

CITY OF ALAMEDA PLANNING BOARD
DRAFT RESOLUTION

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING FILE NO. PLN14-0302 FOR FINAL DEVELOPMENT PLAN AND DESIGN REVIEW TO ALLOW CONSTRUCTION OF A 72-ROOM, FOUR- STORY HOTEL AND RECOMMENDING THE CITY COUNCIL APPROVE A PARCEL MAP TO ALLOW THE SUBDIVISION OF AN EXISTING 3.56-ACRE PARCEL TO CREATE A NEW 0.93-ACRE PARCEL FOR THE NEW HOTEL.

WHEREAS, an application was made on May 28, 2014, by Balaji Alameda, LLC for Parcel Map, Final Development Plan and Design Review approval to construct a 72-room, four-story hotel at 1700 Harbor Bay Parkway; and

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board finds this project exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 – Infill Development Projects. The project meets all requirements for the infill exemption, including the following:

a) **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 meets this criterion because the proposed hotel is consistent with the Business Park General Plan designation and is a permitted use in the CM-PD zoning district. The project also complies with all applicable development regulations for the CM-PD zoning district.

b) **The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.** The project site is located within the Harbor Bay Business Park, an urban commercial office park, and the project site parcel is approximately 3.56 acres in size.

c) **The project site has no value as habitat for endangered, rare or threatened species.** The area of the proposed development is currently used as landscaping. The site consists of a grass lawn surrounded by surface parking and it has no habitat value for any endangered, rare, or threatened wildlife species.

d) **Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.** The proposed hotel will not result in any significant noise, air quality or water quality effects. With regard to traffic, the project will further add to the impacted unsignalized intersection of Harbor Bay Parkway and North/South Loop Road, which currently operates at an unacceptable level of service during peak hours (LOS F). The City has determined that signal improvements will be necessary at the intersection based on existing conditions. As a standard measure to be incorporated into all future development in the vicinity, the City requires new development to pay a fair share contribution toward signal improvements proportional to its trip generation. As this project and other development occur in the vicinity, the signal improvements will become fully funded, which would offset the traffic impacts at the intersection by improving the traffic operations to an acceptable LOS. The project's contribution to the signal improvements will adequately offset any traffic impacts at the intersection.

e) **The site can be adequately served by all required utilities and public services.** The project site is located within an urban business park 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.

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

BE IT FURTHER RESOLVED, the Planning Board held a public hearing on this Parcel Map, Final Development Plan and Design Review application on August 25, 2014, and has examined pertinent maps, drawings and documents; and

BE IT FURTHER RESOLVED, pursuant to AMC Section 30-78.5, the Planning Board has made the following findings relative to the proposed Parcel Map Application (PLN14-0302):

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 3.56-acre parcel to create a new 0.93-acre parcel on which a new hotel would be located.

- B. **The site is physically suitable for the proposed commercial development in the General Plan.** The proposed subdivision is designed to conform to the Harbor Bay Business Park Development Plan standards and requirements adopted to ensure that the project would be compatible with adjacent uses.
- C. **The site is physically suitable for the density of the development.** The proposed subdivision is consistent with density standards of the General Plan and Zoning Ordinance. The project would permit a 72-room hotel on a 0.93-acre parcel. This would result in an average density within that permitted by the General Plan. This is consistent with development standards for the C-M-PD zoning district and the Business Park designation of the General Plan.
- D. **The proposed design of the subdivision and improvements, as conditioned, will not cause environmental damage or substantially and avoidably injure fish or wildlife or their habitat.** The development of the site will not introduce hazards that are inconsistent with standard commercial development within the C-M-PD zoning district and the Business Park General Plan designation. Conditions of approval ensure that no unintended environmental damage or exposure of future occupants to environmental dangers could occur.
- E. **The design of the subdivision will not conflict with easements acquired by the public at large for access through or use of property within the subdivision.** All required easements are to be retained and additional, necessary easements are to be provided.
- F. **The design of the subdivision and its improvements will not cause serious public health problems.** The project includes conditions that assure the property is free of hazardous materials and would not adversely affect public health. Easements for surface drainage runoff and utilities are required as conditions of the Parcel Map.

