

CITY OF ALAMEDA PLANNING BOARD  
**DRAFT RESOLUTION**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING DESIGN REVIEW AND REDUCTION IN PARKING APPLICATION NO. PLN17-0538 FOR THE CONSTRUCTION OF A 54'-6", FOUR-STORY HOTEL WITH 96 ROOMS AND REAR SURFACE PARKING WITH 62 SPACES AT 1825 PARK STREET

WHEREAS, an application was made on October 26, 2017, by Ganesha LLC, requesting Design Review and Reduction in Parking approval for the construction of a 96-room four-story hotel with 62 parking stalls; and

WHEREAS, the proposed project includes a surface parking lot in the rear with 62 parking spaces, where 96 spaces are required unless the Planning Board approves a parking waiver and Transportation Demand Measures pursuant to AMC Section 30-7.12; and

WHEREAS, the application was accepted as complete on December 18, 2018; and

WHEREAS, the project site is located within a NP-G, North Park Street Gateway sub district; and

WHEREAS, the project site is designated as Community Commercial in the General Plan Diagram; and

WHEREAS, hotels are permitted by right in the NP-G, North Park Street Gateway sub district; and

WHEREAS, the Planning Board held a study session on this application on March 26, 2018 and provided comments to the applicant on the design of the hotel; and

WHEREAS, the Planning Board held a noticed public hearing to consider approval of said project application and examined all pertinent materials on January 28, 2019.

NOW THEREFORE, BE IT RESOLVED, that the Planning Board finds this project categorically exempt from environmental review pursuant to CEQA Guidelines Section 15332 In-Fill Development Projects , and finds that none of the exceptions to the categorical exemptions apply:

- 1. 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 site is designated Community Commercial in the General Plan. This land use designation includes Park Street and is intended for a variety of commercial businesses including hotel/motel uses. The site is located in

the North Park Street Gateway (NP-G) zoning district, the intent of which is to guide the redevelopment of the Park Street commercial area with attractive buildings located near the sidewalk with a mix of commercial workplace, retail, and compatible residential uses that support a pedestrian and transit friendly environment. The proposed hotel is a permitted use in the NP-G zone. The project complies with NP-G development standards in the zoning ordinance including setback requirements, lot coverage, height, and landscaping, including zero setbacks to the public sidewalks and storefront glazing to support a pedestrian environment. The proposal to provide rideshare services and participation in a citywide TDM program in-lieu of surface parking spaces is consistent with the purpose of the NP-G zoning to support a transit-friendly environment.

2. **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 on Park Street, an urban commercial corridor within the City of Alameda. The project parcel is approximately 32,600 square feet or approximately 0.75 acres in size. The subject site was previously used as an auto dealership and is substantially surrounded by urban residential and commercial uses.
3. **The project site has no value as habitat for endangered, rare or threatened species.** The area of the proposed development is currently used as a retail shop for imported scooters. The site consists of a one-story commercial building surrounded by surface parking. There are no identified wildlife habitats on the site, and there are no geographic features such as streams or waterways on, or adjacent, to the property that can provide wildlife habitat. Therefore, it can be determined with certainty that the project site has no habitat value for any endangered, rare, or threatened wildlife species.
4. **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 impacts. Signal improvements at Park/Clement are already under design by the City of Alameda, which will improve the signal timing. Additionally, this project applicant is requesting approval of Transportation Demand Management measures in-lieu of providing 100% of the required off-street parking, which is permissible under Alameda Municipal Code 30-7.13. The applicant has demonstrated the parking demand will be reduced for the life of the project through participation in the Alameda Transportation Management Association (ATMA), which will provide each hotel employee with a complimentary AC Transit EasyPass. The hotel will also offer 24-hour complimentary carpool ride share services and bicycle facilities to further reduce vehicle traffic generated by the hotel.
5. **The site can be adequately served by all required utilities and public services.**

The project site is located within an urban commercial corridor 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; and.

