary conduits coming from the Bay Ship and Yacht property from the west.
79. The development will be served from 208/120 V or 480/277 V sources, not 120/240 V.
80. New street trees shall maintain clearances from electrical utilities as follow: a) street/pathway lights and utility poles – 25-feet (with the exception of 15 feet between streetlights and palm trees); b) joint trench and all underground electrical lines – five feet; c) access doors of electrical pad-mounted equipment (e.g. switches, transformers and capacitors) – **ten feet**; d) all sides of electrical pad-mounted equipment – **three feet**. Verify minimum clearance distances of trees/shrubs from all sides and back of electrical pad-mounted equipment with Alameda Municipal Power (AMP). Any variance from these standards must be approved by AMP, and may include mitigation measures, such as root barriers.
81. 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.
82. The Applicant/Developer shall install all electric pull boxes and vaults in-line with the conduit joint trench. No conduit bend will be allowed between electric pull boxes, unless conduit section terminates to an electrical equipment pad. All primary and secondary electrical distribution pull boxes shall not be greater than two section deep (34-inches from finish grade to bottom of pull box). Any deviations from this standard shall be approved by the AMP Project Engineer in writing.

83. Applicant/Developer will be required to provide an oil containment facility for all AMP owned pad-mount distribution switches and/or transformers installed within 100-feet of any body of water or in other critical locations. Applicant/Contractor shall contact AMP to verify all dimensions, elevations, and orientation before commencing work.
84. The Applicant shall furnish and install code-size service cables in code-size conduit from each customer electric meter switchgear to the nearest secondary pull box (or Service Point) in the public right-of-way, as designated by AMP. AMP will connect the service to the distribution transformer or to the secondary distribution system.
85. 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.
86. Prior to issuance of Certificate of Occupancy, the Applicant shall furnish and install service equipment for each building. The service equipment shall meet Electric Utility Service Equipment Requirement Committee (EUSERC) standards. Electric meter(s) shall be located as close as practicable to the point of entry of the service-entrance conductors to the building. Outdoor meter locations are preferred. When meters are located within a building, the meter room shall be directly accessible from the exterior of the building. No remote metering.
87. 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.
88. The Applicant/developer shall be responsible for all expenses involved in the duct/joint trench system engineering design, plan check, project coordination, and electrical construction inspection. The Applicant shall be responsible for the cost of an AMP assigned inspector during construction.
89. The Applicant/developer shall submit, with the site improvement plans, detailed drawings showing the required site electric utility facilities.

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

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

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

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


I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 14th day of October 2019, by the following vote to wit:

AYES: (7) Cavanaugh, Curtis, Hom, Rothenberg, Ruiz, Saheba, and Teague

NOES: (0)

ABSENT: (0)

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA RECOMMENDING THAT THE CITY COUNCIL APPROVE TENTATIVE MAP NO. 8532 FOR THE PROPOSED SUBDIVISION OF SITE A PHASE 2 INTO SIX PARCELS ON 20.1 ACRES OF LAND AT ALAMEDA POINT (PLN19-0279)

WHEREAS, Alameda Point Partners (APP) submitted an application to create six parcels on 20.1 acres of land for Phase 2 within Site A and remainder parcels at Alameda Point; and

WHEREAS, on February 4, 2014, by Resolution No. 14891, the City Council of the City of Alameda certified the Final Alameda Point Environmental Impact Report (FEIR) (State Clearinghouse No. 201312043) under the California Environmental Quality Act (CEQA), California Public Resources Code Section 21000 *et seq.* and adopted written findings and a Mitigation Monitoring and Reporting Program (MMRP) for the Alameda Point Project, including the Town Center Plan area which contains Site A; and

WHEREAS, by Resolution No. 14893 the City Council of the City of Alameda approved the Alameda Point Master Infrastructure Plan (MIP); and

WHEREAS, Site A is designated as Mixed Use in the General Plan; and

WHEREAS, Site A is located within the Alameda Point Waterfront Town Center Sub-district (WTC Sub-district), which is in the Alameda Point District [Alameda Municipal Code (AMC) 30-4.24] of the Zoning Ordinance; and

WHEREAS, the WTC Sub-District requires a Master Plan for the WTC Sub-district, which was prepared and approved on July 15, 2014 (Town Center Plan) and relied on the FEIR; and

WHEREAS, the City Council approved the Development Plan for Site A on June 16, 2015 consistent with the Town Center Plan; and

WHEREAS, subdivision of the property will facilitate the development of Site A consistent with the approved Development Plan; and

WHEREAS, subdivision of the property will occur in phases consistent with the tentative map application; and

WHEREAS, the Planning Board held a duly noticed public hearing and examined all pertinent materials on October 14, 2019; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board makes the following findings relative to Tentative Map 8532:

1. **The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, Zoning, and the Town Center Specific Plan.** The proposed tentative map is consistent with the Mixed Use General Plan and WTC Sub-District zoning designation and Town Center Plan for Phase 2 of Site A. The subdivision will create three residential lots, two commercial lots, and one public parcel for parking. 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.** The tentative map facilitates the development of Phase 2 of Site A consistent with the Town Center Plan at the gateway of Alameda Point, and is intended to provide housing options, commercial and office use opportunities that help create an economically balanced mixed-use project. The tentative map also provides a new public parking lot to be used by the public when they visit the area.
3. **The site is physically suitable for the density of the development.** The proposed subdivision will not exceed the planned density for Phase 2 of Site A, as allowed in the Town Center Plan and in the approved in the Development Plan, which sets forth a maximum development for Site A of 800 residential units, up to 600,000 square feet of retail, hotel, and commercial uses, which would occupy new buildings and repurposed existing buildings, 13.35 acres of parks and open space, new and replacement utilities and infrastructure, and new streets and streetscape improvements.
4. **The proposed design of the subdivision and improvements, as conditioned, will not cause environmental damage or substantially and avoidably injure fish or wildlife or their habitat.** All future improvement on Phase 2 of Site A will be subject to the environmental protections and mitigations imposed by the FEIR and federal biological requirements stemming from the August 29, 2012 Biological Opinion of the U.S. Fish and Wildlife Service for Alameda Point.
5. **The design of the subdivision and its improvements will not conflict with easements acquired by the public at large for access through or use of property within the subdivision.** All future improvements on the site will be subject to compliance with the 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.** 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; and

