



**ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY**

**PLANNING DEPARTMENT**

October 12, 2020

Agenda Item# **5**  
October 20, 2020

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Honorable Board of Supervisors  
County of Alameda  
1221 Oak Street, Suite 536  
Oakland, CA 94612

Dear Board Members:

**SUBJECT:** Appeal by Ann E. Maris, Grove Way Neighborhood Association, Ohlone Audubon Society, Cherryland Community Association, My Eden Voice Parks and Open Space Committee, Eden Community Land Trust, Padres Unidos de Cherryland, and Friends of San Lorenzo Creek, of the decision of the Planning Commission approving Site Development Review, PLN2019-00024, an application by Eden Housing to construct a single two to four-story apartment building containing 72 affordable low and very-low income dwelling units and 109 surface parking spaces on a 6.3-acre site, together with a creek-side bicycle/pedestrian trail located at Ruby St., 130 ft. north of A Street, in unincorporated Castro Valley, Assessor's Parcel Numbers: 415-230-83, 415-230-81, and 415-230-82. This project is exempt from the California Environmental Quality Act pursuant to Community Plan Exemption section 15183 of the CEQA guidelines.

**RECOMMENDATION:**

**Castro Valley MAC:** On June 8<sup>th</sup> 2020, the CVMAC advisory recommendation was to approve the project.

**Planning Commission:** On August 3<sup>rd</sup> 2020, the Planning Commission voted 7-0 to approve the project.

**Planning Staff:** That the Board of Supervisors deny the appeal, approve the project and adopt the attached resolution.

**BACKGROUND**

The subject application (PLN2019-00024) was submitted and has been in-process since early 2019. The project site is located on vacant creek-side parcels located in Castro Valley, at the intersection of Ruby St. and A St. The site has the appropriate land use designations to allow the project, and both the zoning and general plan allow for a multiple unit residential project. The applicant has requested and received a density bonus pursuant to state law, allowing an increase in units over the base density. The proposed project will result in one multi-story "L" shaped building containing a mix of unit sizes for a total of 72 affordable units.

The combined site area including all the parcels is approximately 6.3 acres, with half the site being utilized for the project and the other half maintained in a natural creek environment. The impacts to the creek have been analyzed pursuant to the County's Watercourse Protection Ordinance (WPO); a conservation easement required by Caltrans is also proposed to protect natural resources. The trail being proposed will serve as both an amenity to the project and as a public use trail. Other agencies are to be involved in maintaining the trail and conservation easement, with the County's Flood Control District owning the parcel and the Hayward Area Recreation & Park District (HARD) serving a management and maintenance role. Future action by the Board related to the conservation easement may be required as the project develops.

A project being approved or carried out by a public agency is required to comply with the California Environmental Quality Act (CEQA), unless it is exempt. In this case the project was found to be exempt pursuant to the "Community Plan Exemption" (CPE), which provides that "projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or to its site." (CEQA Guidelines § 15183). The project qualifies to use the CPE exemption, and relies upon the Castro Valley General Plan Environmental Impact Report (EIR), supplemented by more in-depth environmental analysis as needed in the Environmental Checklist for Community Plan Exemption (CEQA CPE). More information in the discussion below provides additional detail on this specific topic.



Since the 2019 submittal the project has been thoroughly reviewed internally by senior staff and a consultant team of land use experts, biologists, and other environmental professionals. The permit being requested is a Site Development Review (SDR), and the initial public hearings were conducted at the Castro Valley Municipal Advisory Council (CVMAC). These hearings introduced the project to the CVMAC and the community at large and functioned as the principal forum to provide detailed information to the public on particular issues. The CVMAC recommended approval of the project on June 8<sup>th</sup>, 2020 and the project was approved by the Planning Director

shortly thereafter. A timely appeal was filed by the appellants, moving the project jurisdiction to the Planning Commission. The appeal was heard by the Planning Commission on August 3, 2020, which unanimously denied the appeal and approved the project. The appellants appealed the Planning Commission decision to your Board, which appeal is the subject of this Board letter.