BE IT FURTHER RESOLVED, that the Planning Board makes the following findings relative to the project approval:

#### DESIGN REVIEW FINDINGS

1. **The proposed design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual.** The proposed hotel design is consistent with the purpose and intent of the Community Commercial General Plan designation and North Park Street Gateway zoning to redevelop the old Park Street auto row into a pedestrian-oriented commercial setting. The hotel design alludes to the streamline moderne architectural style as outlined in the Citywide Design Review Manual. The 49'-6" four-story hotel features a roof parapet on the corner is that extends above the building roofline by five feet. The parapet enhances the building's streamline moderne architecture and provides an important architectural focal point for traffic entering Alameda on Park Street. The Planning Board finds this parapet consistent with the design intent of the North Park Street Gateway, and that all habitable areas and storage areas are below the 50-foot maximum building height limit. Hotel use on the site is also consistent with the City of Alameda Economic Development Strategy recommended by the Planning Board and unanimously approved by the City Council in 2018, which identifies hotels as a critical component of the City's economic development strategy.
2. **The proposed design is appropriate for the site, is compatible with adjacent or neighboring buildings or surroundings, and promotes harmonious transitions in scale and character in areas between different designated land uses.** The overall building design is in the streamline moderne architectural style, which complements many older and mid-century buildings in the surrounding neighborhood. The proposed design features a prominent corner entrance serving as a key feature recommended for new buildings on corner sites in the Design Review Manual. The hotel is L-shaped and is situated along the northeast corner of the lot. The building has zero setbacks along the public sidewalks with storefront windows to facilitate a harmonious pedestrian oriented experience as intended in the North Park Street Gateway district. The surface parking lot is hidden behind the building to provide separation between the four-story building and the adjacent uses. The parking lot design also includes landscaping along the rear perimeter to facilitate a harmonious transition between the hotel and adjacent properties.
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.** The building includes exterior

materials, architectural elements, and building colors to match and complement the buildings in the surrounding neighborhood. The building uses a mix of stucco and metal materials, features horizontal “eyebrow” overhangs above the windows, horizontal bands separating each floor, and uses light earth tone colors. The ground level has storefront windows along Park Street and Clement Avenue that have unobstructed views in to the hotel and feature canopies with clerestory windows above. The landscaping in the rear of the building is consistent with the surface parking landscape requirements.

## HEIGHT FINDING

4. The proposed hotel has an overall height of 49’-6”, which houses all habitable space and storage areas within this portion of the building. The building features a corner parapet that extends above the roof to a height of 54’-6”. The Park Street Gateway District Strategic Plan encourages corner treatments in building designs at key intersections such as Park Street and Clement Avenue. The North Park Street regulations (AMC 30-4.25(d)5) allow architectural elements to exceed the 50’ maximum building height limit with design review approval, provided that all habitable and storage areas are below the 50’ height limit. The proposed project complies with this requirement.

## PARKING REDUCTION FINDING

5. The proposal includes 62 off-street parking spaces instead of the 96 off-street parking spaces required by AMC 30-7. The reduction in spaces is warranted and justified by the following project-specific factors: the project is designed as a transit-oriented hotel project that is located on the Park Street commercial corridor, a transit route with multiple transit lines, the project will be providing AC Transit Passes to project residents and employees via participation in the Alameda TMA, the hotel will provide complimentary rideshare services to its guests, and the project site is situated in an urban area within walking distance of a variety of business services; and

BE IT FURTHER RESOLVED THAT the Planning Board hereby approves the Design Review and Parking Waiver for a 96-room hotel with 62 parking stalls, PLN17-0538 subject to compliance with the following conditions:

## **Planning**

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 December 18, 2018, and on file in the office of the City of Alameda Planning, Building and Transportation Department, except as modified by the conditions listed in this resolution.

