

CITY OF ALAMEDA PLANNING BOARD
DRAFT RESOLUTION

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

WHEREAS, an application was made by Robert Leach for Harbor Bay Hospitality, LLC. (“Applicant”) requesting Design Review and Development Plan Amendment for the construction of a new 172-room five-story hotel and restaurant located on approximately 5.5 acres within the Harbor Bay Business Park located near the corner of Harbor Bay Parkway and Bay Edge Road; and

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

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

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

WHEREAS, on February 25, 2008, the Planning Board approved Final Design Review and Development Plan for the Esplanade development project;

WHEREAS, on May 26, 2015, the Planning Board approved Final Design Review and Development Plan Amendment to the Esplanade Development plan for McGuire and Hester Headquarters;

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

WHEREAS, the Board held a public hearing on December 10, 2018 for Design Review, Development Plan Amendment, and examined pertinent maps, drawings, and documents; and

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

1. No further environmental review is required for the proposed amendment to the Development Plan pursuant to Section 15162 of the California Environmental Quality Act Guidelines because there have been no significant changes in circumstances that require revisions to the previously certified Environmental Impact Report for Harbor Bay Isle.
2. The project site has no value as habitat for endangered, rare or threatened species. The Harbor Bay Isle Environmental Impact Report (EIR) analyzed the impacts of Harbor Bay development on wildlife and migratory birds. The biological survey for the proposed hotel concludes that the proposal does not substantially change the determination of the

previously certified EIR. The area of the proposed development is currently a vacant 5.5 acre site. The vacant site has no habitat value for any endangered, rare, or threatened wildlife species. A survey for burrowing owls and sensitive species was conducted by Monk & Associates Environmental Consultants at the project site on September 10, 2018, and no evidence of the presence of these species were observed on or within a zone of influence of the site.

3. Approval of the project would not result in any substantial changes in the environmental determination in regards to traffic, noise, and air navigation. The previously certified Harbor Bay Isle EIR analyzed the impacts of the Harbor Bay development on traffic, noise, and air navigation. The traffic analysis, noise analysis, and Airport Land Use Commission analysis conclude that the proposed hotel facility will not substantially change the determinations of the previously certified EIR. A traffic and parking analysis conducted by Abrams and Associates on November 14, 2018 shows that the new hotel, restaurant, and ferry parking proposal does not result in any significant traffic or parking impacts to the surrounding area. The project also received an approval letter from the Alameda County Airport Land Use Commission on September 27, 2018 in regards to compliance with the safety, noise, and height development requirement of the adjacent Oakland Airport. The Noise analysis conducted by Saxelby Acoustics on September 5, 2018 determined that the project can meet city, state, and county requirements in regards to noise levels through the implementation of standard CNEL building requirements. The proposed project will not result in any significant traffic, noise, air quality or water quality impacts because the proposed hotel use is consistent with the uses analyzed by the Harbor Bay Isle Environmental Impact Report.

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 (PLN18-0381):

- A. **The development is an effective use of the site.** The Final Development Plan provides a new hotel and restaurant 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 and job generation in Alameda.
- 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, bicycle facilities, and additional ferry terminal parking.

- 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 made the following findings relative to the Design Review approval:

1. The proposed project design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual. The proposal includes materials, architectural elements, and building colors to match and complement the existing buildings on the site and the surrounding development.
2. The project will be compatible with adjacent or neighboring buildings and provides larger view corridors through the project site for adjacent residential areas. The building height was approved by the Federal Aviation Administration for compatibility with the height requirements of the adjacent Oakland Airport. The building is similar in design and scale with other hotels in the business park and the adjacent office buildings. The hotel will provide dining, lodging, event space, and conference rooms for the businesses in the Harbor Bay Business Park area.
3. The proposed design of the structures and exterior materials and landscaping are visually compatible with the surrounding development. Design elements have been incorporated to ensure the compatibility of the structures with the character and uses of adjacent development. Exterior materials combine smooth fiber cement panels and smooth stucco siding with generous expanses of glass, incorporating large punch windows, and deep sunscreen elements that mitigate heat gain from the sun, and add dimension and detail to the facades. The building's architectural design is well-suited to its location and context and will enhance the visual interest of the streetscape. The materials, design, and scale of the buildings are compatible with the residential character of the adjacent properties.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves the Waterfront Plaza and Promenade Development Plan and Design Review as described in Exhibit 1: Marriott Residence Inn Alameda Development Plan and Design Review, subject to the following conditions:

