

Exhibit "B"
Findings and Conditions of Approval
PLN2018-00263 – Fremont Conference/Convention Center and Banquet Facility
Conditional Use Permit, Discretionary Design Review Permit and Modifications to
Zoning Standards (FAR Increase)
46399 Fremont Boulevard

FINDINGS:

Conditional Use Permit Findings

Pursuant to Section 18.230.060 of the Fremont Municipal Code, the Planning Commission may approve a Conditional Use Permit if the following findings can be made:

- (a)The proposed use is consistent with the General Plan and any applicable community or specific plan in that*** the proposed conference/convention center and banquet facility would be permitted in the Industrial – Tech land use designation and would be consistent with policies contained in the Land Use and Economic Development Elements of the General Plan as described in the staff report.
- (b)The site is suitable and adequate for the proposed use in that*** a conference/convention center, and banquet facility when operated in conjunction with an exhibition and conference hall that is located within 500-feet of a hotel, are allowed, subject to approval of a Conditional Use Permit. The proposed use would provide a high quality venue that does not exist in the vicinity. The site's location along Fremont Boulevard, a major arterial west of Interstate 880, would provide convenient vehicular access to the site. In addition, adequate on-site parking would be provided, and the project conditions of approval would require the applicant to provide private security to address potential staffing impacts to law enforcement personnel.
- (c)The design, location, size, and operating characteristics of the proposed use are compatible with development in the vicinity and in the zoning district in that*** the traffic generated by the proposed use would not adversely impact the road network of the surrounding area or overburden parking facilities in that the majority of large events would occur on weekends, and potentially on weekdays after the evening commute hour has ended. Furthermore, the project would not alter or otherwise adversely impact existing transit service or bicycle or pedestrian circulation facilities serving the area. A transportation impact analysis was previously prepared for the project site in conjunction with the previously approved Springhill Suites hotel (PLN2015-00241), with the assumption that a 100,000-square-foot office building could be constructed on the site. It was determined that the proposed conference/convention and banquet facility use would generate a lower p.m. peak hour volume of traffic than a 100,000-square-foot office.
- (d)The proposed use would not be detrimental to the public health, safety, or welfare of persons or property in the vicinity or the zoning district in which the use would be located in that*** the applicant's plan is to operate a high-quality conference/convention center and provide banquet facilities for private events such

as wedding receptions, corporate parties and funeral wakes. Live and/or amplified music would be provided at some of these events as is typical of receptions and parties. To ensure that noise from these events does not impact guests at the adjacent Springhill Suites hotel, the applicant would be required to construct a noise-buffering lobby directly inside the main entrance to the banquet hall. This lobby would have its own set of self-closing doors thereby providing a secondary noise barrier whenever patrons enter or exit the facilities while music is playing. Private security personnel would also be required to be on hand to the satisfaction of the Police Department when the banquet halls are in use to monitor the premises and patrons, and to contact the Police Department in the event that an incident occurs. These measures would help to ensure that the proposed facility does not impact the neighboring hotel guests.

Discretionary Design Review Permit Findings

Pursuant to FMC Section 18.235.060, the Planning Commission must make the following findings to approve a Discretionary Design Review Permit for the proposed conference/convention and banquet facility:

(a) The proposed project is consistent with the General Plan, Planning, Zoning Regulations, and Citywide Design Guidelines in that the proposed conference/convention and banquet facility would conform to the Fremont General Plan policies and goals, and development standards of the I-T Zoning District as enumerated in the staff report. The project would comply with the Citywide Design Guidelines in terms of architectural design, massing, scale, building type, density, compatibility with adjacent buildings, pedestrian orientation, vehicular circulation, landscaping and integration to adjacent uses.

Modification of Zoning Standards Findings

Pursuant to Section 18.250.070 of the Fremont Municipal Code, the Planning Commission must make the following findings to approve a Modification to Zoning Standards to allow the proposed FAR increase from 0.35 to 0.41:

(a) The increase in floor area ratio will not cause the project to exceed the capacity of streets and will not adversely affect the privacy of properties in the vicinity of the project in that the proposed project would be located on an arterial within an industrial area on the west side of I-880. There are no residences in the vicinity; however, there is an adjacent hotel that is currently under construction on the north side of the project site. The doors and windows to the facility would be kept closed, and events with outdoor music would be end by 10 p.m.

(c) The proposed project would provide extraordinary benefits to the City in that a dedicated conference/convention center and banquet facility is a use that does not currently exist in the south Fremont, but that is needed. The site is in a prime location due to its proximity to other hotels, I-880 and the heart of Silicon Valley.