3. ATMA Membership: The applicant shall join the Alameda Transportation Management Association (ATMA) or equivalent organization that will provide one AC Transit EasyPass or equivalent pass to each full-time and part-time employee of the hotel. Proof of ATMA membership shall be provided prior to building permit final (Certificate of Approval). The applicant shall provide annual transportation funding to the ATMA in the amount of \$83 per hotel room (2019 dollars). The annual transportation payment shall be adjusted annually consistent with the increase in the San Francisco-Oakland-Hayward Consumer Price Index (All Items).
4. New Employee Information Packet: The hotel shall provide new employees with an information packet that includes their right to obtain a complimentary EasyPass and how to obtain the EasyPass. The information packet shall also describe transportation services and obligations of the hotel.
5. Carpool Ride Share Services: The hotel shall provide patrons with 24-hour complimentary carpool ride share to and from the Metropolitan Oakland International Airport, South Shore Shopping Center, Fruitvale Bay Area Rapid Transit (BART) station, Harbor Bay Ferry Terminal, Alameda Landing, Main Street Ferry Terminal, and destinations within a three-mile radius from the hotel. The carpool ride share service shall be advertised on the hotel's website and marketing materials.
6. Public Art Fee: Prior to issuance of building permits for the project, the applicant shall pay all applicable Public Art fees and satisfy applicable requirements to implement public art pursuant to AMC Section 30-98.
7. Window Recess: The plans submitted for building permits shall include the window trim detail shown on Sheet 6 of the plans prepared by HRGA Architecture, dated December 18, 2018. The trim detail shall depict a 4" recess between the window sash and the exterior siding material and 12" horizontal fin above the window.
8. Sign Permit: The applicant shall obtain a separate sign permit for signage on the hotel pursuant to AMC Section 30-6.
9. Bio-retention Area Signage: The plans submitted for building permits shall include details for signage to be placed at the locations of bio-retention areas warning the public not to walk in the bio-retention areas. A draft of the sign with text shall be included on the building plans.
10. Bicycle Parking: The applicant shall install the vertical wall-mount bicycle parking racks in the long term bicycle parking cage to the specifications of manufacturer.
11. Windows Along Public Right of Way: Pursuant to AMC Section 30-4.25.d.ii.e, windows along the public sidewalk shall maintain an unobstructed view into the building for a distance of at least five (5) feet.

## **Public Works**

## **General**

12. The project shall comply with Chapter 30, Article 6 of the Alameda Municipal Code (Real Estate Subdivision Regulations) and Chapter 22 of the Alameda Municipal Code (Streets and Sidewalks) as determined by the City Engineer.
13. The project shall comply with all current, applicable, plans, standards, policies and guidelines including the Alameda Municipal Code (AMC), Standard Plans and Specifications, and Standard Subdivision Specifications and Design.
14. Prior to issuance of building permits, a current title report, less than 6 months old, shall be submitted to identify current ownership and any existing easements or land use restrictions.
15. An Encroachment Permit is required for all work within the Public Right-of-Way. The Encroachment Permit is required prior to issuance of any Building Permits for the proposed development.
16. No permanent structures or portions of structures shall project over the City right-of-way. Awnings and signage are acceptable with approval of appropriate sign/encroachment permits.

## **Improvement Plans**

17. The Applicant shall submit for review and approval construction Improvement Plans for all on- and off-site improvements, including design calculations, for all improvements listed below, as applicable. The plans shall be prepared, signed, and stamped as approved by a registered civil engineer licensed in the State of California. The Improvement Plans shall be approved by the Public Works Department prior to issuance of a Building Permit for the development.
18. An Engineer's Cost estimate for frontage and site improvements shall be submitted. The developer shall provide a construction performance bond(s) equivalent to the cost of the public improvements within the right-of-way along the project frontage.
19. The applicant shall construct and dedicate to the public full street improvements equal to the centerline of Clement Avenue including concrete curb, gutter, sidewalk, paving, drainage system, streetlights and street trees, all to the satisfaction of the City Engineer. The existing street section shall be repaved to the centerline of the street if the existing pavement is either damaged or the structural section is determined by the City Engineer to be inadequate for the intended traffic.
20. The roadway in front of the driveway entrance shall be stripped "KEEP CLEAR".
21. The Applicant shall submit a soils investigation and geotechnical report for the proposed development, 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, 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.

22. 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.
23. 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.
24. All developments shall be designed to account for future predicted sea level rise to Elevation 13 feet, NAVD88 Datum.

### **Drainage and Stormwater Treatment**

25. All on site surface drainage shall be collected and conveyed in an adequately designed underground storm drainage system 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 runoff is directed to adjacent properties.
26. Prepare and submit for City engineering review and approval a preliminary, signed, City of Alameda Stormwater Treatment Measure Design Criteria Certification Form (Certification Form) for all DMAs and C3 measures consistent with the Preliminary Stormwater Control Plan (Sheet C3.0) presented with the project application materials to demonstrate and verify appropriate site stormwater treatment and low impact development (LID) design and sizing.
27. The development 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.
28. The development 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 detail and cross-sectional drawings of any stormwater full trash capture device(s).
29. Prior to the issuance of any permits for the development, 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, 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.