### **BASIS OF APPEAL**

The appellants in this case submitted a 38-page appeal letter that organizes the appeal into three categories: Biological, Historical, and Zoning and Housing. These areas of concern were similar to the

appeal submitted to the Planning Commission, but for the sake of this appeal will be discussed in the above order.

**Biological**

***The appeal letter (pp 5-18) claims the project is not consistent with the Castro Valley General Plan (CVGP) and its policies related to a Biological Resource Overlay Zone (BROZ), and asserts that the project does not adequately protect trees and certain species of bats.***

The appellants expressed concern that the proposed housing development and trail could negatively impact riparian areas. The CVGP Figure 7-2 Biological Resources Overlay Zone designates the project site as an area of potential High Priority Biological Resources. Because it is infeasible and extremely costly to conduct biological reconnaissance surveys for an entire General Plan area, this figure was intended solely as a broad guide based on coarse and cursory documentation of existing land use features. Based on this designation, CVGP Action 7.1-1 Biological Resources Overlay Zone, page 7-12, requires that an environmental assessment be prepared by a qualified biologist to inform potential development levels for the site. The CEQA CPE includes detailed information regarding the potential for biological resources at the project site. In addition, in response to several public comments, the Planning Department coordinated with the CEQA consultant to augment the environmental assessment with additional details, including information from a second site visit to document and delineate a riparian border (CEQA CPE Figure III.B-2, "Riparian Canopy and Project Site Plan") for the project site, and additional information regarding the CEQA thresholds related to wildlife corridors and the potential for sensitive plant communities, as defined by the California Department of Fish and Wildlife and / or the U.S. Fish and Wildlife Service.

The biology section in the CEQA CPE was augmented substantially to address public comments and questions related to biological resources. Based on two site visits and research performed by a qualified biologist, there are no substantial impacts related to riparian habitat or other biological resources. In addition, staff directed the CEQA consultants and consulting biologists to review additional information and concerns submitted by the appellants. This information is contained in the CEQA Memorandum dated May 8<sup>th</sup>, 2020.

It is important to point out that the BROZ is a proposed overlay zone (i.e., a proposed amendment to the Zoning Ordinance) which would include several policies designed to protect natural resources. Although a BROZ ordinance has not been adopted by the County, the BROZ language in the CVGP provides enough guidance for this appeal. The CVGP states that if impacts identified by the environmental assessment cannot be mitigated, then a project's density could be reduced by 50%. The appellants contend this policy should apply in this case and the project should consequently be reduced in size. Based on CVGP policies, a reduction in project size is not a strict requirement, but the CVGP does require that an analysis be done to determine if any reduction in density is warranted.

As directed by the CVGP, the CEQA CPE biology section included a site reconnaissance survey by a qualified biologist. The CEQA CPE included standard pre-construction survey protocol information regarding bats that may be present at the project site. In addition, in response to a brief bat acoustic survey provided by the public, the Planning Department directed the CEQA consultant to provide additional details regarding the possibility of additional bat species at the project site, and information regarding possible remedies if other bat species are observed during pre-construction surveys. This information is

contained in the CEQA Response Memorandum (attached) prepared by the CEQA consultant dated May 8<sup>th</sup>, 2020 (CEQA Memorandum).

As it relates to trees and the removal of trees to make way for development, it is important to note the County does not have a tree preservation ordinance for private property, and the only protection afforded to trees in this instance is if they are considered part of the Oak Riparian Woodland and have the potential for critical/sensitive habitat. In this case the applicant is saving trees to the extent practicable. Trees have the possibility to also be critical habitat if certain species roost in them or provide breeding habitat. The appellants contend that the trees to be removed provide critical habitat for certain species of bats although the studies conducted for the CEQA CPE do not support this claim. These issues were addressed in the CEQA CPE and CEQA Memorandum, and the information therein was augmented substantially to address public comments and questions related to biological resources.