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. On February 4, 2014, the City of Alameda certified the FEIR in compliance with CEQA. The FEIR evaluated the environmental impacts of redevelopment and reuse of the lands within the Alameda Point zoning district, which includes Site A. Consistent with the February 2014 action, the draft conditions of approval of the Tentative Map Applications require that property owners comply with, and implement, all the relevant mitigations measures adopted by the City Council in February 2014. No further environmental review is required for approval of the Phase 2 Tentative Map; and

BE IT FURTHER RESOLVED that the Planning Board hereby recommends that the City Council approve the Phase 2 Site A Tentative Map Tract 8532, subject to the following conditions:

General Conditions for Final Maps and Related Entitlements

1. All maps filed pursuant to this approval shall be in substantial compliance with the map titled, "Phase 2 Tentative Map Tract 8532" prepared by BKF Engineers dated 9/4/2019, marked

Exhibit 1, and on file in the office of the Alameda Planning, Building & Transportation Department.

2. The Final Map(s) shall be in substantial compliance with the Tentative Map. The Tentative Map may be finalized in phases. Prior to the approval of the first Final Map(s) that includes improvements, all applicable conditions of approval of the approved Tentative Map, as revised or amended, shall be satisfied.
3. 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.
4. Prior to the City Council approval of the Final Map(s), the Applicant shall submit a Mylar copy and a CAD file of the Final Map.
5. Prior to approval of Final Map(s), the following shall be required: a refundable cashier's check in the amount of \$400 to guarantee a Mylar copy of the recorded Final Map(s); payment for all reasonable office and engineering costs, including overhead, in conjunction with reviewing the Final Map(s) and associated improvement plans and easements; three copies of the approved on-site/off-site civil improvement plans and landscape plans, along with a velum or other reproducible set (plans only); and, a CD or DVD digital copy acceptable to the City Engineer.
6. Prior to issuance of a building permit, grading permit or site improvement permit, whichever occurs first, the applicant shall submit a Mitigation Measure Compliance Checklist confirming compliance with all required environmental mitigation measures contained in the MMRP adopted by the Alameda City Council on February 4, 2014, for the redevelopment and reuse of Alameda Point, including Site A.
7. The applicant/developer shall provide access for emergency vehicles, trash collection vehicles, and tenant and resident circulation within each phase of development.
8. Prior to issuance of a design review, building or site improvement permit, the applicant must comply 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).
9. Prior to issuance of building permit(s) or site improvement permit for work within jurisdictional lands, the applicant shall provide evidence that all required approvals, permits, or waivers from San Francisco Bay Conservation and Development Commission (BCDC), San Francisco Bay Regional Water Quality Control Board (RWQCB), including a possible 401 Certification for the construction of a storm water outfall, and/or the Army Corps of Engineers, if any, have been obtained. The final improvement plans shall incorporate all other agency requirements.
10. In conjunction with the on-site improvement plans, the applicant/developer shall prepare Master Conditions, Covenants and Restrictions (CC&R's) for all properties within Site A. The applicant/developer must submit Master CC&Rs requirements for the residential and commercial components of the Site A development to the City for approval prior to recording

October 14, 2019

Planning Board Meeting

Page 3 of 16

the Final Map and prior to having the documents recorded. The applicant/developer shall bear all costs for recording the documents.

General

11. The Development 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.
12. The Development shall comply with all current, applicable, plans, standards, policies and guidelines including Alameda's Municipal Code (AMC), Standard Plans and Specifications, and Standard Subdivision Specifications and Design. 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>.
13. 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.
14. The fee for plan checking and inspection shall be calculated in accordance with the latest Schedule of Fees & Charges as approved by the City Council. A cash security deposit of an amount as determined by the City Engineer will be required prior to issuance of the improvement plans.
15. A current title report shall be submitted to identify current ownership and any existing easements or land use restrictions.
16. 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.

Subdivision Requirements

17. The Applicant shall enter into a Subdivision Improvement Agreement and/or 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 final map.
18. An engineer's cost estimate for frontage and site improvements shall be submitted.
19. The Final Map shall show all existing and proposed easement locations, uses and recording information. The Owner's Statement shall list all public right-of-way and easements to be dedicated and the Certificate of City Clerk shall list all public easements and right-of-way to be abandoned with recording information as part of the parcel/final map.

Improvement Plans

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

the Public Works Department prior to approval of the Final Map or issuance of a Building Permit for the development.

21. Improvement plans shall include a bus stop and boarding island on Orion Street at the southwest corner with W. Tower Avenue. The boarding island should be designed consistent with AC Transit Multimodal Corridor Guidelines for placement next to one-way cycle track. The Improvement Plans shall include installation specifications for a bus shelter. The bus shelter shall be a TOLAR, Model 13NAHP-GLWG, or equivalent, as determined by the Planning, Building and Transportation Director.
22. Improvement Plans shall specify compliance with accessible (ADA) parking requirements.
23. The Applicant shall construct and dedicate to the public full street improvements equal to the following:
 - 81 feet for the full width of Main Street
 - 46 feet for the full width of Skylark Street
 - 76 feet for the full width of Orion Street
 - 75 feet for the full width of Pan Am Way
 - 60 feet for the full width of Coronado Street
 - 60 feet for the full width of West Tower Avenue
24. Full street improvements shall include 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 removed and replaced for the full width 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.
25. "D Street" shall be developed as part of the improvements for Block 17. The Applicant shall construct and dedicate "D Street" as a 46 foot public access easement. Improvements for "D Street" shall include 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 removed and replaced for the full width 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.
26. The street section for any private access roads shall be designed by a registered civil engineer licensed in the State of California and is subject to approval by the City Engineer.
27. Street lighting shall be designed in accordance with the City of Alameda Street Lighting Design Guide, latest edition. A photometric study shall be provided with the improvement plans. Any adjustments to bring street lighting up to City standards will be incorporated into final permit drawings.
28. The Applicant shall submit a soils investigation and geotechnical report for the proposed development, subject to the review and approval of the City Engineer. The report shall address the structural and environmental analysis of existing soils and groundwater and provide recommendations for all grading, retaining walls, bulkheads, surface and sub-surface drainage, lot drainage, utility trench backfilling, and pavement design. The Improvement Plans shall incorporate all design and construction criteria specified in the report and shall be reviewed and

signed by the Soils Engineer specifying that all recommendations within the report have been followed.

