

CITY OF ALAMEDA PLANNING BOARD  
**DRAFT RESOLUTION**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING FINAL DEVELOPMENT PLAN AND DESIGN REVIEW APPLICATION NO. PLN17-0600 FOR THE CONSTRUCTION OF AN APPROXIMATELY 133,611-SQUARE-FOOT, FIVE-STORY HOTEL WITH 236 GUEST ROOMS LOCATED AT 1051 HARBOR BAY PARKWAY

WHEREAS, an application was made by Arris Studio Architects for Shriji Hospitality Inc. ("Applicant") requesting Final Development Plan and Design Review Application No. PLN17-0600 for the construction of a new 236-room five-story hotel located on approximately 3.7 acres within the Harbor Bay Business Park located near the corner of Harbor Bay Parkway and Ron Cowan Parkway; 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, subsequently amended by PDA-85-4, and FDP-82-2; and

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

WHEREAS, the Planning Board held a public hearing on October 22, 2018 for Final Development Plan and Design Review Application No. PLN17-0600, and the initial development plan and design for the proposed hotel development. The Board provided feedback on the hotel design, development plan, and landscape plan and directed the applicant to return with revised plans and

WHEREAS, after the Applicant submitted revised plans, the Planning Board held a duly noticed public hearing on October 26, 2020 for Final Development Plan and Design Review Application No. PLN17-0600, and examined all pertinent maps, drawings, and documents.

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

requirements for the infill exemption, and none of the exceptions in CEQA Guidelines Section 15300.2 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 proposed hotel is a permitted use in the C-M-PD zoning district and is consistent with the Business Park General Plan designation. The project also complies with all applicable development regulations of the Harbor Bay Planned Development and the C-M-PD zoning district.
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 approximately 3.72 acres in size surrounded by urban uses in the Harbor Bay Business Park within the City of Alameda. The site is part of the Plaza One office park and surrounding land uses include existing office and commercial facilities, and Harbor Bay Parkway.
3. **The project site has no value as habitat for endangered, rare or threatened species.** The area of the proposed development is currently a vacant 3.7 acre site. The vacant site has no habitat value for any endangered, rare, or threatened wildlife species. A survey for burrowing owls, wildlife and migratory birds, and sensitive species was conducted by WRA Environmental Consultants at the project site on January 15, 2018, and no evidence of the presence of these species were observed on or within a zone of influence of the site. The site is also subject to high levels of disturbance from routine vegetation maintenance, as well as pedestrian and vehicle use in the office park and surrounding urban uses such that it would not be viable habitat for endangered, rare, or threatened species. Therefore, the project site has no value as habitat for endangered, rare or threatened species.
4. **Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.** The proposed project will not result in any significant traffic, noise, air quality, or water quality impacts. A traffic and parking analysis conducted by Kittelson and Associates determined the new hotel proposal will 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 and the Federal Aviation Administration in regards to compliance with the safety, noise, and height development adjacent to the Oakland International Airport. Furthermore, a Noise Assessment conducted by RGD Acoustics determined that the project can meet city, state, and county noise level requirements through the implementation of standard CNEL building requirements. The project also has access to sewer and water utilities, and standard construction protocol will minimize impacts to air quality and noise from construction. The proposed project will not result in any significant traffic, noise, air quality, or water quality impacts.
5. **The site can be adequately served by all required utilities and public services.** The project site is located within an urban business park that already has the basic water, sewer, and other urban utility infrastructure necessary to support the

proposed project. The site has access to all other public services provided by the City; and

BE IT FURTHER RESOLVED, that pursuant to Alameda Municipal Code (AMC) Section 30-4.13(f)(3) the Board has made the following findings relative to the proposed Final Development Plan Application (PLN17-0600):