### **Historical**

***The appeal letter (pp 19-28) discusses the historical resources on the site, and states "Ruby Meadow and the surrounding area should be considered a historical and cultural resource and an educational resource for the public."***

The appeal letter provides comments regarding the various historical, archaeological and cultural resources that may be present at or near the site. The letter claims the analysis done by the project archeologist was insufficient and provides counter-arguments to the conclusions in the CEQA CPE.

As it relates to tribal cultural resources, AB 52 prescribes the method for contacting and consulting with tribes. County records show that letters were sent to tribal contacts to solicit consultation, but no responses were received in the time period prescribed by AB 52.

The Planning Department instructed the CEQA consultant to conduct additional research on the potential cultural resources that may be located at or near the site. After conducting additional research, the CEQA consultant team did not find any significant cultural resources at the site. The CEQA CPE documents the procedures and requirements that the applicant needs to follow during construction activities to protect subsurface cultural resources that may be discovered during construction. While the CEQA CPE published in October 2019 provided a comprehensive and CEQA-compliant assessment of cultural resources, the CEQA consultant added additional explanations in the CEQA Memorandum. The remains of the Haywards Steam Laundry and the Haywards Water Pumping Station (Knox) were also evaluated in the CEQA CPE and Memorandum. These remains were determined to lack archaeological integrity and were not deemed a significant resource.

### **Zoning and Housing**

***The appeal letter (pp 29-38) makes numerous claims related to land use, including questioning how the project was zoned given the subject site was part of the Route 238 project, the relevance of the Housing Element, the policy conflicts between the project and the BROZ language in the CVGP, and policy conflicts between the project and the Specific Plan for Areas of Environmental Significance. In addition, the appellants suggest the density bonus awarded to the project was done in error, citing adverse impacts as a basis for this claim. Finally, the appeal letter makes reference to other County policies and programs and cites other State laws, but without much explanation.***

The project site was identified as a housing site in the 2012 Castro Valley General Plan, as a housing site in the County's Housing Element, and has been zoned for residential uses for many decades. Reference to an earlier I-238 process is not germane here since the County has maintained the current land use on the site irrespective of other agencies' studies showing other potential uses. The fact that a portion of the site is shown on the County's current Housing Element is not without consequence given that housing production accountability at the local level has been written into State law. Unless the site is taken out of a residential zoning designation, it is likely the next round of the Housing Element (regional housing need is expected to more than double) could put additional pressure on this site to be developed at an even higher density, as well as on other sites throughout the unincorporated areas.

**General Plan/Zoning Conformance:** The Castro Valley General Plan land use designation of the site and surrounding area is Residential Low-Density Multi-Family, which permits between 18-22 units per acre. At 2.952 acres, and with the R-S-D-20 zoning, up to 65 (rounded up from 64.3) units may be developed on this site. The state density bonus law allows the applicant to increase the maximum number of residential units by 35%, (and has since been raised to 80%) allowing a total of up to 88 (rounded up from 87.75) units. Staff contends the Density Bonus law was applied appropriately in the current project and is in fact less dense than what State law allows for a 100% affordable project which would currently allow an increase of up to 80% (Gov't Code section 65915(f)(3)(D)).

How the project is consistent with the General Plan and its relevant elements has already been discussed above under the ***Biological*** section; in summary the project has been reviewed for consistency with all CVGP policies related to environmentally sensitive areas, and the most critical and/or sensitive habitat is being protected in this case.

The appellant also contends that the Housing Accountability Act's (HAA) environmental goals are not promoted by this project due to its distance from transit. The HAA (SB 330; Gov. Code § 65589.5.) lists several purposes and goals, including environmental and California's "housing supply and affordability crisis of historic proportions." The HAA provides: "A local agency shall not disapprove a housing development project.... for very low, low-, or moderate-income households, or an emergency shelter, or condition approval in a manner that renders the housing development project infeasible... including through the use of design review standards, unless it makes written findings, based upon a preponderance of the evidence in the record, as to one of the following:

- (1) The jurisdiction... has met or exceeded its share of the regional housing need allocation...
- (2) The housing development project or emergency shelter as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible."