BE IT FURTHER RESOLVED, pursuant to AMC Section 30-4.20(g), the Board has made the following findings relative to the proposed Final Development Plan Application (PLN14-0302):

- A. **The development is an effective use of the site.** The Development Plan provides for a commercial subdivision and new hotel including landscaping and open spaces, pedestrian, transit and bicycle facilities designed to provide a project that is pedestrian, bicycle and transit-friendly. The Development Plan utilizes landscaping, building placement and orientation to create an effective and successful commercial development that can create a compatible interface with the adjacent properties and uses, and provide strategies for the conservation of natural resources and sustainable landscaping design.
- B. **The proposed use relates favorably to the General Plan.** The proposed development supports General Plan policies for the development of Harbor Bay

Business Park and General Plan policies to increase complementary business opportunities in Alameda. This project also facilitates future development of, and access to, the adjacent waterfront land areas, which supports General Plan policies to increase public waterfront parks and public waterfront access citywide and on this property. The project also generates jobs consistent with General Plan goals.

- C. **The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity and will not have substantial deleterious effects on existing business districts or the local economy.** The proposed 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 public improvements and ample pedestrian amenities, shuttle service, and bicycle facilities.
- D. **The location of the proposed use is compatible with other land uses in the general neighborhood area, and the project design and size is architecturally, aesthetically, and operationally harmonious with the community and surrounding development.** The proposed development qualifies as a commercial development pursuant to the C-M-PD Commercial Manufacturing - Planned Development Zoning District, and satisfies the purposes of the C-M-PD district regulations. The project site plan is designed to conform to the Harbor Bay Business Park Development Plan objectives and requirements adopted to ensure that the project would be compatible with the adjacent airport environment and commercial development. The Development Plan will provide for adequate landscaping, including Bay Friendly-compatible native landscaping, as required by City standards.
- E. **The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.** The Development Plan is designed in a manner compatible with existing and potential contiguous uses. The project plans provide for a well-designed pedestrian network, bicycle access, and vehicular access between the two hotels and nearby amenities.

BE IT FURTHER RESOLVED, pursuant to AMC Section 30-37.5, the Planning Board has made the following findings relative to the proposed Design Review approval:

1. **The project will have no significant adverse effects on the persons or property in the vicinity.** The project will be compatible and harmonious with the design and use of surrounding properties. The proposed building is similar in design and scale to other office and warehouse buildings in the Business Park. The four-story scale and small footprint of the building ensure compatibility with the adjacent neighborhood.

2. The project will be compatible and harmonious with the design and use of the surrounding area. The project design is appropriate for the site because it is compatible with various building styles in the vicinity. The contemporary style complements rather than copies the architectural styles of the adjacent office buildings. The building orientation and fenestration maximizes views of the Bay, and the design incorporates generous glazing on the ground floor to maintain an interesting pedestrian interface. The outdoor patio on the front elevation provides an inviting pedestrian-oriented amenity that balances the auto-oriented environment created by Harbor Bay Parkway.

3. The project is consistent with the City of Alameda's Residential Design Review Guidelines. The project will be consistent with the City's Design Review Guidelines because the design has an appropriate sense of scale for the site, the building components have balanced proportions, and appropriate screening has been provided for all mechanical and electrical equipment as part of the building design. The project also places emphasis on providing pedestrian amenities such as open patios and outdoor dining areas integrated with Bay-Friendly compatible landscaping.