1. **The development is a more effective use of the site than is possible under the regulations for which the PD district is combined.** The Final Development Plan provides a new hotel including landscaping and open spaces, pedestrian, transit and bicycle facilities designed to provide a project that is pedestrian, bicycle and transit-friendly. The Final Development Plan utilizes landscaping, building placement and orientation to create an effective and successful commercial development that creates a compatible interface with the adjacent properties and uses, and provides strategies for the conservation of natural resources and sustainable landscaping design.
2. **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 hotel 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 is designed to be architecturally compatible with the surrounding business park, and conforms to the Harbor Bay Business Park Final Development Plan objectives and the 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.
3. **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; and
4. **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 Final Development Plan. The proposed hotel is designed to be compatible with adjacent commercial uses by providing lodging, dining, and meeting rooms for the surrounding businesses, as well as attractive public improvements and ample pedestrian amenities, shuttle service, and bicycle facilities,

and will not adversely affect other property in the vicinity and will not have substantial deleterious effects on existing business districts or the local economy..

5. **The proposed use relates favorably to the General Plan.** The proposed hotel development is consistent with the Business Park General Plan designation. The development also 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 including establishing new hotels.

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 business park and neighborhood beyond.
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 project is a five story building that steps down to three stories at the street elevations. The project also provides open space for guests and employees. The design utilizes varying roof lines and materials to articulate and reduce the scale of the structures for a harmonious transition with the nearby buildings. Furthermore, the building height was approved by the Federal Aviation Administration for compatibility with airport safety 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, and meeting rooms for the businesses in the Harbor Bay Business Park area. Therefore, the proposed project is appropriate for the site and compatible with the surrounding area.
3. **The proposed design of the structures and exterior materials and landscaping are visually compatible with the surrounding development, and design elements have been incorporated to ensure the compatibility of the structures with the character and uses of adjacent development.** The proposed building materials include large glass windows at the ground floor level with trellis and metal awnings consistent with the existing office buildings in the development. Exterior materials combine smooth panels, wood 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 façades. 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; and

BE IT FURTHER RESOLVED, that the Planning Board hereby approves Final Development Plan and Design Review Application No. PLN17-0600 for an approximately 133,611-square-foot five-story hotel with 236 guest rooms located at 1051 Harbor Bay Parkway, subject to the following conditions:

1. Building Permit Conditions: These conditions shall be printed on the first page of all building plans and improvement plans.
2. Substantial Compliance with Approvals: The plans submitted for the building permit shall be in substantial compliance with the plans prepared by Arris Studio Architects, dated October 13, 2020, and on file in the office of the City of Alameda Planning, Building & Transportation Department, except as modified by the conditions listed in this resolution.
3. Changes to Approved Plans: This approval is limited to the scope of the project defined in the project description and does not represent a recognition and/or approval of any work completed without required City permits. Any substantial changes to the approved scope of the project shall be submitted to the Planning Building and Transportation Department for review and approval.
4. Vesting: This Final Development Plan and Design Review approval shall expire two (2) years after the date of approval or by **October 26, 2022** unless substantial construction or use of the property has commenced under valid permits. The Applicant may apply for a time extension not to exceed two (2) years. An extension request will be subject to approval by the Planning Director and must be filed prior to the date of expiration.
5. ALUC/FAA Compliance: Prior to issuance of building permits, the Applicant shall submit to the Federal Aviation Administration (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 Planning, Building & Transportation Director of compliance efforts.
6. Planning Board Resolution No. 1203: Conditions relating to Planning Board Resolution No. 1203 are incorporated by reference and these conditions shall be printed on the first page of all building plans and improvement plans.
7. Development Impact Fees: Prior to the issuance of building permits, the Applicant shall pay all applicable Development Impact fees pursuant to AMC Section 27-3.5.