Due to the current housing crisis and the need to provide substantial numbers of affordable housing units in our jurisdiction, the current state of the law in California allows much less discretion to deny a project than in previous years. New and updated laws mentioned above such as the Housing Accountability Act and the Housing Crisis Act of 2019 (SB330) set a high bar in terms of the conditions which must be present to reduce a project size or outright deny a project. In the case of SB330, to deny or reduce a project size requires a jurisdiction to make specific findings of adverse impact to public health or safety; with possible fines and legal action if a jurisdiction is found to have violated the new law. Staff does not believe a finding of an adverse health and safety impact can be made in this case.

The appellant contends that the project was awarded nearly \$9 million in Measure A1 funding but does not meet the requirements of Measure A1. The issues before your Board in this hearing involve the Site Design Review and CEQA CPE issues; compliance with Measure A1 is not before you and is not relevant to this determination.

**CONCLUSION**

The current project is consistent with the zoning and General Plan and has appropriately been determined eligible for a density bonus for providing affordable units. The Planning Department maintains that a CEQA CPE is the appropriate level of environmental review for the project, and in response to many community concerns with protecting the creek and its biological habitat, the Planning Department placed extra emphasis on biological resources, the San Lorenzo Creek, and cultural resources.

Staff has thoroughly analyzed the appeal as detailed above and finds that it did not provide sufficient reasoning to reconsider the Planning Commission action, and as such, staff recommends the Board of Supervisors deny the appeal, approve the project and adopt the attached resolution.

The record is attached.

Very truly yours,

DocuSigned by:  
  
002C10B338201EA...  
Chris Bazar, Director  
Community Development Agency

All documents are available at:  
<http://acgov.org/cda/planning/landuseprojects/currentprojects.htm>

**ATTACHMENTS:**

- Appeal letter 38-page document
- Various Correspondence
- Community Plan Exemption
- Planning Commission Packet
- Project Drawings

**RESOLUTION NUMBER R-2020 \_\_\_\_\_**

**A RESOLUTION DENYING THE APPEAL AND APPROVING THE APPLICATION OF EDEN HOUSING, PLN 2019-00024, SITE DEVELOPMENT REVIEW FOR THE RUBY STREET APARTMENTS PROJECT OF 72 HOUSING UNITS.**

**WHEREAS**, Ann E. Maris, Grove Way Neighborhood Association, Ohlone Audubon Society, Cherryland Community Association, My Eden Voice/Parks and Open Space Committee, Eden Community Land Trust, Padres Unidos De Cherryland, and Friends of San Lorenzo Creek (“Appellants”), appealed the approval by the Planning Commission of Site Development Review PLN 2019-00024 – Application by Eden Housing (Applicant) to construct the Ruby Street Apartments, a proposal to allow construction of a single two to four-story apartment building to contain 72 affordable low and very-low income dwelling units and 109 surface parking spaces on a 6.3-acre site, together with a creek-side bicycle/pedestrian trail in the Castro Valley General Plan Area, west side of Ruby Street, 130 feet north of A Street, extending west to San Lorenzo Creek and north to Crescent Avenue, unincorporated Castro Valley area of Alameda County, designated Assessor’s Parcel Numbers: 415-230-83, 415-230-81 and 415-230-82 (“Project”); and

**WHEREAS**, the Project is located within the *Castro Valley General Plan* area; and

**WHEREAS**, the *Castro Valley General Plan* was adopted by the County, following certification of the Castro Valley General Plan Environmental Impact Report (CVGP EIR), in March 2012; and

**WHEREAS**, the County of Alameda Planning Commission did consider and approve the Project in a public hearing at the hour of 3:00 pm on Monday, the 3rd day of August, 2020, conducted as a virtual meeting; and

**WHEREAS**, the County of Alameda Planning Commission did approve Site Development Review for the Project, finding the project exempt from the California Environmental Quality Act (CEQA) pursuant to Community Plan Exemption in section 15183 of the CEQA guidelines; and