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

1. The preliminary landscape plan is consistent with the required landscaping requirements of the Business Park.

2. As conditioned, the project will be consistent with the City's Design Review Guidelines because the design has an appropriate sense of scale for the site, the building is well proportioned, and well located on the site to address Harbor Bay Parkway and screen parking from public view. The building is designed to project a low horizontal profile, which reduces the apparent bulk of the building as required by the Architectural Guidelines contained in Resolution No. 1203.

BE IT FURTHER RESOLVED, that the Planning Board hereby approves file no. PLN14-0302 for Final Development Plan and Design Review, and recommends the City Council approve the associated Parcel Map application, subject to the following conditions:

Planning Conditions

1. Building Permit Plans: The plans submitted for the Building Permit shall include printed copies of these conditions and shall be in substantial compliance with:

- a. Home2 Suites Hotel Design Review Package prepared by Architectural Dimensions and dated August 11, 2014, consisting of 22 sheets, which are on file in the office of the City of Alameda Community Development Department, except as modified by the conditions listed in this resolution.

- b. These conditions shall be printed on the first page of all building plans and improvement plans.
 - c. The building permit plans shall include project lighting designed to minimize the amount and visual impact of perimeter lighting, through measures such as downward-pointing lights, side shields, visors, and motion-sensor lighting. The project shall utilize minimum wattage fixtures to achieve required lighting levels. The project will need to provide a lighting design using new technology type lamps to meet equivalent HPS lighting levels and RP-08.
 - d. Final plans submitted for building permits shall include a window and door schedule. All window sashes shall be recessed at least two (2) inches from the exterior wall surface. All final window and door details shall be subject to review and approval by the Community Development Director.
- 2. Public Art: Prior to issuance of a Certificate of Occupancy, the applicant is required to comply with the terms of the City of Alameda Public Art Requirement as specified in AMC section 30-65.
 - 3. Affordable Housing: Prior to issuance of the first building permit, the applicant is required to comply with the terms of the City of Alameda Affordable Housing Fee Requirement as specified in the AMC Section 27-1 under the hotel/motel classification.
 - 4. Amendments: Minor project design details requested by the applicant may be established, modified, and approved by the Community Development Director or his/her designee provided that the findings can be made that the proposed changes to the building are consistent in character and quality to the design review plans approved by the Planning Board.
 - 5. Utilities and Infrastructure: If the project is developed in phases, 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 by an approved phasing plan.
 - 6. Street Tree Maintenance: The Business Park Owners Association shall trim all trees such that they do not block light from the post-top fixtures nor do they cast a shadow on any part of the public street.
 - 7. Expiration: The Design Review approval shall terminate two years from August 25, 2014, unless actual grading, or construction under valid permit has commenced, or the developer applies for and is granted a one-time twenty-four month extension prior to the expiration of the Design Review.
 - 8. Signal Improvements: Prior to issuance of building permits for the project, the applicant shall pay its fair share of traffic signal improvements at the intersection of

Harbor Bay Parkway and North/South Loop Road in the amount \$23,765 (6.79% of \$350,000).

9. ALUC/FAA Compliance: Prior to issuance of a building permits, the applicant shall demonstrate compliance with all terms and conditions of the written approval letters addressed to the applicant from the Airport Land Use Commission, dated August 7, 2014, and from the Federal Aviation Administration, dated July 28, 2014.
10. Complimentary Shuttle: The hotel operator shall provide the same complimentary, on-demand shuttle service that is currently provided to the Hampton Inn hotel patrons. The shuttle service shall operate between the hours of 4:00 a.m. to 1:00 a.m. daily, and transport hotel guests to and from South Shore Center, the Park Street business district, Harbor Bay Ferry terminal, the Air BART station near the Oakland Airport, and any other destination within a three-mile radius of the new hotel.
11. Complimentary Bicycles: The hotel operator shall provide the same ten complimentary bicycles that are currently provided to the Hampton Inn hotel patrons to patrons of the new hotel.
12. Bicycle Parking: Locations of bicycle parking shall be shown on the project plans based on a minimum of one bicycle space (bike rack or locker) per every ten vehicle parking spaces. The bicycle facility should be located in a secure and safe location and accessible from high pedestrian/bicycle traffic areas, such as at the street frontage, to the satisfaction of the Community Development Director.
13. Noise: The project shall not cause an increase in ambient noise levels in excess of those allowed in AMC. Prior to the issuance of building permits, and prior to any future change in building use, the applicant shall submit an acoustical noise analysis demonstrating compliance with these Standards. The Community Development Director, or his or her designee, may require noise monitoring and additional project modifications if appropriate. An acoustical analysis meeting the requirements of Condition No. 60 of Resolution No. 1203 shall be submitted with the building permit application.
14. Sign Permit: Any temporary or permanent signage is subject to a separate Sign Permit approval. All signage shall be consistent with the requirements of the Harbor Bay Business Park Sign Program.