Exhibit 2
Item 7-B, December 10, 2018
Planning Board Meeting

1. Building Permit Conditions: These conditions shall be printed on the first page of all building plans and improvement plans.
2. Building Permit Plans: The plans submitted for the building permit shall be in substantial compliance with the plans prepared by HRGA Architecture, dated November 13, 2018, and on file in the office of the City of Alameda Community Development Department, except as modified by the conditions listed in this resolution.
3. ALUC/FAA Compliance: Prior to issuance of building permits, the applicant shall verification of final Federal Aviation Administration (FAA) and Alameda County Airport Land Use Commission compliance. The applicant shall provide the FAA a Form (currently designated 7460 although FAA may designate a substitute form), completed to FAA satisfaction, which describes the electronic and light emissions and reflections from the facility toward Port of Oakland runways and related information. The FAA Form 7460 or the equivalent regulates both building external elements and construction elements including temporary use of cranes. The applicant shall conform to FAA requirements in the Form 7460 or FAA-approved equivalent process. The applicant shall conform to any process of the Alameda County Airport Land Use Commission and shall provide verification to the Community Development Director of compliance efforts.
4. Bay Conservation and Development Commission Compliance: Prior to issuance of building permits, applicant shall provide verification of compliance with BCDC Settlement Agreement provisions and BCDC approval.
5. Final Hotel Elevation Design. Prior to issuance of the Building Permit, the applicant shall prepare a final architectural design and plans (Revised page A10) and final art proposals for the side elevations for final review and approval by the Planning Board.
6. Planning Board Resolution No. 1203 Compliance Prior to issuance of Building Permits, the applicant shall provide verification of compliance with the conditions of Planning Board Resolution No. 1203, which are incorporated by reference and which shall be printed on the first page of all building plans and improvement plans.
7. Ferry and Hotel Parking Plan: Prior to issuance of Building Permits, the applicant shall provide a Ferry Parking Management Plan for approval by the Planning and Building Director, which shall include:
 - a. Provisions for advertising the availability of at least 100 non-exclusive parking spaces for long term use (4 to 12 hours) by ferry users between the hours of 6 AM and 8 PM.
 - b. Provisions for ensuring maintenance of at least 5 spaces for short term use (2 hours of less) by park users between dawn and dusk.
 - c. Provisions for communicating with ferry riders and park users via cellphone notification and on-site signs about the availability of parking in the lot.
8. Sidewalk Improvements: The Building Permit plans shall include the following revisions and improvements to the project design to be reviewed and approved by the Planning and Building Director:
 - a. A sidewalk along the northern edge of the property adjacent to Adelphian Way from the Ferry Terminal parking lot to the McGuire Hester property line.

- b. Additional landscape details to ensure adequate screening of the two trash enclosures on Adelphian Way to the satisfaction of the Planning Director.
9. Bay Trail Improvements: The Building Permit plans shall include a final Shoreline Park improvement Plan for review and approval by the Recreation and Parks Director and the Planning and Building Director. The Plan shall require:
 - a. Replacement of the existing temporary 7 foot asphalt path with a permanent 12 foot wide concrete path along the project frontage to the concrete path in front of the Ferry Terminal. The waterfront edge of the 12 foot path shall be located on the waterfront edge of the existing asphalt path.
 - b. Three (3) feet of horizontal clearance and ten feet of vertical clearance on each side of path. Trim landscaping and trees next to path as necessary.
 - c. Regarding and rehabilitation of the existing waterfront gravel jogging path to along the project frontage.
 - d. A final lighting, bench, and trash receptacle plan that coordinate the on-site public facilities with the off-site shoreline facilities.
10. Window Inset: The final Building Permit plans shall show a minimum 4 inch inset between the face of the window to the face of the building.
11. Bicycle Parking: Locations for bicycle parking consistent with the AMC bicycle requirements shall be shown on the Building Permit 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 Planning Director.
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 at least ten (10) complimentary bicycles for use by hotel guests.
14. Bird Safe Design and Dark Sky Lighting The building permit plans shall demonstrate compliance with the Bird Safe Building design and Dark Sky lighting standards recommended by the Planning Board and to be considered by the City Council on November 27, 2018.
15. Development Agreement: If valid building permits have not been issued prior to the April 2019 expiration of the HBI Development Agreement (1989) (Document No. 89-110709), the applicant/developer shall satisfy all standard development requirements outside of the Development Agreement prior to the issuance of permits, including but not limited to payment of Development Impact Fees, Affordable Housing Impact fees, and Public Art Ordinance requirements.
16. Dust Control: Prior to issuance of building or grading permits, the developer/applicant shall ensure that a dust control program is implemented consistent with City and BAAQMD requirements. Construction activities shall be subject to the requirements of the Alameda Municipal Code, which restricts construction to the hours of 7:00 a.m. to