29. Any retaining walls, which are adjacent to a property line, shall be masonry, metal, or concrete. Any existing retaining walls to remain are to be evaluated by the Applicant's geotechnical/structural engineer for integrity and applicability to the geotechnical engineer's recommendations.
30. 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.
31. All development shall be designed to account for future predicted sea level rise per the Alameda Point Master Infrastructure Plan (MIP). The project shall also be designed to accommodate additional future adaptability provisions for sea level rise per the criteria described in the MIP. Projects within the San Francisco Bay Conservation and Development Commission (BCDC) jurisdiction will be required to meet BCDC's Sea Level Rise conditions.
32. A Federal Emergency Management Agency (FEMA) elevation certificate based on plan drawings is required for all developments located within 100-year flood zones as identified on the Flood Insurance Rate Maps (FIRM). All habitable floors for new buildings or substantial improvements to existing buildings shall be constructed above the 100-year flood level in accordance with Chapter 20 of the Alameda Municipal Code, building code requirements and MIP criteria. A second Elevation Certificate based on completed construction is required prior to Building Permit Final and Certificate of Occupancy for any structure.
33. The improvement plans for Pan Am Way shall be adequately designed to transition the project's improvements to existing adjacent properties to the west of the project site. The Applicant will be required to construct off-site improvements beyond the property line to conform new infrastructure to existing and to provide access to adjacent properties. The improvement plans shall be designed to provide finished grades, transitions, and adjacent property access to the satisfaction of the City Engineer. The design and construction of off-site improvements shall be coordinated with the adjacent property owners.
34. The intersection at Pan Am Way and West Tower Avenue shall be adequately designed to conform the elevations and roadway alignment to those in the City's Phase 1 Adaptive Reuse Backbone Infrastructure Improvement Project planned to the north and west of the intersection, to the satisfaction of the City Engineer. The design shall verify and/or provide C.3 treatment(s) at the intersection consistent with the City's Base Reuse Project. The Applicant shall coordinate the design and construction of the improvements at this intersection with the City's Base Reuse Improvement Project.

Drainage and Storm water Treatment

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

35. 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.
36. All projects shall incorporate permanent storm water design techniques and source control measures to manage the quantity and quality of storm water runoff from the planned development to prevent and minimize impacts to water quality, in accordance with the City of Alameda's National Pollution Discharge Elimination System (NPDES) Permit, and consistent with the latest version of the Alameda County Clean Water Program's Provision C.3 Technical Guidance Manual. Project plans shall indicate the efforts taken to minimize impervious surface areas, especially directly connected impervious surface areas.
37. The development shall incorporate permanent post-construction storm water quality controls in accordance with the City of Alameda's National Pollution Discharge Elimination System (NPDES) Permit. Storm water design and treatment measures shall be constructed consistent with the latest version of the Alameda County Clean Water Program's Provision C.3 Technical Guidance Manual.
38. 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. The improvement plan sheets shall include location, detail and cross-sectional drawings of the storm water full trash capture device(s) necessary to treat the entirety of the site.
39. The Development Plans and Improvement Plans for each project block and/or phase shall incorporate appropriate pollution prevention source control measures, permanent low impact development (LID) measures, storm water treatment controls, full trash capture controls, and design techniques to manage the quantity and quality of storm water runoff from the project site to prevent and minimize impacts to water quality 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 C.3 requirements of the City's municipal storm water 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 C.3 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.

40. 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 storm water pollution.
41. Prior to the issuance of any permits for the development, the Applicant shall submit a Storm water Quality Management Plan for each project block and/or phase, to demonstrate and verify appropriate site design for LID and storm water treatment methods consistent with Provision C3 of the municipal storm water permit, the MIP and the 401 Certification Conditions. The Storm water Quality Management Plan shall include: a completed City of Alameda Storm water Requirements Checklist; the determination and identification of drainage management areas (DMAs) for all proposed impervious surface areas on the proposed project site; the establishment of Provision C.3-compliant storm water quality measures for each DMA; a site plan map and inventory identifying each DMA and corresponding C.3-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 storm water treatment facility design experience, licensed in the State of California; and demonstrate that all LID and treatment measure designs meet the established sizing design criteria for storm water treatment measures consistent with Provision C3 of the municipal storm water permit; acceptable to the City Engineer. The Civil Improvement Plans shall be consistent with the approved Storm water Quality Management Plan submittal.
42. Prior to the issuance of any permits for the development, the Applicant shall submit for review and approval by City Engineer a Storm water C3-LID Measures Operations and Maintenance (O&M) Plan. The O&M plan shall include, but not be limited to: treatment and design measure(s) descriptions and summary inventory, including all full trash capture devices; a legible, recordable, reduced-scale (8.5"x11") copy(-ies) of the Site Plan indicating the treatment and design measure(s) location(s) and site drainage patterns; treatment measure(s), including trash capture, maintenance requirements and maintenance schedule; LID design measures; the approved plant list and planning plan; detailed description of the integrated pest management principals and techniques and/or Bay Friendly Landscaping Program techniques to be utilized during landscape maintenance to ensure pesticide/herbicide use-minimization in landscaped areas; name and contact information of current maintenance personnel; and template of the annual O&M report submittal to the City. The O&M Plan(s) for all storm water treatment and design measures to be maintained by any Homeowners' Association(s) (HOA) or Commercial Association (CA) shall be incorporated with the Conditions, Covenants and Restrictions (CC&R's) of the relevant HOA/CA. This O&M Plan shall be consistent with the City of Alameda's C3-LID Measures O&M Plan Checklist.
43. Condition of Approval for all blocks/lots shall explicitly state that the approved storm water treatment measures Operations and Maintenance (O&M) Plans shall be incorporated and included within the Conditions, Covenants and Restrictions (CC&R's) of the relevant Master Homeowners' Association(s) for the residential properties of the project and a Master Commercial Association (CA) for the commercial properties.
44. Prior to the issuance of any building demolition permit, the Applicant shall:
- Review the packet "PCBs in Priority Building Materials: Model Screening Assessment Applicant Package (August 2018)" (Packet)
 - Complete the two-page "PCBs Screening Assessment Form" (pp 18-19 in the Packet) and submit signed copy to Public Works for review.
 - 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.