**WHEREAS**, the Appellants filed an appeal from the decision of the County of Alameda Planning Commission; and

**WHEREAS**, the Board of Supervisors did hold a public hearing at 1 p.m. on October 20, 2020, in the Board of Supervisors’ Chambers, 1221 Oak Street, Oakland, to consider the appeal; and

**WHEREAS**, it satisfactorily appears from documents in the public record that proper notice of the public hearing at the Board of Supervisors was given in all respects as required by law; and

**WHEREAS**, the Board of Supervisors did hear and consider all reports, recommendations, and testimony presented; and

**WHEREAS**, the representatives of the Appellants were present at the public hearing and presented testimony in support of the appeal; and

**NOW, THEREFORE, BE IT RESOLVED** that the Board finds as follows:

1. The Project is consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified, specifically, the Castro Valley General Plan and R-S-D-20 zoning district, with additional density allowed pursuant to state law.

2. The proposed application was reviewed in accordance with the provisions of the California Environment Quality Act (CEQA), including the Community Plan Exemption (CEQA Guidelines section 15183).
3. In accordance with the Community Plan Exemption, the Project did not require additional environmental review, except as necessary to examine whether there are project-specific significant effects peculiar to the project or to its site.
4. Additional project specific review was conducted in accordance with CEQA, culminating in the Environmental Checklist for Community Plan Exemption (CEQA CPE) prepared by the County. The CVGP EIR adequately analyzed and covered the potential environmental impacts associated with the Project. The Project is required to incorporate and/or comply with the applicable requirements of the policies identified in the CVGP EIR; therefore, the CEQA CPE assumed the requirements to be included as part of the Project. The Community Plan Exemption, pursuant to CEQA Guidelines Section 15183, applies to the project and no additional documentation or analysis, beyond that provided in the CEQA CPE, is required.
5. Approval of the proposed Site Development Review PLN2019-00024 of the property to allow a new multi-family project with 72 rental housing units, meets the intent clauses and performance standards of the *Castro Valley General Plan* and the Alameda County zoning ordinance.
6. Approval of the Site Development Review for the Project for purposes of creating up to 72 residential units is consistent with the land uses and density established in the *Castro Valley General Plan* land use designation and the Alameda County zoning ordinance, when combined with the required and allowable density bonus pursuant to the State density bonus law.
7. The Project will not have a specific, adverse impact upon the public health or safety, and will not have such an impact that does not have a feasible method to satisfactorily mitigate or avoid the impact without rendering the development unaffordable to low- and moderate-income households.

**BE IT FURTHER RESOLVED** that the Board of Supervisors does hereby deny the appeal of the decision of the County of Alameda Planning Commission and approve application PLN 2019-00024, a Site Development Review for a new multi-family project with 72 rental housing units, with the Conditions of Approval listed below and drawings marked as "Exhibit B" on file with the Planning Department at 224 W. Winton Avenue, Hayward, California.

#### CONDITIONS OF APPROVAL

ANY DESIGN MODIFICATIONS REQUESTED BY ANY PARTY, EITHER PRIOR TO THE ISSUANCE OF A BUILDING PERMIT OR DURING CONSTRUCTION, SHALL BE SUBJECT TO APPROVAL BY THE PLANNING DIRECTOR. This approval of the Site Development Review is subject to plans marked "Exhibit B" dated June 17, 2020, on file with the Alameda County Planning Department and the following conditions:

1. Approval of PLN2019-00024 authorizes a Site Development Review permit to construct a new affordable, multi-family project with 72 rental housing units with associated parking and open space areas, and a new creek side trail. The total site consists of three parcels, totaling 6.3 acres with Crescent Avenue to the north, Ruby Street to the northeast, and A Street to the

southeast, in the Castro Valley area of unincorporated Alameda County. Previous County Assessor's Parcel Numbers 415-230-2, -3, -5, -11, -12, -13, -14, -15, -16, -17, -18, -19, -21, -22, -23, -24, -69, -70, -72, and -73. New parcel numbers have not been assigned as of this date.