7:00 p.m., Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturday, unless a permit is first secured from the City Manager or designee based upon a showing of significant financial hardship. Design specifications shall incorporate Waste Management and Recycling elements for building and site demolition debris.

17. Noise: Prior to the issuance of building permits and prior to any future change in building use, the applicant shall submit an acoustical analysis meeting the requirements of Condition No. 60 of Resolution No. 1203 shall be submitted with the building permit applications.
18. 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.
19. Lighting: New exterior lighting fixtures shall be low intensity, directed downward and shielded to minimize offsite glare.
20. Water Efficiency Landscape Ordinance: Prior to issuance of building permits or improvement plans, Applicant/Developer shall submit a complete WELO Landscape Document Package, as defined by Alameda Municipal Code (AMC) Section 30-58.3(d), subject to the approval of the Community Development Director
21. Modifications: Minor project design details requested by the Applicant may be established, modified, and approved by the Planning Director. Engineering standards and specifications requested by the Applicant may be established, modified and approved by the Public Works Director, or his designee. Major modifications that are not consistent with this design review approval or these conditions shall be subject to review and approval of the Planning Board.
22. Expiration: This Development Plan Amendment and Design Review approval shall expire and become void unless actual construction under valid permits has commenced within two years after this approval. A one-time extension for an additional two years may be granted upon written request.

Public Works Conditions

General

23. The Project shall comply with all current and applicable plans, standards, policies and guidelines, including Alameda's Municipal Code (AMC) and the Alameda Standard Plans.
24. The applicant is encouraged to contact the Public Works Department at 510-747-7930 to schedule a pre-application meeting prior to the first submittal of any improvement plans to discuss submittal requirements, project review timeline, and fees associated with the processing, filing, and construction of this project.
25. The fee for plan checking and inspection shall be calculated in accordance with the latest Schedule of Fees & Charges as approved by the City Council. A cash security deposit of an amount as determined by the City Engineer will be required prior to

issuance of the Public Works Permit.

26. Application for a Public Works Permit is required prior to issuance of any Building Permits for the proposed project. The Public Works Permit will include review and inspection of both on-site civil work and encroachments into public lands and ROW. The application shall include a traffic control plan that addresses pedestrian, cyclist, vehicular, fire, and maintenance circulation around the perimeter of the site. Complete closures are not permitted on the Bay Trail in Shoreline Park, on the Access Road (labeled "Harbor Bay Parkway") to and from Harbor Bay Ferry Terminal, within the terminal, and on the public portion of Harbor Bay Parkway. Closure of the sidewalk that is in the project property, parallel to the Bay Trail, is permitted during construction. The application shall address placement of construction signs, formwork, scaffolding, staging, and utility connections on City-owned property and public rights-of-way.
27. A current title report shall be submitted to identify current ownership and any existing easements or land use restrictions. Include utility easements along proposed utility routes between the proposed project and the public portion of Harbor Bay Parkway.
28. If a future lot split is anticipated, to separate the restaurant facilities from the hotel facilities, applicant shall design the total parking, accessible parking, accessible pedestrian circulation, trash collection and removal, irrigation, fire access, and other facilities such that they are stand-alone for each future lot, or can be utilized with shared-use agreements and easements.