45. 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.
46. Prior to the issuance of the certificate of occupancy, for any on-site storm water treatment or design measure not to be maintained by an HOA or CA, the Applicant/Developer shall execute a Storm water Treatment Measures Maintenance Agreement (Storm water Agreement) with the City. The Storm water Agreement shall include, but not be limited to: the O&M plan for all approved storm water treatment measures; identification of the party responsible for implementing the O&M plan; assurances of access to inspect and verify the treatment system O&M for the life of the project; and assurances of the submittal of the annual O&M report to the City. The executed Storm water Agreement shall be recorded, at applicant/developer's expense, with the County Recorder's Office of the County of Alameda.
47. Project acceptance and issuance of certificate of occupancy will be handled individually per development block and backbone infrastructure. Prior to project acceptance and issuance of 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 the project site storm water treatment measures have been constructed per the City approved plans and specifications. As appropriate, the Report shall include, but not be limited to, assurances that: imported materials used for the treatment measure(s) are certified by the supplier; installation of these materials is per approved plans and specifications and meets the intent of the design engineer; required on-site testing results conform with approved plans and specifications; treatment measures conform to dimensions, grades and slopes on approved plans and specifications; all structural features of the treatment measures comply with plan specifications; the irrigation system is installed and functions as designed; healthy vegetation/ground cover is installed as shown on plans. The Report shall be submitted in a form acceptable to the City Engineer.
48. The Applicant shall comply with the State Water Quality Control Board's Construction General Permit requirements. Copies of the required "Notice of Intent" (NOI) and "Storm Water Pollution Prevention Plan" (SWPPP) along with the WDID# issued by the State Water Resources Control Board shall be submitted to the City Engineer prior to commencement of any site work. These documents shall provide verification to the City that the project site is in compliance with SWRCB Order No. 2009-0009-DWQ. The SWPPP shall utilize the California Storm Water Best Management Practices Handbook for Construction Activities, the ABAG Manual of Standards for Erosion & Sediment Control Measures, the City's Grading and Erosion Control ordinances and other generally accepted engineering practices for erosion control.
49. The Applicant shall be responsible for ensuring that all contractors and sub-contractors install, implement and effectively maintain appropriate sediment control, erosion control and other water quality protection measures to prevent any pollutants from entering the municipal storm water drainage system or the 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.

50. The Applicant shall pay for any required cleanup, testing, and/or City administrative costs resulting from consequence of construction materials entering the storm water system and/or waters of the State.
51. 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. The Improvement Plans shall indicate the location of inlet markings. Permanently affixed thermoplastic, metallic or plastic laminate style markers are acceptable forms.

Traffic and Transportation

52. The Applicant shall comply with all applicable policies and requirements of the current approved transportation plans, including the Alameda's Bicycle Master Plan, the Pedestrian Master Plan, the Long Range Transit Plan, the Transportation Demand Management and Transportation System Management (TSM/TDM) Plan, the Multimodal Circulation Plan, Transportation Element of the General Plan, and the Transportation Choices Plan. Bicycle parking shall be consistent with AMC 30-7.15 Bicycle Parking.
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. The improvement plans shall provide transitions and signage to and from existing on-street bike facilities to the project's bike facilities along Main Street to the satisfaction of the City Engineer. The bike facility transitions shall occur along Main Street beyond the project limits to the north and to the south.
55. 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.
56. Parking layout shall be constructed in conformance with City's off-street parking design standards, Alameda Municipal Code Section 30, Article 1, Chapter 6 Off-Street Parking and Loading Regulations. Accessible stalls, ramps, loading and unloading platforms including for vans, slope and grade of ramps, landings and stalls, signs, striping, logo, width of landings and such details as are required shall comply with applicable City and State Standards.
57. 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

58. Sanitary sewerage shall be in accordance with the Regional Standards for Sanitary Sewer System Installation, Rehabilitation and Repair, June 30, 2016, or most recent version.
59. A sanitary sewage flow analysis identifying the total peak sanitary sewage flow quantities to be generated by the proposed development shall be conducted as part of the construction improvement plan review. 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. The analysis shall utilize the City's hydraulic model to assess the impact on trunk sewer capacity to determine if additional capacity is required. 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

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.

60. The Public Utility Easement for the sanitary sewer system pump station located on Block 16 shall be expanded to include the sanitary sewer pump station, sanitary sewer force main line and maintenance access area. The dimensions of the easement shall be designed to the satisfaction of the City Engineer. The Applicant shall submit the dimensions of the easement for the City Engineer's review and approval as part of the improvement plans.
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. Applicant shall obtain EBMUD design approvals for modifications to the sewer system prior to the Final Map.
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. Each parcel within the subdivision must be issued a Compliance Certificate by EBMUD. Please review the program requirements and cost for Compliance Certificates: <http://www.eastbaypsl.com/eastbaypsl/>.
63. Prior to the approval of the Improvement Plans, the Applicant shall prepare and enter into a water service agreement with the City of Alameda Public Works Department. The water service agreement shall require the Applicant to maintain any existing water lines within Site A Phase 2 and any temporary storm drain siphons created by the development of Site A during the construction and phasing of Site A Phase 2. No permanent storm drain siphons will be allowed.
64. Prior to issuance of building permits, the Applicant shall secure all necessary design approvals from EBMUD regarding the installation of all water or sewer service connections for the project.
65. The Applicant shall design and construct water, power, telecom, gas, and other utilities in accordance with applicable utility standards.