Public Works General Conditions

15. The applicant/developer shall comply with all applicable policies standards and plans of the AMC and the Public Works Department.
16. To guarantee completion of the required on-site and off-site improvements, the applicant/developer shall enter into an agreement with the City and provide a

security in a form and amount acceptable to the City prior to approval of the improvements plans and parcel/final map.

17. The applicant/developer shall submit to Public Works Department a 2008 AutoCAD File of the recorded Parcel Map and the as-built improvement plans.
18. The applicant/developer shall obtain and record new or amended ingress/egress, reciprocal parking and utility easements across the new parcel and adjacent parcels.
19. The applicant/developer shall develop a program for dust and debris control and shall ensure that construction crews comply with the program.
20. All existing utilities under the footprint of the building shall be relocated outside the building.

Public Works Engineering Conditions

21. The applicant/developer shall submit, for review and approval, plans for all on- site and off-site improvements. The plans shall be prepared, signed, and stamped as approved by a registered civil engineer licensed in the State of California. The engineer shall also assume responsibility for inspection of the on-site construction work, and shall certify to the City, prior to acceptance of the work or issuance of any occupancy permit, that the installation of the on-site work (excluding the building and foundation) was constructed in accordance with the approved plans.
22. 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) A refundable cashier's check in the amount of \$400 to guarantee a mylar copy of the recorded Parcel Map.
 - b) Payment for all reasonable office and engineering costs, including overhead, in conjunction with reviewing the Parcel Map, and associated improvement plans, and easements.
 - c) 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.
23. The applicant shall submit, for review and approval, landscape and irrigation plans for both on-site and off-site improvements. The plans shall be prepared, signed, and stamped by a licensed landscape architect and shall be in accordance with the AMC and other regional agencies' requirements. The landscape architect shall also

assume responsibility for inspection of the work and shall certify to the City, prior to acceptance of the work, that the installation of landscaping and irrigation in the public right-of-way was constructed in accordance with the approved plans.

24. A geotechnical report, prepared by a registered geotechnical engineer, with recommendations to address the findings shall be submitted for review with the Building Permit application. The geotechnical engineer shall sign and stamp the improvement plans as conforming to its recommendations. The geotechnical engineer shall also assume responsibility for inspection of the work and shall certify to the City prior to acceptance of the work that the work performed is adequate and complies with their recommendations.