Improvement plans

29. The Applicant shall submit for review and approval construction improvement plans for all on- and off-site improvements, including design calculations, as applicable. The plans shall be prepared, signed, and stamped as approved by a registered civil engineer licensed in the State of California. These plans shall be approved by the Public Works Department prior to issuance of a Building Permit and Public Works Permit for the project.
30. The street section for any improvements and repairs to the private Access Road and ferry terminal parking shall be designed by a registered civil engineer and is subject to approval by the City Engineer.
31. Street lighting shall be designed in accordance with the City of Alameda Street Lighting Design Guide, latest edition. A photometric study shall be provided with the improvement plans. Any adjustments to bring street lighting up to City standards will be incorporated into final permit drawings.
32. The Applicant shall submit a soils investigation and geotechnical report for the proposed project, subject to the review and approval of the City Engineer. The report shall address the structural and environmental analysis of existing soils and groundwater and provide recommendations for all grading, retaining walls, bulkheads, surface and sub-surface drainage, lot drainage, utility trench backfilling, and pavement design. The improvement plans shall incorporate all design and construction criteria specified in the report and shall be reviewed and signed by the Soils Engineer specifying that all recommendations within the report have been followed.

33. Any retaining walls, which are adjacent to a property line, shall be masonry, metal, or concrete. Any existing retaining walls to remain are to be evaluated by the Applicant's geotechnical/structural engineer for integrity and applicability to the geotechnical engineer's recommendations.
34. The geotechnical/soils engineer shall submit a letter report to the City at completion of construction certifying that grading, drainage and backfill installation was performed in general compliance with recommendations in the geotechnical report. All material testing reports shall be attached to the certification letter report.
35. All projects and developments shall be designed to account for future predicted sea level rise to Elevation 13 feet, NAVD88 Datum. The project shall also be designed with to accommodate additional future adaptability provisions for sea level rise above Elevation 13 feet. Projects within the BCDC jurisdiction will be required to meet BCDC's Sea Level Rise conditions.

Drainage and Stormwater Treatment

36. All on site surface drainage shall be collected and conveyed in an adequately designed underground storm drainage system or culverts in a manner to be approved by the City Engineer. The downstream drainage system shall be analyzed and inadequacies, if any, corrected as determined by the City Engineer. The site shall be graded so that no additional runoff is directed to and so as not to impede runoff from adjacent properties.
37. A storm drainage hydrology analysis, identifying the total peak drainage flow quantities to be generated by the proposed development shall be prepared in accordance with the Alameda County Flood Control District Hydrology and Hydraulics Manual by a registered civil engineer licensed in the State of California and submitted as part of the construction improvement plans. The City will provide this data to an independent consultant who will assess the impact of the proposed development on the City's storm drainage system using a hydraulic model and determine the improvements, if any, to ensure sufficient capacity for this project and anticipated cumulative growth in the associated drainage basin. The Applicant shall include the recommended improvements into the project's improvements.
38. The project shall incorporate permanent stormwater design techniques and source control measures to manage the quantity and quality of stormwater runoff from the proposed project to prevent and minimize impacts to water quality, in accordance with the City of Alameda's National Pollution Discharge Elimination System (NPDES) Permit, and consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual. Project plans shall indicate the efforts taken to minimize impervious surface areas, especially directly connected impervious surface areas.
39. The project shall incorporate permanent post-construction stormwater quality controls in accordance with the City of Alameda's National Pollution Discharge Elimination System (NPDES) Permit. Stormwater design and treatment measures shall be constructed consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual.

