

CITY OF ALAMEDA PLANNING BOARD
DRAFT RESOLUTION

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING APPLICATION NO. PLN14-0305 FOR FINAL DEVELOPMENT PLAN AND DESIGN REVIEW FOR CONSTRUCTION OF A 99-ROOM, FIVE-STORY HOTEL.

WHEREAS, an application was made on June 17, 2014, by Mina Patel for Final Development Plan and Design Review approval to construct a 99-room, five-story hotel at 2350 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; 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.

WHEREAS, the Planning Board held a public hearing on this Final Development Plan and Design Review application on February 9, 2015, and has examined pertinent maps, drawings and documents; and

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 proposed project is consistent with the General Plan, Zoning Ordinance, and Harbor Bay Business Park Development Plan, approved by Planning Board Resolution No. 1203 in 1981, which establish the development standards for the Harbor Bay Business Park and this property.

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 is approximately 1.17 acres in size.

c) The project site has no value as habitat for endangered, rare or threatened species. The small parcel for the proposed development is currently vacant and it has no habitat value for any endangered, rare, or threatened wildlife species. The vacant lot is immediately adjacent to the Harbor Bay Parkway. The proposed project will not require any work within the San Francisco Bay. A habitat assessment and survey of burrowing owls conducted by WRA Environmental Consultants concluded that no burrowing owls are present on the site and that the site provides poor quality habitat for burrowing owls. The findings are consistent with similar findings made by other Biological experts and professionals who have surveyed nearby sites for the recent developments in the Business Park, such as the VF campus, Esplanade Waterfront development and other developments.

d) Approval of the project would not result in any significant effects relating to traffic, noise, air navigation, air quality or water quality.

Traffic: The project will not result in any significant transportation impacts. The Abrams & Associates traffic study concluded that there would not be impacts from a 105-room hotel that would generate approximately 61 AM peak hour and 65 PM peak hour trips. With the reduction to 99 rooms, the addition of on-demand shuttle services, bicycle services and off-site improvements funded through Business Park TIF, the project will not result in any significant traffic impacts.

Noise: The proposed construction and operation of the hotel in the Business Park will not result in any significant noise impacts. The site is immediately adjacent to an active airport that generates significant noise in the area. The construction and operation of the hotel will be subject to the restrictions and requirements of the City of Alameda Noise Ordinance which ensures that no significant noise impacts are generated on-site by the hotel that would impact the adjacent parcels as the result of the hotel construction or operation.

Because the Oakland International Airport creates significant noise in the Business Park and on the subject property, the hotel is designed to shield the occupants of the hotel from Oakland Airport noise. Noise levels within the hotel will be attenuated to 45 dB CNEL. A standard condition of approval for all development in the Harbor Bay Business Park is for the applicant to submit an acoustical noise study with the building permit application to demonstrate that interior noise levels can be attenuated to less than 45 dB. Furthermore, new construction must comply with State of California Title 24, Part 2 of the Administrative Code, which will typically attenuate interior noise levels to less than 45 dB. Therefore, the project occupants will not experience any adverse noise effects from airport operations.

Airport Navigation and Safety: The project is located within the Airport Safety Zone of the Oakland Airport, which requires review of both ALUC and the FAA. The ALUC deemed the project consistent with airport land use regulations upon the FAA issuing a

Determination of No Hazard to Air Navigation for the proposed location and maximum building height. The FAA has determined in its letter dated October 1, 2014, that the project will not pose a hazard to air navigation at the Oakland International Airport or in Bay Area airspace. Therefore, the project, as conditioned, would comply with all regulatory requirements pertaining to airport safety.

Air Quality and Water Quality: Construction and operation of the hotel will be subject to standard construction requirements of the City of Alameda, Regional Water Quality Board, and Regional Air Quality Board. These standards and permit requirements are specifically designed to ensure that urban in-fill projects do not result in air or water quality impacts to the environment. In addition, the landscape design and plant list for the proposal includes a mix of trees, shrubs, grasses, and other low-lying ground cover vegetation that is consistent with state and regional water quality requirements and Bay Friendly Landscaping Guidelines.

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 that the Planning Board finds the subject 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 that pursuant to Alameda Municipal Code (AMC) Section 30-4.20(g), the Board has made the following findings relative to the proposed Final Development Plan Application (PLN14-0305):

- A. The development is an effective use of the site.** The Final 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 Final Development Plan utilizes landscaping, building placement and orientation to create an effective and successful commercial development that creates a compatible interface with the adjacent properties and uses, and provides strategies for the conservation of natural resources and sustainable landscaping design.
- B. The proposed use relates favorably to the General Plan.** The proposed development supports General Plan policies for the development of Harbor Bay Business Park and General Plan policies to increase complementary business opportunities 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 Final Development Plan is consistent with the Harbor Bay Business Park Development Plan. The proposed Final Development Plan is designed to be compatible with adjacent commercial uses by providing attractive public improvements and ample pedestrian amenities, shuttle service, 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 Final Development Plan will provide for adequate landscaping, including Bay Friendly-compatible native landscaping, as required by City standards.
- E. **The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.** The Final Development Plan is designed in a manner compatible with existing and potential contiguous uses. The project plans provide for well-designed pedestrian paths, bicycle access, on-demand shuttle services, free bicycle use, and vehicular access between the hotel and nearby transit amenities including the airport, ferry terminal, Park Street restaurants and entertainment, and BART.

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

1. As conditioned, 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 scale and footprint of the building, and landscaping of the site, ensures compatibility with the adjacent neighborhood.
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 components are well proportioned and appropriate screening has been provided for all mechanical and electrical equipment as part of the building design.