66. Fire sprinkler system test water discharges shall be directed to the sanitary sewer system or to appropriately-sized on-site vegetated area(s).
67. The applicant shall be responsible to maintain access and utility services that are affected by the development of Site A Phase 2 to the existing buildings within Alameda Point to the satisfaction of the Deputy Public Works Director.
68. The Applicant shall be required to furnish two streetlight poles and LED fixtures of each type installed, at no cost, to the Public Works Department as a stock for future pole/fixture replacement on public street. 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.

Other Standard Conditions

69. A separate Building Permit is required for the construction of any structures on the site. The Applicant should contact the Building Division to discuss submittal requirements. On-site and off-site Improvement Plan approval is required prior to the issuance of each Building Permit.
70. The project shall be designed to accommodate three waste streams: recycling, organics, and trash; as required by the Alameda County Waste Management Authority's Mandatory Recycling Ordinance (ACWMA Ord. 2012-01).
71. 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 improvements plans, parcel/final map(s), or the building permit, whichever comes first. If no building permit is required, the plans must be approved by the PWD prior to establishment of the use.
72. Trash enclosure(s) shall comply with Best Management Practices in accordance with the Clean Water Act. These facilities shall be designed to prevent water run-on to the area, runoff from the area, and to contain litter, trash and other pollutants, so that these materials are not dispersed by the wind or otherwise discharged to the storm drain system. Any trash enclosure facilities with a water supply shall also drain to the sanitary sewer.
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. 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.
75. The Applicant shall obtain all necessary permits from other regulatory agencies for projects within sensitive areas or which have significant storm water pollution potential. Other regulatory

agencies include, but are not limited to, the Regional Water Quality Control Board, Department of Fish and Wildlife, Army Corps of Engineers, and the Bay Conservation and Development Commission.

76. 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.

Fire Safety

77. The developer/applicant shall provide adequate turn around space or through access for any street greater than 150 feet in length to the satisfaction of the Fire Chief and the City Engineer. Emergency Vehicle Access roads shall have an adequate turning radius for fire apparatus (inside turning radius of 28 feet, outside turning radius 44 feet 8 inches, minimum height 13 feet 6 inches, minimum width 20 feet) and 26 feet wide in the immediate vicinity or portion thereof buildings 30 feet or taller. All streets and courts within the development that are required to be fire access roads, shall be marked as fire access roads to the satisfaction of the Fire Chief. All roads that are required to be fire access roads shall be designed to handle fire apparatus weight of up to 35,000 pounds per axle. Parking shall be prohibited within the streets and alleys that are dedicated as fire lanes. CC&R's shall include an enforcement mechanism.
78. The improvement plans for the project site shall include a Fire Water System consistent with the MIP and TM. 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.
79. Prior to approval of the Improvement Plans, the applicant shall submit plans for review and approval by the Public Works Director and the Fire Chief, that:
- a. Provide fire hydrants spaced throughout the project as required in California Fire Code Appendix C. Ensure sufficient fire flow for the development compliant with California Fire Code Appendix B and AMC 15-1.2 where a maximum reduction of the fire flow can be reduced by 50% for fire sprinklered buildings.
 - b. Fire hydrant flows shall be a minimum of 1,500 G.P.M. from any one hydrant;
 - c. Provide adequate turn around space or acceptable emergency vehicle through access for any street greater than 150 feet in length;
 - d. Ensure that all roads that are required to be fire access roads have an adequate turning radii for fire apparatus (inside turning radius of 28" and outside turning radius of 44'8"); and

Alameda Municipal Power (AMP)

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

81. The applicant shall provide information on the location of transformers and total load in kilowatts or kilowatt/volts (KVA) to AMP for approval prior to building permit issuance. If necessary, the applicant shall provide (at no charge to AMP) an easement and access to all AMP facilities on the property prior to issuance of building permits.
82. Concurrent with submittal of Improvement Plans, the Applicant shall coordinate with AMP regarding power requirements. All submittals shall refer to AMP's "Material and Installation Criteria for Underground Electrical Systems" for minimum clearances of street trees/shrubs from streetlights, electrical transformers and other utility electrical equipment.
83. New street trees shall maintain clearances from electrical utilities as follows: a) street/pathway lights and utility poles – **25-feet** (with the exception of 15 feet between streetlights and palm trees); b) joint trench and all underground electrical lines – **five feet**; c) access doors of electrical pad-mounted equipment (e.g. switches, transformers and capacitors) – **ten feet**; d) all sides of electrical pad-mounted equipment – **three feet**. Verify minimum clearance distances of trees/shrubs from all sides and back of electrical pad-mounted equipment with Alameda Municipal Power (AMP). Any variance from these standards must be approved by AMP, and may include mitigation measures, such as root barriers.
84. The Applicant shall provide all necessary underground substructures, including conduits, pull boxes, electric utility equipment pads, etc. per the AMP specifications. AMP will require easements for all transformers, primary and secondary boxes, and conduits. AMP will furnish and install all required transformers, high voltage distribution cables, and secondary cables. Existing Alameda Point electric substructures will NOT be re-used.
85. The Applicant shall provide an easement for electric utility vehicle access to AMP's Cartwright Station. The easement shall encompass the entire perimeter of the substation, including buildings and exterior yards with a 25-foot minimum clearance from any structure (above or below grade), wall and fence. Applicant shall avoid planting any trees that will grow in fullness to the point they may encroach into the perimeter easement.
86. The Applicant/Developer shall install all electric pull boxes and vaults in-line with the conduit joint trench. No conduit bend will be allowed between electric pull boxes, unless conduit section terminates to an electrical equipment pad. All primary and secondary electrical distribution pull boxes shall not be greater than two section deep (34-inches from finish grade to bottom of pull box). Any deviations from this standard shall be approved by the AMP Project Engineer in writing.
87. Applicant/Developer will be required to provide an oil containment facility for all AMP owned pad-mount distribution switches and/or transformers installed within 100-feet of any body of water or in other critical locations. Applicant/Contractor shall contact AMP to verify all dimensions, elevations, and orientation before commencing work.
88. The Applicant shall furnish and install code-size service cables in code-size conduit from each customer electric meter switchgear to the nearest secondary pull box (or Service Point) in the public right-of-way, as designated by AMP. AMP will connect the service to the distribution transformer or to the secondary distribution system.
89. 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.