30. 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.
31. 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.
32. 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.
33. Provide the Public Works Department Clean Water Program, a copy of the construction phase appropriate erosion and sedimentation program and plan for review and approval. The plan shall describe construction activity best management practices to be implemented in conformance with the City's erosion, sediment and discharge-control standards.
34. 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**

35. The Applicant shall comply with all applicable policies and requirements of the current approved transportation plans, including 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.

36. 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.
37. Prior to the issuance of an Encroachment Permit, a traffic control plan that addresses pedestrian circulation around the site and parking and/or travel lane closures on the surrounding streets shall be submitted for review and approval by the City Engineer.
38. Parking layout shall be constructed in conformance with the City's off-street parking design standards, Alameda Municipal Code 30-7 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.
39. 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**

40. All utilities shall be directed to Clement Avenue. No utilities will be permitted on Park Street.
41. Sanitary sewage shall be in accordance with the EBMUD Regional Standards for Sanitary Sewer Installation.
42. A sanitary sewage flow analysis identifying the total peak sanitary sewage 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 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.
43. The Applicant shall include the City and EBMUD recommended improvements, if any, from the sewer study into the project's improvements plans prior to approval of the improvement plan or parcel/final map, whichever comes first. All permits, easements, and/or approvals for modifications to the sewer system required by EBMUD shall be obtained prior to the Final Map.
44. 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 project must be issued a Compliance Certificate by EBMUD. Please review the program requirements and cost for

Compliance Certificates: <http://www.eastbaypsl.com/eastbaypsl/>.

45. 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.
46. The Applicant shall design and construct water, power, telecom, gas, and other utilities in accordance with applicable utility standards.
47. Fire sprinkler system test water discharges shall be directed to the sanitary sewer system or to appropriately-sized onsite vegetated area(s).

#### **Other Standard Conditions**

48. The sidewalks fronting the building shall be rebuilt from the building face to the curb. Reinforcing or WWM shall be placed over the shallow culvert.
49. 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).
50. 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 development as approved by the Public Works Department prior to approval of the improvement plans, parcel/final map(s), or the building permit, whichever comes first. The trash enclosure shall be located as close as reasonably possible to the Clement Avenue driveway to reduce noise from the backup alarms of the trash collection trucks.
51. 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. The trash enclosure shall have a floor drain plumbed to the sanitary sewer system and have a water supply connected to a hose bib.
52. The Development shall comply with Alameda Municipal Code 23-24 and submit a Waste Management Plan documenting the diversion of project related construction and demolition debris to the satisfaction of the Public Works Director.
53. The landscape and irrigation plans 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 Alameda Tree Removal Policy, the Integrated Pest Management Policy, as well as conditions of approval by the Planning Board, and other applicable standards, as applicable. Landscaping shall be designed to improve curb appeal while promoting low maintenance plant material and xeriscaping.
54. All irrigation mains and laterals under paved areas shall be sleeved.

55. The Developer 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.
56. Construction activities are restricted 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.

### **Public Works Clean Water Program**

57. Prior to issuance of the grading, combination grading/building permit, or approval of the Civil Improvement Plans, whichever comes first:

- a. The applicant/developer shall include with the Civil Improvement Plans a finalized Stormwater Control Plan complete with a drainage management areas (DMAs) site map, corresponding stormwater treatment measures, inventory and summary area values.
- b. The applicant/developer shall submit for Public Works Department review a completed, stamped, signed, City of Alameda Provision 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 Engineering that indicates the Stormwater Control Plan and stormwater treatment measure designs of the finalized improvement plans meet the established sizing design criteria for stormwater treatment measures. These will be at the 100% complete level.
- c. The final Civil Improvement Plans shall include 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 and Provisions C.3.c and C.3.d of the City's Municipal NPDES storm water permit.
- d. The Civil Improvement Plans shall indicate the structural stormwater trash capture measure(s) being installed on the project site to ensure that all the stormwater drainage from the project site is subject to full trash capture. Include reference to the specific make and model description of the stormwater full trash capture devices. Plan sheets shall include detail and cross-sectional drawings of any stormwater full trash capture device(s). These devices shall be consistent with City's municipal stormwater permit definition of a full trash capture device and shall be on the list of pre-approved devices. This list can be reviewed at: [http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/docs/trash\\_implementation/a1\\_certified\\_fcd.pdf](http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/trash_implementation/a1_certified_fcd.pdf) 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.