2. Minor modification(s) to plans marked PLN2019-00024 Exhibit "B", as well as to these Conditions of Approval, may be conducted as an administrative Planning Department staff-level procedure not requiring a public hearing. The determination of minor modification(s) and of the level of staff review necessary shall be subject to the discretion of the Planning Director.
3. The project shall be constructed as shown in Exhibit "B". Any phasing plan other than complete build-out shall be provided to the County Planning Department for approval. This requirement shall apply to the current applicant/developer and any subsequent applicant/developer.
4. Eden Housing shall enter into an affordable housing agreement specifying the affordability terms and conditions, as specified in the Density Bonus Law (California Government Code Sections 65915-65918), to be recorded against the property with a minimum term of 55 years. Contact the County's Housing and Community Development Department for compliance with this condition.
5. To the extent allowed by project funding sources and applicable federal, state, and local laws, preference to make units available to residents of unincorporated Alameda County is encouraged. Additionally, Eden Housing shall make a good faith effort to take advantage of housing vouchers for veterans, including meeting building construction and occupancy schedules.
6. As indicated by a letter of intent on file in the Planning Department, Eden Housing shall enter into a purchase agreement to sell Parcel B to the Hayward Area Recreational District (HARD) for the intent of creating a trail head at A Street.
7. Eden Housing shall deed Parcel C to the Alameda County Flood Control and Water Conservation District (District), subject to acceptance of the deed by the District's Board.
8. Prior to occupancy of any of the units in the project, Eden Housing shall design, construct, and fund construction of the trail shown on Exhibit B, at 10' wide with 2' shoulders on both sides (14' total) to be used as a public trail and a maintenance access road for the Alameda County Flood Control and Water Conservation District. Eden Housing shall design and construct the trail according to HARD's trail design standards. Eden Housing shall coordinate with Caltrans to ensure that the trail is not located in the Caltrans mitigation area. The trail shall not be located in riparian areas, nor shall grading for the trail occur in riparian areas. Eden Housing shall grant access by agreement to Alameda County Flood Control and Water Conservation District for maintenance vehicle access along the trail. Eden Housing shall enter into a trail maintenance agreement with HARD and shall provide a public access easement along the trail.
9. All site improvements, including all landscaping, grading, stormwater treatment, drainage

control, exterior structures, and buildings, shall be subject to review and approval by Alameda County Planning Department and Public Works Agency (PWA). All site improvements shall be subject to laws, policies, and regulations applicable at the time of application for respective Demolition, Grading, Site, Stormwater, Encroachment, or Building Permits.

10. The environmental conditions (including the pre-construction surveys and required permits from state and federal resource agencies) and the avoidance measures stated in the CEQA Environmental Checklist for Community Plan Exemption (CEQA CPE) (October 2019) and the CEQA Master Responses (May 2020) are hereby incorporated into these Conditions of Approval and shall have the same force and effect as if restated in this Resolution. Minor modification(s) to the environmental conditions and avoidance measures related to the CEQA CPE and CEQA Master Responses may be conducted and approved as an administrative Planning Department staff-level procedure not requiring a public hearing. The determination of minor modification(s) and of the level of staff review necessary shall be subject to the discretion of the Planning Director.

11. A pre-construction bird/bat survey schedule shall be submitted to the Planning Department for review pursuant to the requirements identified in the CEQA CPE (October 2019) and the CEQA Response Memo (May 2020).

12. A final landscape plan shall be reviewed and approved by the Planning Director prior to building permit issuance. The plan shall demonstrate compliance with the California State Water Efficiency Landscape Ordinance and with the Alameda Countywide Clean Water Program stormwater treatment and stormwater pollution prevention drainage regulations.

13. Prior to any grading work near or within the watercourse setback, a watercourse encroachment permit or a grading permit shall be secured from PWA in accordance with the Alameda County Watercourse Protection Ordinance.

14. All roadway and storm drain facilities are to conform to Alameda County's Subdivision Design Guidelines and Hydrology and Hydraulics Criteria Summary. All work must comply with applicable Alameda County ordinances, guidelines, and permit requirements.