40. The project is subject to full trash capture requirements of the City's NPDES permit. A full trash capture system or device is any single device or series of devices that traps all particles retained by a 5mm mesh screen and has a design treatment capacity of not less than the peak flow rate Q resulting from a one-year, one-hour storm in the sub-drainage area. Plan sheets shall include location, detail and cross-sectional drawings of any stormwater full trash capture device(s).
41. Prior to the issuance of any permits for the project, the Applicant shall submit a Stormwater Quality Management Plan and stamped, signed City of Alameda C3 certification form from a qualified independent civil engineer with stormwater treatment facility design experience, licensed in the State of California, and acceptable to City Engineer that indicates the LID and treatment measure designs of the improvement plans and Stormwater Quality Management Plan meet the established sizing design criteria for stormwater treatment measures. The Civil Improvement Plans shall be consistent with the approved Stormwater Quality Management Plan submittal.
42. Prior to the issuance of any permits for the project, the Applicant shall submit for review and approval by City Engineer a Stormwater C3-LID Measures Operations and Maintenance (O&M) Plan that provides a thorough discussion of the inspection, operations and maintenance requirements of all of the stormwater treatment, including trash capture, and LID design measures at the site. This O&M Plan shall be consistent with the City of Alameda's C3-LID Measures O&M Plan Checklist.
43. Prior to project acceptance and any certificate of occupancy, the Property Owner(s) shall execute a C3-LID Treatment Measures Maintenance Agreement with the City, complete with an approved Operations and Maintenance Plan, the template for annual self-reporting, and assurances for property access for City verification inspections.
44. Prior to project acceptance and any certificate of occupancy, the Applicant shall submit a certification report (Report) prepared by a registered civil engineer, licensed in the State of California, affirming that all project site stormwater treatment measures have been constructed per the City approved plans and specifications. As appropriate, the Report shall include, but not be limited to, assurances that: imported materials used for the treatment measure(s) are certified by the supplier; installation of these materials is per approved plans and specifications and meets the intent of the design engineer; required on-site testing results conform with approved plans and specifications; treatment measures conform to dimensions, grades and slopes on approved plans and specifications; all structural features of the treatment measures comply with plan specifications; the irrigation system is installed and functions as designed; healthy vegetation/ground cover is installed as shown on plans. The Report shall be submitted in a form acceptable to the City Engineer.
45. The applicant shall comply with the State Water Quality Control Board's Construction General Permit requirements. Copies of the required "Notice of Intent" (NOI) and "Storm Water Pollution Prevention Plan" (SWPPP) along with the WDID# shall be submitted to the City Engineer prior to commencement of any site work. The SWPPP shall utilize the California Storm Water Best Management Practices Handbook for Construction Activities, the ABAG Manual of Standards for Erosion & Sediment Control Measures, the City's Grading and Erosion Control ordinances and other generally accepted engineering practices for erosion control.

46. The Applicant shall pay for any required cleanup, testing, and City administrative costs resulting from consequence of construction materials entering the storm water system and/or waters of the State.

Traffic and Transportation

47. The Applicant shall comply with all applicable policies and requirements of the current approved transportation plans, including the Alameda's Bicycle Master Plan, the Pedestrian Master Plan, the Long Range Transit Plan, the Transportation Demand Management and Transportation System Management (TSM/TDM) Plan, and the Multimodal Circulation Plan., Transportation Element of the General Plan, and the Transportation Choices Plan. Bicycle parking shall be consistent with AMC 30-7.15 Bicycle Parking. Documents can be found at the City's Public Works Key Documents webpage, at <https://alamedaca.gov/public-works/public-works-key-documents>.
48. Transportation facilities, including streets, sidewalks, pathways, parking lots, striping, signage, and signalization, shall be designed in accordance with Alameda's Bicycle Facility Design Standards; Pedestrian Design Guidelines; and guidelines for multiway stop signs, crosswalks, and pedestrian paddles; as well as the Caltrans Design Manual and Standard Plans and the California MUTCD.
49. Parking layout shall be constructed in conformance with City's off-street parking design standards, Alameda Municipal Code Section 30, Article 1, Chapter 6 Off-Street Parking and Loading Regulations. Accessible stalls, ramps, loading and unloading platforms including for vans, slope and grade of ramps, landings and stalls, signs, striping, logo, width of landings and such details as are required shall comply with applicable City and State Standards. Distribute the accessible parking to accommodate any restricted usages of the parking, such as those areas reserved for restaurant, hotel, or BCDC shoreline access.
50. No signs shall be installed or mounted on street light poles owned and/or maintained by the City. All new signs shall be installed on dedicated sign posts.