8. Affordable Housing Fees: The Applicant shall pay all Affordable Housing Fees pursuant to AMC Section 27-1.
9. Public Art Requirement: Prior to final building inspection, the Applicant shall demonstrate compliance with the Public Art Ordinance (AMC Section 30-98).
10. 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.
11. 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.
12. Complimentary Bicycles: The hotel operator shall maintain ten (10) bicycles on the hotel property for complimentary use by hotel guests.
13. Bicycle Parking: Locations for bicycle parking consistent with the AMC bicycle requirements shall be shown on the Building Permit plans. The bicycle facility shall 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, Building & Transportation Director.
14. Building Signage: Any temporary or permanent signage shall be subject to separate Sign Permit approval pursuant AMC Section 30-6 except as specified in the requirements of the approved signage program for Harbor Bay Business Park.
15. Water Efficiency Landscape Ordinance: Prior to issuance of building permits or improvement plans, Applicant 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 Planning, Building & Transportation Director.
16. Bird Safe Ordinance: Building Permit plans shall demonstrate compliance with the Alameda Bird-Safe Building Ordinance (AMC Section 30-5.16.b), as applicable.
17. Dark Skies Ordinance: Plans submitted for building permits shall demonstrate compliance with the Alameda Dark Skies Ordinance (AMC Section 30-5.16.c), as applicable
18. 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 Planning Board Resolution No. 1203, as amended. Construction activity and hours shall comply with the City's Noise Regulations AMC Section 4-10.

19. 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 determined by the Planning Director or Public Works Director to be inconsistent with this design review approval or these conditions shall be subject to review and approval of the Planning Board.

### **Public Works Engineering**

20. The Development shall comply with Chapter 22 of the Alameda Municipal Code (Streets and Sidewalks) as determined by the City Engineer, and shall comply with all current, applicable, plans, standards, policies and guidelines including Alameda's Municipal Code (AMC) and Standard Plans and Specifications. All documents can be found at the City's Public Works webpage, under Key Documents, at <https://www.alamedaca.gov/Departments/Public-Works>.
21. Fees for plan checking, permit issuance, inspections, and approval shall be calculated in accordance with the latest Master Fee Schedule as approved by the City Council.
22. A title report dated within the last six months shall be submitted to identify current ownership, existing easements, and land use restrictions.
23. Provide easements as needed, including relocating utilities and shared-use easements such as driveway and parking access.
24. An Encroachment Permit is required for all work within the Public Right-of-Way. An issued Encroachment Permit is required prior to issuance of any Building Permits for the proposed development.

### **Improvement plans**

25. 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 approval and issuance of a Building Permit for the development.
26. An Engineer's Cost estimate for all improvements in the public right-of-way shall be submitted to the Public Works for approval. The developer shall provide construction

performance bonds for materials and labor, each equivalent to the cost of the public improvements and utility adjustments within the right-of-way.

27. The street section for any private access roads shall be designed by a registered civil engineer and is subject to approval by the City Engineer.
28. 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.
29. 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, 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.
30. 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.
31. 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.
32. All 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.
33. A FEMA elevation certificate based on plan drawings is required for all developments located within 100-year flood zones as identified on the Flood Insurance Rate Maps (FIRM). All habitable floors for new buildings or substantial improvements to existing buildings shall be constructed above the 100-year flood level in accordance with Chapter 20 of the Alameda Municipal Code and building code requirements. The 100-year flood elevation on this site is Elevation 10 feet, NAVD88 Datum. A second Elevation Certificate based on completed construction is required prior to Building Permit Final and Certificate of Occupancy for any structure.



## **Drainage**

34. 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 additional runoff is directed to and so as not to impede runoff from adjacent properties.
35. 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.

## **Stormwater Quality Protection and Treatment**

36. All projects shall incorporate permanent stormwater low impact development (LID) design techniques and source control measures to manage the quantity and quality of stormwater runoff from the planned development to prevent and minimize impacts to water quality, in accordance with the City of Alameda's National Pollution Discharge Elimination System (NPDES) Municipal Stormwater 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.
37. 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.
38. 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. Improvement Plan sheets shall include location, detail and cross-sectional drawings of the stormwater full trash capture device(s) necessary to treat the entirety of the site.
39. Prior to the issuance of any permits for the development, the Applicant shall submit

a Stormwater Quality Management Plan complete with the individual drainage management areas identified, a completed Stormwater Requirements Checklist, and a stamped, signed City of Alameda C3 certification form from a qualified independent civil engineer with stormwater treatment facility design experience, licensed in the State of California, and acceptable to 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.