15. The applicant shall submit to PWA a Zone A FIRM study using the FEMA Zone A Manual for Determining Base Flood Elevations in Special Flood Hazard Areas. This study shall be submitted with the grading permit application.

16. The applicant shall submit an updated site-specific geotechnical report with their building permit application.

17. The applicant shall coordinate with PWA and the CDFW regarding permits required for the proposed stormwater outfall.

18. The applicant shall meet the requirements of the following agencies:

- a. Alameda County Fire Department
- b. Alameda County Public Works Agency, Building Inspection Department
- c. Alameda County Public Works Agency, Land Development
- d. Alameda County Public Works Agency, Grading Division
- e. Alameda County Flood Control and Water Conservation District

19. The following conditions shall be met prior the issuance of a building permit and fire clearance for occupancy.
  - a. Comply with all building and fire code requirements in effect at time of building permit submittal.
  - b. Certification of each floor will be required at time of construction. This shall be done by a licensed engineer or architect.
  - c. Deferred fire sprinkler and possible fire alarm plans will need to be submitted after construction plans.
20. Prior to issuance of a Building Permit, the plans shall demonstrate that the required Fire Sprinkler (fire alarm) water flow monitoring system will be installed, to the satisfaction of the Alameda County Fire Department.
21. The project shall comply with all applicable building and fire codes and submittal requirements in effect at time of Building Permit application.
22. New proposed structures shall comply with Alameda County Green Building Ordinance, Construction & Demolishing Debris Management program and California Green Building Code.
23. The Building Permit plans shall include bicycle storage facilities to the satisfaction of the County.
24. The Building Permit plans shall show car-share and electric vehicle parking to the satisfaction of the County.
25. Trash enclosures shall be covered and comply with Alameda County clean water requirements set forth in Section 15.08.190 of the Alameda County Ordinance Code.
26. All required permits related to the onsite stormwater system, underground utilities, parking lot lighting, and accessible paths of travel, shall be obtained prior to issuance of a Building Permit.
27. All Americans with Disabilities Act accessibility requirements shall be met by applicant for the project.
28. A California licensed architect or engineer shall be designated as the design professional responsible charge for the project submittal for Grading and Building Permits.
29. Prior to approval of Building Permits, the potential fault rupture hazard at the project site

must be assessed by a qualified geologist and reviewed and approved by the Alameda County PWA pursuant to the provisions of Alquist-Priolo Earthquake Fault Zoning Act and the Special Publication 42. The applicant shall provide the necessary funding for the completion of this review.

30. The applicant, property owner(s), and their successors shall defend, indemnify, and hold harmless the County of Alameda and its agents, officers, and employees from any claim, action, or proceeding against the County of Alameda or its, agents, officers or employees to attack, set aside, void, or annul Site Development Review PLN2019-00024, the CEQA exemption determination, including but not limited to the application of the Community Plan Exemption and the analysis provided in the CEQA CPE, or any combination thereof. Such indemnification shall include, but not be limited to, an award of costs and attorney's fees incurred by the County of Alameda in its defense. The County shall promptly notify applicant of any such challenge.

31. The applicant, property owner(s), and their successors shall comply with all other local, state, or federal regulations, laws, and ordinances, during the life of this Permit. Failure to comply with all other local, state, or federal may subject the permit to revocation in accordance with conditions of approval herein and per the Alameda County Zoning Ordinance Section 17.54.030.

32. During construction, the applicant, property owner(s), and their successors shall keep the subject site secure against illegal trespassing with fencing to the satisfaction of the Planning Director.

**THE FOREGOING** was **PASSED** and **ADOPTED** by a majority vote of the Board of Supervisors of the County of Alameda this 20<sup>th</sup> day of October, 2020, to wit:

AYES:

NOES:

EXCUSED:

ABSTAINED:

\_\_\_\_\_  
PRESIDENT, BOARD OF SUPERVISORS

ATTEST:

Anika Campbell-Belton, Clerk  
Board of Supervisors

By: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
DONNA R. ZIEGLER, COUNTY COUNSEL

By: Heather Littlejohn  
Heather Littlejohn, Deputy County Counsel