- e. Finalized Landscaping Plans for all landscape-based stormwater treatment measures shall be consistent with the civil engineering designs and functional intent of these treatment measures. The stormwater treatment landscapes shall include an appropriate plant palette, be designed to minimize runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution.
- f. The Civil Improvement Plans shall list the City's construction-phase erosion and sediment control standards and provide detail drawings and installation specifications for all construction-phase water quality protection measures consistent with industry standards.
- g. The applicant/developer shall be responsible for ensuring that all contractors and sub-contractors install and regularly maintain all construction-phase stormwater quality protection measures during any and all construction activities in order to prevent any pollutants entering directly or indirectly the storm water system or waters of the State. The applicant/developer 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.
- h. The applicant/developer shall submit for review and approval by Public Works Engineering 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.
- i. The Improvement Plans shall indicate that all new storm drain inlets shall be clearly marked with the words "No Dumping! Drains to Bay," or equivalent, as approved by the City Public Works Department. Permanently affixed thermoplastic, metallic or plastic laminate style markers are examples of acceptable forms.
- j. Improvement Plan design of all external enclosures for solid waste, recycling and organics shall be approved by the Public Works Department. 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. Any trash enclosure facilities with a water supply shall also drain to the sanitary sewer.

58. Prior to issuance of the initial, temporary or first occupancy permit, whichever

comes first:

- a. The applicant/developer 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 Public Works Engineering.
- b. The property owner shall execute a Stormwater Treatment Measures Maintenance Agreement (Agreement) with the City, complete with an approved O&M Plan and annual reporting template.

#### **Alameda Municipal Power**

59. 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.
60. 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](http://www.alamedamp.com)) and provide completed "Service Planning Sheets" for AMP's review prior to submitting plans for building permits. Note that the transformer pad might be about 60"x84" (Drawing 1-L-406), depending on the submitted load and the transformer should be three feet away from any obstruction on the side of the transformer with no doors and there should be eight feet clear space in front of the doors of the transformer (Drawing 1-L-521). Typically, a 10'x10' easement is required for a transformer installation.
61. 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.
62. 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.

63. 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.
64. 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.
65. There should be a 36" clear space in front of the meter as well as side to side of the meter. Said meter should be 10" inches or more away from any wall or obstruction.
66. 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.
67. 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. If entry is locked, a key must be provided to AMP prior to energizing the service. Remote metering is not permitted.
68. 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.
69. Any existing overhead electric facilities within, and/or adjacent to the project site shall be undergrounded at no cost to AMP. The existing 12 kV circuits on the north side of the project (south side of Clement) should be undergrounded up to the next poles going west to east of the project along Clement Avenue and tie in to existing facilities. In lieu of actual undergrounding of said overhead facilities, the project applicant may elect to install the necessary substructures along the project frontage required to underground at a later date. All work shall be performed according to AMP STANDARDS/SPECIFICATIONS or to the satisfaction of the AMP Engineering Supervisor. Due to the existence of communication lines on the poles, the project applicant shall coordinate with the other telecommunication utilities for a possible joint trench.

70. Should the overhead electric facilities not be undergrounded, horizontal clearance of conductors at rest from any buildings shall be a minimum of 6 feet.
71. 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.
72. The Applicant shall submit, with the site improvement plans, detailed drawings showing the required site electric utility facilities.
73. 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 padmounted transformer.
74. Any relocation of existing AMP distribution facilities necessitated by development, site improvements and/or modifications shall be approved by AMP and paid by the requesting party. The existing service to the auto repair shop will need to be relocated since it is currently located across the proposed building.

#### **Indemnification**

75. HOLD HARMLESS. The Applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda City 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 City Planning Board, and their respective agents, officers, or employees to attack, set aside, void or annul, an approval by the City of Alameda, the Planning, Building and Transportation Department, Alameda City Planning Board, or City Council related to this project. The City shall promptly 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 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 Planning, Building, and Transportation Department a written notice of appeal stating the basis of appeal and paying the required fees.

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