90. Prior to issuance of Certificate of Occupancy, the Applicant shall furnish and install service equipment for each building. The service equipment shall meet Electric Utility Service Equipment Requirement Committee (EUSERC) standards. Electric meter(s) shall be located as close as practicable to the point of entry of the service-entrance conductors to the building. Outdoor meter locations are preferred. When meters are located within a building, the meter room shall be directly accessible from the exterior of the building. No remote metering.
91. Concurrent with acceptance of work by City, 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.
92. The Applicant/developer shall be responsible for all expenses involved in the duct/joint trench system engineering design, plan check, project coordination, and electrical construction inspection. The Applicant shall be responsible for the cost of an AMP assigned inspector during construction.
93. The Applicant/developer shall submit, with the site improvement plans, detailed drawings showing the required site electric utility facilities.

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

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

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

The decision of the Planning Board shall be final unless appealed to the City Council, in writing and within ten (10) days of the decision, by filing with the Planning, Building & 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 14th day of October 2019, by the following vote to wit:

October 14, 2019
Planning Board Meeting

AYES: (7) Cavanaugh, Curtis, Hom, Rothenberg, Ruiz, Saheba, and Teague
NOES: (0)
ABSENT: (0)

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-19-24

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING DESIGN REVIEW AND PARKING RATE DETERMINATION APPLICATION NO. PLN16-0391 FOR THE REMOVAL OF A 4,847 SQUARE FOOT MODULAR BUILDING AND THE CONSTRUCTION OF AN APPROXIMATELY 10,780-SQUARE-FOOT ONE-STORY LIGHT INDUSTRIAL BUILDING AND ASSOCIATED LANDSCAPE AND PARKING LOT IMPROVEMENTS LOCATED AT 1920 MINTURN STREET (PLN16-0391)

WHEREAS, an application was made on July 27, 2016, by Rick Stuart for Listo Properties, requesting Design Review approval and parking rate determination for the removal of a 4,847-square foot modular building and the construction of a 10,780-square-foot light industrial building and associated landscaping and parking lot improvements; and

WHEREAS, the application was accepted as complete on September 12, 2019; and

WHEREAS, the project site is located within the M-1, Intermediate Industrial (Manufacturing) zoning district; and

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

WHEREAS, industrial uses are permitted by right in the M-1, Intermediate Industrial (Manufacturing) zoning district; and

WHEREAS, the Planning, Building and Transportation Director has determined the parking rate of 0.73 to 0.86 spaces per 1,000 square feet of floor area is appropriate for the project based on demand for comparable facilities; and

WHEREAS, the Planning Board held a noticed public hearing to consider approval of said project application and examined all pertinent materials on October 28, 2019.

NOW THEREFORE, BE IT RESOLVED, that the Planning Board finds this project categorically exempt from environmental review pursuant to CEQA Guidelines Section 15332—In-fill Development Projects, and finds that the project meets the conditions for the categorical exemptions:

1. The light industrial use is consistent with the Mixed Use general plan designation and with the M-1, Intermediate Industrial (Manufacturing) zoning district regulations.
2. The proposed development is within the city limits on a site that is less than five acres.
3. The project site has no value as habitat for endangered species.

4. The project would not result in any significant effects related to traffic, noise, air quality, or water quality.
5. The site is in an urban area and all necessary public services and facilities are available to the site.

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, because the proposed new construction is compatible in design and use of materials with the existing building and surrounding neighborhood. The parking rate of 0.73 to 0.86 spaces per 1,000 square feet of floor area is appropriate for the project based on demand for comparable facilities as determined by the Planning, Building and Transportation Department Director. The project provides 21 parking spaces which is adequate and appropriate for the project.
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 10,780-square-foot building is a traditional industrial building design and borrows design elements from the neighboring historic industrial building. The overall building height of 21'-6" is compatible with the surrounding industrial and residential structures. The proposed building height, parking, and site plan complies with General Plan policies and Zoning Ordinance requirements. The surface parking lot provides 15 parking spaces for the subject project. The parking lot also includes landscaping along the perimeter to facilitate a harmonious transition between the property 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 large windows facing the street, exterior materials, architectural elements, and building colors to match and complement the buildings in the surrounding neighborhood, in particular the adjacent historic industrial building. Roof treatment consists of a flat roof embellished with a parapet. The building uses corrugated aluminum siding for the parapet and a mix of stucco and brick for the building façade. The landscaping in the perimeter of the parking lot is consistent with the surface parking landscape requirements.