Public Works Stormwater, Wastewater and Water Conditions

25. Prior to issuance of building permits, the developer shall secure all necessary permit approvals from East Bay Municipal Utility District (EBMUD) regarding the installation of all water or sewer service connections for the project. Accumulated wastewater must be drained to the sanitary sewer.
26. Backflow prevention devices shall be installed on all new and existing domestic, commercial, irrigation, fire, and water services and as required by EBMUD.
27. A sanitary sewage flow analysis, identifying the total peak sanitary sewage flow quantities generated by the proposed development, shall be prepared by a registered civil engineer licensed in the State of California and submitted as part of the construction improvement plans. The City will provide the analysis to an independent consultant who will assess the impact of the proposed development on the City's sanitary sewer system and determine if any improvements to the City's system are required to ensure sufficient sewage capacity for this project and any anticipated growth within the associated sewer sub-area. The applicant/developer will pay for the cost of the modeling study. The applicant/developer will include any recommended improvements from the sewer study into the project's improvement plans. The applicant/developer shall pay, proportional to the building usage, any upgrades to the city's sewer line capacities up to the BFI pump station at Island Drive, including pump stations HBP-1 and HBP-2.
28. A sanitary sewage treatment capacity analysis for wet weather flows associated with the development compared to existing or previous conditions shall be prepared by a registered civil engineer licensed in the State of California and submitted as part of the construction improvement plans. The plan shall identify and mitigate any increase in wet weather flow capacities. The improvement plans will include any recommended improvements.
29. A storm drainage hydrology analysis identifying the total peak drainage flow quantities to be generated by the proposed development shall be prepared by a

registered civil engineer licensed in the State of California and submitted as part of the construction Improvement plans. The City will provide this data to an independent consultant who will assess the impact of the proposed development on the City's storm drainage system and determine if any improvements to the City's system are required to ensure sufficient capacity for this project and anticipated cumulative growth in the associated drainage basin. The applicant/developer will pay for the cost of the modeling study. The improvement plans shall include the recommended improvements.

30. Section 30-84.12, of the AMC states that drainage across interior property lines is not permitted. New construction must not cause storm runoff onto any adjacent parcel. Concentrated runoff across the sidewalk will not be allowed. All storm runoff must be properly channeled to the existing storm drain system. No building roof drainage can be directly tied to the storm drain but must flow either into a drainage swale or across impervious pavement and then into a drainage swale. The grading plan shall show the location of any swales and how stormwater runoff will be directed.
31. Complete the City of Alameda's Stormwater Requirements Checklist. Use the results of the completed Checklist to inform the development site planning.
32. Efforts shall be taken to minimize impervious surfaces, especially directly connected impervious surface areas. Roof leaders shall discharge onto landscaped areas. Additional design techniques can include, but are not limited to, the use of pervious pavement in parking areas and/or directing runoff from impervious surfaces to vegetated areas.
33. Landscaping plans shall be designed to minimize runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution. Consideration shall be given to pest-resistant landscaping and design features and the use of integrated pest management (IPM) principles and techniques. As appropriate, landscaping shall be designed and operated to treat stormwater runoff.
34. The site improvement plans shall incorporate permanent low impact development (LID) measures and stormwater treatment controls and design techniques to manage the quantity and quality of stormwater runoff from the development. Measures shall be constructed 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. Conceptual site plans will need to identify sufficient areas to provide for the implementation of the necessary LID measures.
35. In conjunction, and consistent, with the improvement plans submittals, prepare and submit for City engineering review and approval a stormwater quality management plan (Plan) to demonstrate and verify appropriate site LID design. This plan shall

include:

- a. The completed City of Alameda's Stormwater Requirements Checklist.
 - b. The identification of drainage management areas (DMAs) for all impervious surface areas on the proposed project site and the establishment of Provision C3-compliant stormwater quality design and treatment measures for each DMA.
 - c. A site plan map and inventory identifying the location and area values (in square feet) of each DMA and corresponding C3-compliant measure.
 - d. 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.
 - e. Signed, C3-LID sizing certification form for all DMAs and C3 measures, as described below.
36. The applicant/developer shall prepare and submit to the Public Works Department Storm Water Pollution Prevention Plan (SWPPP) documents. Information regarding the SWPPP is available at the SWRCB's Construction Storm Water Program webpage at: www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml or from Public Works Department, at (510) 747-7930.
37. Prior to issuance of the first grading/building/combination permit, provide verification to Public Works Department Engineering Division of the WDID# that has been issued to the project site by the SWRCB. Submittal of the required permit registration documents to the SWRCB's SMARTS website is necessary for compliance with SWRCB Order No. 2009-0009-DWQ.
38. Prior to the granting of the certificate of occupancy, a C3-LID Stormwater Treatment Measures Maintenance Agreement (Agreement) shall be executed between the Project Owner and the City and recorded, at Project Owner's expense, with the County Recorder's Office of the County of Alameda. The Agreement shall include, but not be limited to: an Operations and Maintenance (O&M) plan, approved by the Public Works Department, for all post-construction (permanent) stormwater treatment measures; an instrument of financial assurance from the party responsible for stormwater treatment measures O&M; identification of the party responsible for stormwater treatment measures O&M; assurances of access to inspect and verify the treatment system O&M for the life of the project; and, assurances of the submittal of the annual O&M report approved by the City.
39. Concurrently with applying for a grading/building/combination permit, a Stormwater Treatment Measures Operations and Maintenance (O&M) Plan shall be submitted by the project proponent for approval by the Public Works Department. The O&M plan shall include, but not be limited to: treatment measure(s) descriptions and summary inventory; a legible, recordable, reduced-scale (8.5"x11") copy of the Site Plan indicating the treatment measure(s) location(s) and site drainage patterns;

treatment measure(s) maintenance requirements and maintenance schedule; detailed description of the integrated pest management principals and techniques and/or Bay Friendly Landscaping Program techniques to be utilized during landscape maintenance to ensure pesticide/herbicide use-minimization in landscaped areas; name and contact information of current maintenance personnel; and estimates of annual treatment measure(s) maintenance costs.

40. If the project will affect any drainage areas of the adjoining Hampton Inn site, the applicant/developer will be responsible for securing a re-execution of the Stormwater Treatment Measures Maintenance Agreement (November 2008) between the City of Alameda and Balaji Alameda LLC (property owner of the Hampton Inn site), including any necessary engineering revisions to the Agreement exhibits.
41. The applicant/developer is responsible for ensuring that all contractors and sub-contractors shall, during all construction activities, comply with the SWPPP elements, the City of Alameda's Urban Runoff Standard Conditions of Approval and the Best Management Practices (BMPs) for construction activities indicated in the Alameda Countywide Clean Water Program brochures during all construction activities. Contact Public Works Department, telephone (510) 747-7930, for copies of these reference documents.
42. Storm drain inlets shall be clearly marked with the words "No Dumping! Drains to Bay," or equivalent, using methods approved by the Public Works Department.
43. The applicant/developer shall submit 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 Public Works Department, that states that the LID and treatment measure designs of the final improvement plans and stormwater quality management plan meet the established sizing design criteria for stormwater treatment measures.
44. Prior to the issuance of a certificate of occupancy, the project applicant shall submit to the Public Works Department a formal certification report (Report) from a Licensed Engineer, paid for by the developer, affirming that all project site stormwater treatment measures have been constructed per 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.