40. 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.
41. Prior to project acceptance and any certificate of occupancy, the Property Owner(s) shall execute a Stormwater 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.
42. 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 are per approved plans and specifications and meet 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.
43. Developer 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 the issuance of the Permit for 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, the City's "Urban Runoff Best Management Practices Standards", and other generally

accepted engineering practices for construction activity pollution prevention, sediment, and erosion control.

44. The Civil Improvement Plans shall provide the Public Works Department Clean Water Program the construction-phase appropriate erosion and sedimentation control program and plan for review and approval. The plans shall describe construction activity best management practices to be implemented in conformance with the City's erosion, sediment and discharge-control "Urban Runoff Best Management Practices Standards", consistent with 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 construction activity pollution prevention, sediment, and erosion control.
45. If project site is demolishing any buildings, prior to the issuance of any permits for the project or the approval for any building demolition, the applicant shall assess and verify for the potential of PCBs in Building Demolition materials by:
- Reviewing the packet "PCBs in Priority Building Materials: Model Screening Assessment Applicant Package (August 2018)" (Packet);
  - Completing the two-page "PCBs Screening Assessment Form" AND submitting a signed copy to Public Works for review; AND
  - IF Part 3 of the "PCBs Screening Assessment Form" is applicable and necessary, submit all necessary assessment records also referenced in attached guidance document prior to issuance of building/demolition permit AND provide verification to the City prior to closeout of the permit of the proper management and disposal of the relevant materials.
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. 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.
48. Prior to the issuance of an Encroachment Permit, a pedestrian and 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.
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.

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.

From Approved Traffic Impact Analysis:

51. The Project 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.

52. The Project shall provide a crosswalk and necessary signal equipment across Harbor Bay Parkway to facilitate safe pedestrian access to the site from the other businesses in the Business Park

53. The project shall provide a drop off area for car share services.

54. The project shall install two benches at the two AC Transit stops near the corner of Maitland Drive and Harbor Bay Parkway.

55. The Project shall install crosswalk markings across the driveway for the sidewalk along Harbor Bay Parkway to notify vehicles entering and exiting the driveway of the pedestrian crossing. A stop marker and bar shall also be installed in the driveway to indicate where vehicles should stop prior to crossing the multi-use path.

56. The project shall install curb ramps for the multiuse pathway and sidewalk along Harbor Bay Parkway where they cross the Project driveway. A second curb ramp should also be installed for the crosswalk near the covered drop-off area.

57. The project shall install wheel stops for all parking stalls adjacent to the building to prevent the front of a vehicle from overhanging the sidewalks restricting the sidewalk width to less than 4 feet.

58. Long-term bicycle parking area shall be provided with a curb ramp and sidewalk that provides unobstructed access to the Project drive aisles.

59. A sidewalk and crosswalk shall be constructed to connect the sidewalk near the bicycle parking area with the sidewalk into the neighboring vehicle parking area. This sidewalk connection could also serve as the bicyclists' connection into the long-term bicycle parking area from the drive aisles.

## **Utilities**

60. Sanitary sewerage shall be in accordance with the EBMUD Regional Standards for Sanitary Sewer Installation.
61. 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.
62. 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, whichever comes first. All permits, easements, and/or approvals for modifications to the sewer system required by EBMUD shall be obtained prior to the Certificate of Occupancy
63. 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. Each parcel within the subdivision must be issued a Compliance Certificate by EBMUD. Please review the program requirements and cost for Compliance Certificates: <http://www.eastbaypsl.com/eastbaypsl/>.
64. 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.
65. The Applicant shall design and construct water, power, telecom, gas, and other utilities in accordance with applicable utility standards.
66. Fire sprinkler system test water discharges shall be directed to the sanitary sewer system or to appropriately-sized onsite vegetated area(s).
67. If the Applicant is proposing new light poles/fixtures) in the public right-of-way, the Applicant shall be required to furnish two streetlight poles and LED fixtures of each type installed, at no cost, to the Public Works Department as a stock for future pole/fixture replacement on public street. The Applicant shall be responsible for all costs associated with the transportation, handling and delivery of the poles/fixtures to a Public Works storage yard designated by the City Engineer. The Applicant shall coordinate and schedule the delivery of the poles/fixture with the Public Works Department.