BE IT FURTHER RESOLVED THAT the Planning Board hereby approves the Design Review Application No. PLN16-0391 for the removal of a 4,847-square foot modular building and the construction of a 10,780-square-foot light industrial building, and a parking rate determination subject to compliance with the following conditions:

Planning

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 Italo A. Calpestri III & Associates dated October 14, 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.
3. Expiration: The Design Review approval for the removal of a 4,847-square foot modular building and the construction of a 10,780-square-foot light industrial building shall expire and become void unless substantial construction under valid permits has been commenced within two years after this approval. An extension for an additional two years may be granted by the Planning, Building and Transportation Department Director upon written request prior to the expiration of this approval.
4. Deed Restriction: The property owner shall prepare and execute, to the satisfaction of the City Attorney, and file with the Alameda County Recorder, a deed restriction guaranteeing that the surface parking, driveway, and trash facilities will be maintained and reserved for the duration of the project. The deed restriction shall also guarantee 1925 Union Street access to the surface parking lot, driveway, and trash facilities at 1920 Minturn Street, for the duration of the project.
5. Siding Material: The final plans submitted for building permits shall replace the stucco siding on the east and west elevations with masonry.
6. Building Access: The applicant shall work with Planning staff to explore a design that includes a door along the Minturn frontage on the west elevation.
7. Handicap Parking: The handicap parking in the final plans submitted for building permits shall comply with the California Building Code requirements for location and path of travel.
8. Bicycle Parking: Prior to issuance of building permits, the applicant shall work with the Transportation Planning Division to determine the final locations for the two short term and two long term bicycle parking spaces for the facility.
9. 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.
10. Construction Activities: 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.
11. Lighting: All new exterior lighting fixtures shall be directed downward and shielded to minimize offsite glare.
12. Billing: All Time and Material charges for this application shall be paid in full prior to the issuance of building permits.

Public Works

13. The project shall comply with all current, applicable, plans, standards, policies and guidelines including Alameda's Municipal Code (AMC), Standard Plans and Specifications, and Standard Subdivision Specifications and Design. All documents can be found at the City's Public Works webpage, under Key Documents, at <https://www.alamedaca.gov/Departments/Public-Works>.
14. The applicant is encouraged to contact the Public Works Department at 510-747-7930 to schedule a pre-application meeting prior to the first submittal of any improvement plans to discuss submittal requirements, project review timeline, and fees associated with the processing, filing, and construction of this project.
15. The fee for plan checking and inspection shall be calculated in accordance with the latest Schedule of Fees & Charges as approved by the City Council. A cash security deposit of an amount as determined by the City Engineer will be required prior to issuance of the improvement plans.
16. A current title report shall be submitted to identify current ownership and any existing easements or land use restrictions.
17. 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 project. 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.

Improvement plans

18. 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.
19. The Applicant shall submit a soils investigation and geotechnical report for the proposed project, subject to the review and approval of the City Engineer. The report shall address the structural and environmental analysis of existing soils and groundwater and provide recommendations for all grading, retaining walls, bulkheads, surface and sub-surface drainage, lot drainage, utility trench backfilling, and pavement design. The improvement plans shall incorporate all design and construction criteria specified in the report and shall be reviewed and signed by the Soils Engineer specifying that all recommendations within the report have been followed.
20. 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.

21. 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 and Stormwater Treatment

22. All on site surface drainage shall be collected and conveyed in an adequately designed underground storm drainage system in a manner to be approved by the City Engineer. The downstream drainage system shall be analyzed and inadequacies, if any, corrected as determined by the City Engineer. The site shall be graded so that no additional runoff is directed to and so as not to impede runoff from adjacent properties.
23. Temporary Trash Enclosure: The temporary trash enclosure facility and surrounding grades 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. The temporary trash enclosure facility shall be roofed and shall also drain to the sanitary sewer.
24. Best Management Practices: The applicant/developer shall be responsible for ensuring that all contractors and sub-contractors install, implement and effectively maintain appropriate sediment control, erosion control and other water quality protection measures to prevent any pollutants from entering the municipal storm water drainage system or the Oakland Inner Harbor, either directly or indirectly, during all construction activities. All implemented measures shall be consistent with the City's urban runoff Best Management Practices (BMPs) standards. These City BMPs standards shall be included as Notes within the Civil Improvement Plans submittal set for Permit issuance. The applicant/developer shall pay for any required cleanup, testing, and/or City administrative costs resulting from consequence of construction materials entering the storm water drainage system.

25. PCBs in Building Demolition materials:

Prior to the issuance of any building demolition permit, the Applicant shall:

- I. Review the packet "PCBs in Priority Building Materials: Model Screening Assessment Applicant Package (August 2018)" (Packet)
- II. Complete the two-page "PCBs Screening Assessment Form" (pp 18-19 in the Packet and submit signed copy to Public Works for review.
- III. 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 closeout of the permit of the proper management and disposal of the relevant materials.

26. Storm Water Quality and Treatment Controls: The Civil Improvement Plans shall incorporate appropriate pollution prevention source control measures, permanent low impact development (LID) measures, storm water treatment controls, full trash capture controls, and design techniques to manage the quantity and quality of storm water runoff from the project site to prevent and minimize impacts to water quality consistent with the Provision C3 requirements of the City's municipal stormwater permit and in accordance with the guidelines of the Alameda Countywide Clean Water Program. Efforts shall be taken to minimize impervious surface areas, especially directly connected impervious surface areas. Roof drains shall discharge and drain to an unpaved area wherever practicable. Design techniques may include green roofs, rainwater harvesting, vegetated swales, vegetated buffer zones, bio retention units, retention/detention basins and ponds, tree well systems, and the incorporation of pervious surface areas and LID measures. The Improvement Plans shall provide details sufficient to ensure that the storm water design and treatment measures shall be constructed consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual. Applicants may also refer to the Bay Area Storm water Management Agencies Association (BASMAA) Start at the Source Manual for technical guidance. All storm water design and treatment measures shall be consistent with the C3 requirements and be located on the private development pad and shall not be located on public right of way.
27. 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.
28. Storm Water Quality Management Plan: The Civil Improvement Plans submittal shall include a finalized stormwater quality management plan to demonstrate and verify appropriate site design for LID, stormwater treatment and trash control consistent with the Provision C3 and C10 requirements of the municipal stormwater permit and the guidelines from the Alameda Countywide Clean Water Program. This submittal 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 C.3- and Provision C.10-compliant stormwater quality measures for each DMA; a site plan map and inventory identifying each DMA and the corresponding compliance measure(s), including area values (in square feet) for all areas; 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 the LID, stormwater treatment and trash control measures designs meet the established sizing design criteria for stormwater treatment measures consistent with Provision C.3 and Provision C.10 of the municipal stormwater permit.