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

1. The preliminary landscape plan is consistent with the required landscaping requirements of the Business Park.
2. As conditioned, the project will be consistent with the City's Design Review Guidelines because the design has an appropriate sense of scale for the site, 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 Final Development Plan and Design Review, PLN14-0305, subject to the following conditions:

1. Conditions relating to Planning Board Resolution No. 1203 are incorporated by reference.
2. These conditions shall be printed on the first page of all building plans and improvement plans.
3. Building Permit Plans: The plans submitted for the building permit shall include printed copies of these conditions and shall be in substantial compliance with:
 - a. RAM Hotels Design Review Package prepared by nKlosures, Inc. Architects and dated February 9, 2015 on file in the office of the City of Alameda Community Development Department, except as modified by the conditions listed in this resolution.
 - b. Final design review approval by the Community Development Department to finalize project architectural design details, surface colors and materials, window design, airplane safety lighting, bicycle parking design, and sign size and location. Final improvement plans for on- and off-site landscape and hardscape improvements will be subject to review and approval of both the Public Works Department and the Community Development Department. Final plans submitted for building permits shall include a window and door schedule. All window sashes shall be recessed at least three inches from the exterior wall surface, and window surfaces shall be treated to reduce potential bird strikes. All final window and door details shall be subject to review and approval by the Community Development Director.
 - c. All windows and patio doors will be insulated and double paned. Documentation shall be submitted from an acoustical engineer ensuring that interior noise levels

will meet design criteria set per Oakland International Airport Land Use Compatibility Plan, Section 3.3.1.6 (a).

4. This Final Development Plan and Major Design Review approval shall expire and become void unless actual construction under valid permits has commenced within two years after this approval. A one-time extension for an additional two years may be granted upon written request.
5. Dust Control: During construction, the applicant shall ensure that construction crews undertake a program of dust control including, but not limited to, watering soil surfaces as needed to prevent dust blowing, covering trucks carrying materials to and from the site, and frequent clean-up of soil carried by construction vehicle tires from the site onto roadways. Construction activities shall be subject to the requirements of the AMC, which restricts construction to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturday or Sunday. Design specifications shall incorporate Waste Management and Recycling elements for building and site demolition debris.
6. 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.
7. 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 property line shall be enclosed in a sound blocking enclosure meeting the standards established by the AMC for noise. The sound blocking enclosure must be built to the following minimum standards:
 - The barrier can be any thickness so long as its weight is 4 lbs/ft² or greater.
 - The barrier must be nonporous, with a solid door.
 - The barrier must enclose the equipment on all sides. The building wall may serve as one or more of the sides.
 - The wall height should be a minimum of three feet (3') greater than the tallest piece of equipment
8. Fencing: Perimeter fencing, if any, will exclude chain link fencing. Onsite storage or equipment enclosures, as required by the planned development guidelines for the Business Park, or sport courts, must include 8' high decorative black or dark green vinyl coated chain link fencing, with lockable gates, intended to blend the enclosure with the landscaping.

9. 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.
10. Outdoor Storage: There shall be no outdoor storage unless approved by the Community Development Director, and any outdoor storage permitted shall be temporary for in-transit materials.
11. ALUC/FAA Compliance: Prior to issuance of a building permit, the applicant shall demonstrate compliance with all terms and conditions of the written approval letters addressed to the applicant from the ALUC, dated September 7, 2014 and October 6, 2014, and from the FAA, dated October 1, 2014. Per FAA Determination letter dated 10/01/2014, the aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation and marking and lighting are not necessary for aviation safety. However, to maximize airport safety, safety lighting shall be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.
12. Complimentary Shuttle: The hotel operator shall provide on-demand shuttle service. The shuttle service shall operate between the hours of 4:00 a.m. to 1:00 a.m. daily, and transport hotel guests to and from South Shore Center, the Park Street business district, Harbor Bay Ferry terminal, the Air BART station near the Oakland Airport, and any other destination within a three-mile radius of the hotel.
13. Complimentary Bicycles: The hotel operator shall provide ten complimentary bicycles.
14. Bicycle Parking: Locations for bicycle parking consistent with the AMC bicycle requirements shall be shown on the project plans. The bicycle facility should be located in a secure and safe location and accessible from high pedestrian/bicycle traffic areas, such as at the street frontage, to the satisfaction of the Community Development Director.
15. Sea Level Rise: The finished floor shall be raised 18 inches above existing grade to accommodate the potential for sea level rise at this location.

Public Works General Conditions

16. The applicant/developer shall comply with all applicable policies, standards and plans of the AMC and the Public Works Department.
17. 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 security in a form and amount acceptable to the City prior to approval of the improvements plans.

Public Works Engineering Conditions

18. 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.
19. 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.
20. 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

21. 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.
22. Backflow prevention devices shall be installed on all new and existing domestic, commercial, irrigation, fire, and water services and as required by EBMUD.
23. 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 Bay Farm Island pump station at Island Drive, including pump stations HBP-1 and HBP-2.

24. 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.
25. 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.
26. 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.
27. 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.
28. 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.
29. 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.

30. In conjunction, and consistent, with the improvement plans submittal, prepare and submit for City engineering review and approval of 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.
31. 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 web page at:
www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml
32. 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.
33. 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.

34. 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.
35. 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.
36. 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.
37. 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.
38. 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.

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

Public Works Traffic and Transportation Conditions

40. 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 Americans with Disabilities Act (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.
41. 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 plans 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.
42. 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.
43. 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

44. 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.
45. 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.
46. 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.
47. Internal collection and storage areas 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.
48. 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

49. 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 EBMUD, the Public Works Director, and the Fire Chief.
50. 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).

51. 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.