45. Fire sprinkler system test water discharges shall be directed to onsite vegetated areas.

Public Works Traffic and Transportation Conditions

46. The applicant/developer shall provide a Traffic Control Plan (TCP) to the Public Works Department for review and approval. The TCP shall be prepared by a registered civil engineer or traffic engineer licensed in the State of California, and be in accordance with the California MUTCD standards. In general, any vehicular, transit, bicyclist, and pedestrian access adjacent to the project site shall remain unobstructed during project construction or an ADA compliant alternative route established. Applicant/developer is required to receive prior approval from AC Transit of any proposed traffic detours or temporary closure of bus stops.
47. The applicant /developer shall provide a traffic circulation plan for the development. The circulation plan shall include circulation within the development boundaries and adjacent parcels and shall identify all access to public streets. The traffic circulation plan shall include plan(s) showing truck turning templates including rear/front wheel and body tracking movement and shall include delivery trucks, fire engines, moving vans and waste management trucks. The Public Works Department will review and approve the internal and external circulation of the parking lot, including lane widths and access points.
48. Prior to issuance of a Certificate of Occupancy, the applicant shall provide a copy of the signed reciprocal parking agreement that confirms parking availability for the project on the adjacent parcels.
49. The applicant/developer shall submit a traffic striping and signage plan for review and approval for all on-site and off-site improvements, including all crosswalks, bus stops, turn lanes, merge lanes, acceleration lanes, lane drops, etc, as part of the construction improvement plan submittal. The plans shall be prepared by a registered civil engineer or traffic engineer licensed in the State of California. All striping in the public right-of-way shall be thermoplastic.
50. Prior to issuance of the Building Permit, project applicant shall provide the following in its improvement plans and/or as submittals as appropriate for the approval of the Public Works Department and in accordance with the City design standards:
- a) Ensure that all pedestrian access points throughout the project area are ADA compliant.
 - b) Vehicular and pedestrian access to adjacent parcels.
 - c) As a member of the Harbor Bay Business Park Owner's Association, the applicant/developer and its tenant will participate in the Transportation Management Program implemented by the Harbor Bay Business Park Association that includes TDM strategies in accordance with the provisions

stipulated in Section 11.2.h of the Covenants, Conditions, and Restrictions (CC&RS) of the Harbor Bay Business Park Association.

Public Works Environmental Services Conditions

51. The applicant/developer shall submit a Waste Management Plan (WMP) to the Public Works Environmental Services Division for approval. The plan shall describe how the trash and debris will be handled. The WMP shall be submitted by the developer to Environmental Services via Green Halo (greenhalosystems.com) prior to start of the demolition, remodeling, or construction work. This must be done using Green Halo's web interface. The Public Works Environmental Services Division will review the WMP, and will provide comments that shall be incorporated into the plans for the project.
52. The project is subject to the WMP requirement of section 21-24 of the AMC, and must recycle at least 50% of total debris hauled from project.
53. Within thirty (30) days after the completion of the demolition and/or clearing and grubbing, the developer shall submit a Summary Report to the Public Works Environmental Services Division, via Green Halo (greenhalosystems.com). For approval, this reporting will specify actual tonnages disposed and/or recycled for each material, and the actual destination/processor. Disposal and/or recycling weight tags from that facility or facilities will be directly uploaded to Green Halo to verify this activity.
54. Internal collection and storage area(s) and the individual bins and containers provided, shall be adequate in capacity, number, and distribution to serve the anticipated demand for trash, recycling, and organics as determined by the Public Works Department.
55. All solid waste containers, including dumpsters and individual cans or carts, must have fitted lids, which shall remain closed at all times when the container is not being used. All trash collection areas shall be accessible to employees.

Fire Department Conditions

56. The applicant shall be responsible for a water main extension to serve the project, whose design shall be shown on the Improvement Plan to the satisfaction of the EBMUD, the Public Works Director, and the Fire Chief.
57. 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.

- b. Ensure sufficient fire flow for the development compliant with California Fire Code Appendix B and AMC Section 15-1.2 where a maximum 50% reduction of the fire flow is allowed for fire sprinklered buildings. 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 have adequate turning radii for fire apparatus (inside turning radius of 28" and outside turning radius of 44'8"); and
- e. Minimum fire lane width shall be an unobstructed 26'. Should parking within the fire lane be required, the fire lane width is to be increased an additional 8' per side for vehicle parking (total width of 42' if vehicle parking on both sides, or 34' if vehicle parking on one side).

58. All private streets and courts within the development shall be marked as fire access roads to the satisfaction of the Fire Chief.

59. Hold Harmless and Indemnification: The applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda 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 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 Planning Board or City Council relating to this project. The City shall 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 protect these fees and other exactions, pursuant to Government Code section 66-2-(a) has begun. If the applicant fails to file a protest within this 90-day period complying with all requirements of section 66020, the applicant will be legally barred from later challenging such fees or exactions.

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