29. On-Site Storm Water Trash Capture: The Civil Improvement Plans shall indicate the location(s) and type(s) of storm water trash capture measure(s) being installed on the project site to ensure that the 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.
30. Storm Drain Markings: All new storm drain inlets shall be clearly marked with the words 'No Dumping! Drains to Bay' by means approved by the Public Works Department. Permanently affixed thermoplastic, metallic or plastic laminate style markers are acceptable forms. The Improvement Plans shall clearly indicate this.
31. Operations and Maintenance Plan: Prior to approval of the Civil Improvement Plans, the Applicant/Developer shall submit a stormwater treatment measures Operations and Maintenance (O&M) plan for review and approval to the Public Works Department. The O&M plan shall include, but not be limited to: treatment and design measure(s) descriptions and summary inventory, including all full trash capture devices; a legible, recordable, reduced-scale (8.5"x11") copy(-ies) of the Site Plan indicating the treatment and design measure(s) location(s) and site drainage patterns; treatment measure(s), including trash capture, maintenance requirements and maintenance schedule; the approved plant list and planning plan; detailed description of the integrated pest management principals and techniques and/or Bay Friendly Landscaping Program techniques to be utilized during landscape maintenance to ensure pesticide/herbicide use-minimization in landscaped areas; name and contact information of current maintenance personnel; and template of the annual O&M report submittal to the City. The O&M plan(s) for all stormwater treatment and design measures to be maintained by any HOA or CA shall be incorporated with the CC&Rs of the relevant HOA/CA.
32. Stormwater Agreement: Prior to the issuance of the certificate of occupancy, the Property Owner/Developer shall execute a Stormwater Treatment Measures Maintenance Agreement (Stormwater Agreement) with the City. 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.

33. Stormwater Treatment Measures Construction Certification Report: Prior to the issuance of the first occupancy permit, including a temporary occupancy permit, the applicant/ developer shall submit a certification report (Report) affirming that all project site stormwater treatment measures and full trash capture devices have been constructed per the City approved plans and specifications. The Report shall be prepared by a registered civil engineer, licensed in the State of California. As appropriate, the Report shall include, but not be limited to, assurances that: imported materials used for the treatment measure(s) are certified by the supplier; installation of these materials is per approved plans and specifications and meets the intent of the design engineer; any required on-site testing results conform with approved plans and specifications; treatment measures conform to dimensions, grades and slopes on approved plans and specifications; all structural features of the treatment measures comply with plan specifications; the irrigation system is installed and functions as designed; healthy vegetation/ground cover is installed as shown on plans. The Report shall be submitted in a form acceptable to the Public Works Director or designee.
34. 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

35. The Applicant shall comply with all applicable policies and requirements of the current approved transportation plans, including the Alameda's Bicycle Master Plan, the Pedestrian Master Plan, the Long Range Transit Plan, the Transportation Demand Management and Transportation System Management (TSM/TDM) Plan, and the Multimodal Circulation Plan., Transportation Element of the General Plan, and the Transportation Choices Plan. Bicycle parking shall be consistent with AMC 30-7.15 Bicycle Parking.
36. 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.
37. Parking layout shall be constructed in conformance with City's off-street parking

design standards, Alameda Municipal Code Section 30, Article 1, Chapter 6 Off-Street Parking and Loading Regulations. Accessible stalls, ramps, loading and unloading platforms including for vans, slope and grade of ramps, landings and stalls, signs, striping, logo, width of landings and such details as are required shall comply with applicable City and State Standards.

38. 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

39. Sanitary sewerage shall be in accordance with the EBMUD Regional Standards for Sanitary Sewer Installation.
40. 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/>.
41. 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.
42. The Applicant shall design and construct water, power, telecom, gas, and other utilities in accordance with applicable utility standards.
43. Fire sprinkler system test water discharges shall be directed to the sanitary sewer system or to appropriately-sized onsite vegetated area(s).

Other Conditions

31. The project shall be designed to accommodate three waste streams: recycling, organics, and trash; as required by the Alameda County Waste Management Authority's Mandatory Recycling Ordinance (ACWMA Ord. 2012-01).
32. The design, location, access, and provisions for waste hauler collection of all external enclosures for solid waste, recycling, and organics shall be of sufficient size and design to serve the project as approved by the Public Works Department prior to approval of the building permit.
33. Trash enclosure(s) shall comply with Best Management Practices in accordance with the Clean Water Act. These facilities shall be designed to prevent water run-on to the area, runoff from the area, and to contain litter, trash and other pollutants, so that these materials are not dispersed by the wind or otherwise discharged to the storm drain system. Any trash enclosure facilities with a water

supply shall also drain to the sanitary sewer.

34. The project shall comply will Chapter 21, Article 6 of the Alameda Municipal Code and submit a Waste Management Plan documenting the diversion of project related construction and demolition debris to the satisfaction of the Public Works Director.
35. 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.
36. Protect all existing street trees, signs, and sidewalks within the public right of way.
37. Construction activities are restricted to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturday, unless a permit is first secured from the City Manager or designee based upon a showing of significant financial hardship.

Indemnification

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

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.

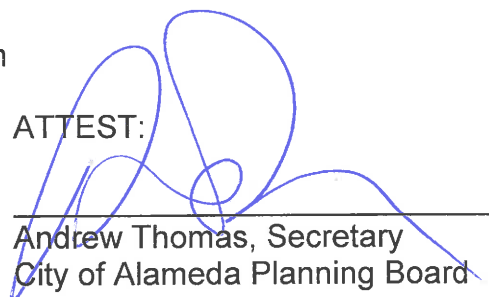
I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 28rd day of October, 2019, by the following vote to wit:

AYES: (5) Curtis, Rothenberg, Ruiz, Saheba, and Teague

NOES: (0)

ABSENT: (2) Cavanaugh and Hom

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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