Utilities

51. Sanitary sewerage shall be in accordance with the EBMUD Regional Standards for Sanitary Sewer Installation.
52. A sanitary sewage flow analysis identifying the total peak sanitary sewage flow quantities to be generated by the proposed project shall be prepared by a registered civil engineer licensed in the State of California and submitted as part of the construction improvement plans. The analysis shall identify required improvements, if any, to ensure sufficient sewage capacity for this project and anticipated cumulative growth in the associated sewer sub-area.
53. Prior to issuance of building permits, the Applicant shall secure all necessary permit approvals from EBMUD regarding the installation of all water or sewer service connections for the project. The Applicant shall include any City and EBMUD recommended improvements from the sewer study.

54. The City participates in the EBMUD Regional Private Sewer Lateral Program; therefore the Applicant shall comply with the provisions of this program prior to the issuance of Certificate of Occupancy. The private sewer main in the Access Road shall include a two-way clean out or manhole at the edge of Harbor Bay Parkway public ROW and must be issued a Compliance Certificate by EBMUD. Please review the program requirements and cost for Compliance Certificates: <http://www.eastbaypsl.com/eastbaypsl/>.
55. The Applicant shall design and construct water, power, telecom, gas, and other utilities in accordance with applicable utility standards.
56. Fire sprinkler system test water discharges shall be directed to the sanitary sewer system or to appropriately-sized onsite vegetated area(s).

Waste

57. The project shall be designed to accommodate three waste streams: recycling, organics, and trash; as required by the Alameda County Waste Management Authority's Mandatory Recycling Ordinance (ACWMA Ord. 2012-01).
58. The design, location, access, and provisions for waste hauler collection of all external enclosures for solid waste, recycling, and organics shall be of sufficient size and design to serve the project as approved by the Public Works Department prior to approval of any permits.
59. Trash enclosure(s) shall comply with Best Management Practices in accordance with the Clean Water Act. These facilities shall be designed to prevent water run-on to the area, runoff from the area, and to contain litter, trash and other pollutants, so that these materials are not dispersed by the wind or otherwise discharged to the storm drain system. A water supply and drain to the sanitary system is required for trash enclosures servicing restaurants, cafes, and hotel breakfast rooms.
60. The project shall comply will Chapter 21, Article 6 of the Alameda Municipal Code and submit a Waste Management Plan documenting the diversion of project related construction and demolition debris to the satisfaction of the Public Works Director.
61. The landscape and irrigation plans for on-site improvements shall be prepared, and signed and stamped as approved, by a licensed landscape architect. The plans shall be in accordance with the most recent version of the "Bay-Friendly Landscape Guidelines" developed by StopWaste.Org, and the Bay Friendly Coalition, the AMC, the Alameda Master Tree Plan, the Integrated Pest Management Policy, and other applicable standards. Landscaping shall be designed to improve curb appeal while promoting low maintenance plant material and xeriscaping.
62. The Applicant shall obtain all necessary permits from other regulatory agencies for projects within sensitive areas or which have significant stormwater pollution potential. Other regulatory agencies include, but are not limited to, the Regional Water Quality Control Board, Department of Fish and Wildlife, Army Corps of Engineers, and the Bay Conservation and Development Commission (BCDC).