### **Other Standard Conditions**

68. A separate Building Permit is required for the construction of any structures on the site. The Applicant should contact the Building Division to discuss submittal

requirements. On and off-site Improvement Plan approval is required prior to the issuance of each Building Permit.

69. 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).
70. 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 improvements plans, or the building permit, whichever comes first. If no building permit is required, the plans must be approved by the PWD prior to establishment of the use.
71. 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. Any trash enclosure facilities with a water supply shall also drain to the sanitary sewer.
72. The Development shall comply with 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.
73. The landscape and irrigation plans for on-site and public right-of-way 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 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.
74. The Developer shall obtain all necessary permits from other regulatory agencies for projects within sensitive areas or which have significant stormwater pollution potential.
75. 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.

76. Record drawings (as-builts) of improvements to the satisfaction of the City Engineer shall be provided in both paper and electronic format prior to final occupancy and/or release of bonds.
77. 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 improvement plans to discuss submittal requirements, project review timeline, and fees associated with the processing, filing, and construction of this development.

### **Fire Department Conditions**

78. The Applicant shall be responsible for a water main extension to serve the project, whose design shall be shown on the improvement plans to the satisfaction of the EBMUD, the Public Works Director, and the Fire Chief.
79. Prior to approval of the improvement plans, the Applicant shall submit plans, for review and approval by the Public Works Director and the Fire Chief, that:
- a. Provide fire hydrants spaced throughout the project as required in California Fire Code Appendix C.
  - b. Ensure sufficient fire flow for the development compliant with California Fire Code Appendix B and AMC Section 15-1.2 where a maximum 50% reduction of the fire flow is allowed for fire sprinklered buildings. Fire hydrant flows shall be a minimum of 1,500 G.P.M. from any one hydrant;
  - c. Provide adequate turn-around space or acceptable emergency vehicle through-access for any street greater than 150 feet in length;
  - d. Ensure that all roads have adequate turning radii for fire apparatus (inside turning radius of 28" and outside turning radius of 44'8"); and
  - e. Minimum fire lane width shall be an unobstructed 26'. Should parking within the fire lane be required, the fire lane width is to be increased an additional 8' per side for vehicle parking (total width of 42' if vehicle parking on both sides, and 34' if vehicle parking on one side).

### **Alameda Municipal Power Conditions**

80. 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.
81. 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.

82. 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.
83. 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.
84. 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).
85. 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.
86. 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.
87. 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.
88. Concurrent with acceptance of work by City Council, the Applicant 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.
89. Any existing overhead electric facilities within, and/or adjacent to, the subdivision or



division of land shall be undergrounded at no charge to AMP.

90. 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.
91. The Applicant shall submit, with the site improvement plans, detailed drawings showing the required site electric utility facilities.
92. An oil-containment facility will be required for all transformer installations found within 100 feet of any body of water.
93. 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.
94. 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.
95. Indemnification. To the maximum extent permitted by law, the applicant (or its successor in interest) shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, its City Council, City Planning Board, officials, employees, agents and volunteers (collectively, "Indemnitees") from and against any and all claims, actions, or proceedings against Indemnitees to attack, set aside, void or annul an approval by Indemnitees relating to this project. This indemnification shall include, but is not limited to, all damages, losses, and expenses (including, without limitation, legal costs and attorney's fees) that may be awarded to the prevailing party arising out of or in connection with an approval by the Indemnitees relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding and the applicant (or its successor in interest) shall reimburse the City for its reasonable legal costs and attorneys' fees.

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 & Transportation Department a written notice of appeal stating the basis of appeal and paying the required fees.

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