Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2018-AWP-14354-OE

Issued Date: 09/25/2018

James Woo
Harbor Bay Hospitality LLC
191 N. Tully Rd
Turlock, CA 98530

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Building Hotel and Restaurant
Location:	Alameda, CA
Latitude:	37-44-07.98N NAD 83
Longitude:	122-15-17.68W
Heights:	15 feet site elevation (SE)
	63 feet above ground level (AGL)
	78 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

_____ At least 10 days prior to start of construction (7460-2, Part 1)
__X__ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/ lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 03/25/2020 unless:

(a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
(b) extended, revised, or terminated by the issuing office.
(c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within

6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (424) 405-7643, or karen.mcdonald@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2018-AWP-14354-OE.

Signature Control No: 383995037-385974347 (DNE)
Karen McDonald
Specialist

Attachment(s)
Map(s)

TOPO Map for ASN 2018-AWP-14354-OE

September 27, 2018

Robert Leach
West River, Inc.
2347 Loch Way
El Dorado Hills, CA 95762

SUBJ: ALUC Administrative Review: Proposed Hotel at 2900 Harbor Bay Parkway, Alameda CA

Dear Mr. Leach,

Thank you for the opportunity to review the materials submitted regarding the proposed hotel at 2900 Harbor Bay Parkway, Alameda CA. I've completed my review, and offer the following comments for your consideration.

AIRPORT LAND USE COMPATIBILITY

The Alameda County Airport Land Use Commission (ALUC) has adopted an updated Airport Land Use Compatibility Plan (ALUCP) for all three public use airports in Alameda County (the Oakland International Airport 2010, Hayward Executive Airport 2012, and Livermore Municipal Airport 2012). These documents and other reference material can be accessed online at this location:
http://www.acgov.org/cda/planning/generalplans/airportlandplans.htm

The project site is located within the Airport Influence Area (AIA) for the Oakland International Airport (OAK), the nearest airport to the project location, and in other zones as noted below. This review consists of an evaluation of the proposed Project with regard to the four Airport Compatibility Planning Factors: Noise, Safety, Airspace Protection, and Overflight Impacts.

NOISE

Noise compatibility policies are established in order to prevent the development of noise-sensitive land uses in portions of the airport environ that are exposed to significant levels of aircraft noise. The project site is located inside the 60 CNEL noise contour for OAK. Please refer to Table 3-1 - *Noise Compatibility Criteria* in the Oakland Airport ALUCP, and Section 3.3.1 of the ALUCP which describes Noise Compatibility criteria for various land uses. Hotels are listed as a Conditional use at a 60 CNEL contour, and must comply with the standards described in Table 3-1 and Section 3.3.1 of the Plan.

SAFETY

Land use safety compatibility criteria are developed to minimize the risks to people and property on the ground, as well as those people in an aircraft in the event of an accident or emergency landing occurring outside the airport boundary.

This project is located wholly within Safety Zone 6 - the Traffic Pattern Zone. However, the site is adjacent to Safety Zone 4 – Outer Approach/Departure Zone. Given the proximity to a more restrictive safety zone, we recommend the following risk reduction building features be considered for inclusion in any Conditional of Approval the City might require for this project:

- No skylights
- Additional emergency exits
- Enhanced fire sprinkler system

AIRSPACE PROTECTION

Similar to safety policies, airspace protection criteria is intended to reduce the risk of harm to people and property resulting from an aircraft accident. This is accomplished by the establishment of compatibility policies that seek to prevent the creation of land use features that can be hazards to the airspace used by aircraft in flight and have the potential to cause an aircraft accident to occur. Such hazards may be physical, visual, or electronic. Section 3.3.3. *Airspace Protection* describes these impacts.

The ALUC conforms to the guidance provided by FAA Part 77 – *Objects Affecting Navigable Airspace,* which is provided in Appendix C of the Livermore Airport ALUCP - Federal Aviation Regulations Part 77. The project site is approximately located between 6,455 to 9,340 feet from the nearest point of the commercial and general aviation field runways that comprise Oakland International Airport. Any structure at this location must conform to Part 77 height restrictions.

OVERFLIGHT

Overflight policies address noise from the overhead flight of aircraft, which can be annoying and intrusive in locations beyond the limits of the noise contours. Unlike other compatibility factors such as; noise, safety, or airspace protection, overflight compatibility policies do not restrict how land can be developed or used. The basic intent of overflight policies is to warn people near an airport of the presence of aircraft so that they have the ability to make informed decisions regarding acquisition or lease of property within for the Oakland International Airport as shown in Figure 3-6 of the OAK ALUCP. Any project at this location is required to have an Avigation Easement executed between the applicant and the PORT of Oakland as a Condition of Approval. See Section 3.3.3.8 for specific requirements.

CONSISTENCY REVIEW FINDINGS

A hotel in Safety Zone 6 is a ***Compatible Land Use*** as described in various sections of the OAK ALUCP as noted above

Again, thank you for the opportunity to review this project. Please do not hesitate to contact me at (510) 670-6511 if you have any questions about this compatibility determination.

Sincerely,

Cindy Horvath
Senior Transportation Planner
Staff, Alameda County Airport Land Use Commission

c: Members, Alameda County Airport Land Use Commission
Albert Lopez, Alameda County Planning Director, ALUC Administrative Officer