Alameda Municipal Power Conditions

63. Concurrent with submittal of Improvement Plans, the Applicant shall coordinate with Alameda Municipal Power (AMP) regarding power requirements. All submittals shall refer to AMP's "Material and Installation Criteria for Underground Electrical Systems" for minimum clearances of street trees/shrubs from streetlights, electrical transformers and other utility electrical equipment.
64. The Applicant shall comply to AMP's Rules and Regulations and "Material and Installation Criteria for Underground Electrical Systems" (both available at www.alamedamp.com) and provide completed "Service Planning Sheets" for AMP's review prior to submitting plans for building permits.
65. The Applicant shall provide information on the location of transformers and total load in kilowatts or kilovolt-amp (KVA) to AMP for approval prior to building permit issuance. If necessary, the applicant shall provide (at no charge to AMP) an easement and access to all AMP facilities on the property prior to issuance of building permits.
66. The Applicant shall provide all necessary underground substructures, including conduits, pull boxes, electric utility equipment pads, etc. per the AMP specifications. AMP will require easements for all transformers, primary and secondary boxes, and conduits. AMP will furnish and install all required transformers, high voltage distribution cables, and secondary cables.
67. New street trees shall maintain clearances from electrical utilities as follow: a) street/pathway lights and utility poles – 25-feet; e) joint trench and all underground electrical lines – five feet; f) front of electrical pad-mounted equipment (e.g. switches, transformers and capacitors) – ten feet. Verify minimum clearance distances of trees/shrubs from all sides and back of electrical pad-mounted equipment with Alameda Municipal Power (AMP).
68. The Applicant shall install all electric pull boxes and vaults in-line with the conduit joint trench. No conduit bend will be allowed between electric pull boxes, unless conduit section terminates to an electrical equipment pad. All primary and secondary electrical distribution pull boxes shall not be greater than two section deep (34-inches from finish grade to bottom of pull box). Any deviations from this standard shall be approved by the AMP Project Engineer in writing.
69. The Applicant shall furnish and install code-size service cables in code-size conduit from each electric metering facility to the nearest secondary pull box (or Service Point) in the public right-of-way, as designated by AMP. AMP will connect the service to the distribution transformer or to the secondary distribution system.
70. The Final Map shall show all necessary easements and access to all electrical utility facilities that are in the private properties, at no charge to AMP.
71. Prior to issuance of Certificate of Occupancy, the Applicant shall furnish and install service equipment for each building. The service equipment shall meet Electric Utility Service Equipment Requirement Committee (EUSERC) standards. Electric meter(s) shall be located as close as practicable to the point of entry of the service-entrance conductors to the building. Outdoor meter locations are preferred. When meters are located within a building, the meter room shall be directly accessible from the exterior of

the building. No remote metering.

72. Concurrent with acceptance of work by City Council, the applicant/developer shall dedicate and AMP shall take over ownership and will be responsible for maintaining all new substructures for under grounding primary and secondary circuits, and distribution transformers once the improvements have been inspected by AMP and found to have been properly installed. The Applicant or successor property owner(s) shall be responsible for the service cables and service equipment.
73. Any existing overhead electric facilities within, and/or adjacent to, the subdivision or division of land shall be undergrounded at no charge to AMP.
74. The Applicant shall be responsible for all expenses involved in the duct/joint trench system engineering design, plan check, project coordination, and electrical construction inspection. The Applicant shall be responsible for the cost of AMP assigned inspector during construction.
75. The Applicant shall submit, with the site improvement plans, detailed drawings showing the required site electric utility facilities.
76. An oil-containment facility will be required for all transformer installations found within 100 feet of any body of water.
77. All service installations, to commercial/industrial, multiple dwelling units and subdivisions, will be underground. All new or upgraded service facilities with a capacity of 400 Amperes or larger will require a new pad-mounted transformer.
78. Outdoor meter locations are preferred. When meters are located within a building, the room will be directly accessible from the exterior of the building. If entry is locked, a key must be provided to AMP prior to energizing the service.

Fire Department Conditions

79. The applicant shall be responsible for a water main extension to serve the project, whose design shall be shown on the improvement plans to the satisfaction of the East Bay Municipal Utilities District, the Public Works Director, and the Fire Chief.
80. Prior to approval of the improvement plans, the applicant shall submit revised plans, for review and approval by the Public Works Director and the Fire Chief, that:
 - a. Provide fire hydrants spaced throughout the project as required in California Fire Code Appendix C. Ensure sufficient fire flow for the development compliant with California Fire Code Appendix B and Alameda Municipal Code 15-1.2 where a maximum reduction of the fire flow can be reduced by 50% for fire sprinklered buildings. Fire hydrant flow shall be a minimum of 1,500 G.P.M. from any one hydrant;
 - b. Provide adequate turn-around space or acceptable emergency vehicle through access for any street greater than 150 feet in length; and
 - c. Ensure that all roads have an adequate turning radii for fire apparatus (inside turning radius of 28" and outside turning radius of 44'8"); and
 - d. Minimum fire lane width shall be 20', and 26' for buildings over 30' in height for aerial apparatus. Aerial apparatus fire lane shall be no closer than 15' and a maximum of 30' from the building, and shall be positioned parallel to one entire side of the

building. The side of the building on which the aerial fire access road is positioned shall be approved by the fire code official.

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

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

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

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

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