Waiver of Parking Space Requirements

Pursuant to Section 18.183.040 of the Fremont Municipal Code, the Planning Commission must make the following findings to approve a Modification to Zoning Standards to allow the proposed 30 parking space reduction:

- (a) There is sufficient parking to accommodate the vehicles used by employees and customers of the business seeking the reduced parking requirement approval in that** because according to the parking demand study prepared by DKS Transportation Engineers, 23 percent of banquet guests would arrive by other modes of travel other than driving. Since the project site is in proximity to hotels, guests could take alternative modes of travel other than driving, such as ride-hailing (Uber/Lyft); walking from nearby hotels; BART to nearby bus stop; and biking.
- (b) The reduced parking requirement will not be detrimental to property within 300-feet of the business seeking the reduction in that** there would be ample parking on the project site because, as previously stated, up to 23 percent of banquet guests would arrive by other modes of travel other than driving. All other businesses in the vicinity have provided all on-site parking requirements.

CONDITIONS OF APPROVAL:

General Conditions (must be satisfied on an on-going basis)

- 1. **Exhibits.** The project shall substantially conform to Exhibits "A" PLN2018-00263, (Conditional Use Permit, Discretionary Design Review Permit and Modification to Zoning Standards (floor area ratio increase from 0.35 to 0.41)), and all conditions of approval set forth herein shall allow the establishment and operation conference/convention and banquet facility as shown in Exhibit "A", and subject to compliance with all of the conditions of approval set forth herein.

Operational Requirements.

- 2. a. The maximum number of attendees at a conference/convention event is 1,200 persons.
- b. The proposed banquet facility may be allowed a total maximum occupancy of 825 guests at any given time.
- c. Banquet events shall take place only when there is no conference/convention event taking place on the subject site.
- d. Hours of Operation: Conference/convention events may take place between 8:00 a.m. and 11:00 p.m., generally on week days. The banquet facility may take place from 8 a.m. to 1:30 a.m., generally Friday to Sunday. No guests shall be admitted to a banquet event after 12:00 a.m., and no alcohol sales/service shall occur after 1:00 a.m. All guests shall be informed that they must exit the premises by 1:30 a.m.

- e. The capacity may be eligible for an increase to 900 guests after 18 months of operation, subject to submittal and approval of a **Conditional Use Permit Amendment** only if the following conditions have been satisfied:
- 1) Staff determines that all of the project conditions of approval have been complied with, and the business operates without any significant calls for Police services.
 - 2) The operator shall provide 24 additional parking spaces on site (via mechanical lifts), or through a shared parking agreement with another property owner with 700-feet of the project site (per Section 18.183.060 of the Fremont Municipal Code);
 - 3) If off-site parking is utilized for guests/patrons, it shall be located on the west side of Fremont Boulevard.
 - 4) Adherence to the Place of Entertainment License.
3. Other than as stated in paragraph #4 below, at no time shall the applicant offer any concert, nightclub, banquet events, dance parties, or any other similar events that are open to the public, either free of charge, or upon payment of an entry/cover charge. Admission made available to the general public through selling of tickets or reservations shall not be permitted and a guest list shall not be open to participation of the general public.
 4. The applicant shall be allowed to offer up to 12 events per year that are open to the public subject to the regulations contained within the definition of a banquet hall found in FMC Section 18.25.280 and the definition of a concert hall found in FMC Section 18.25.590. Such events shall require the prior approval of the Zoning Administrator. The applicant shall provide notice to the Zoning Administrator at least 14 calendar days prior to the scheduled event. Events open to the public shall not include live entertainment or activities similar to those of a nightclub, or dance club as defined by the Fremont Municipal Code as the primary activity. The banquet hall shall not be used as a concert hall until the facility's assembly permit is amended and the concert seating plan is approved. Concert events shall not occur simultaneously with banquet events. At no time shall the banquet hall be rented to a promotor or other similar outside party who would sell tickets to the event.
 5. Live entertainment and/or dancing are allowed as ancillary uses at banquet events, but shall not be the primary use at any time.
 6. Alcoholic beverage service shall be allowed only during banquet events and not during conferences and conventions.
 7. A Place of Entertainment License shall be submitted to the Police Department, and approved prior to commencement of banquet facility functions.
 8. Outside amplification of music or voice shall conclude by 10:00 p.m.
 9. A written guest list shall be compiled in advance of each private banquet event and shall be made available to any peace officer or other City employee upon request.
 10. A copy of these conditions of approval shall be kept on the premises at all times and made available to any peace officer or other City employee upon request.
 11. Private, licensed security guards shall be provided on-site at all banquet events offering alcoholic beverage service, music, or dancing. These events include, but are not limited to corporate parties, wedding receptions, and any other social gathering determined to

require a Place of Entertainment license. Security personnel shall wear clothing/uniforms that is/are easily identifiable and possess forms of identification approved by the Fremont Police Department. Security personnel for all such events shall be provided at the following ratios: Two (2) security guards per 100 patrons, with one (1) additional guard for each additional 50 patrons. The Police Department reserves the right to increase the required number of security guards based on the nature of the event and the number of patrons expected to attend the event. Each security guard shall be licensed and possess a current "guard card". Security personnel shall not be armed at any time. All personal protective equipment used by security guards must be approved by the Police Department prior to being deployed.

a. In addition to posting maximum occupant load signs, the applicant and facility operator shall provide the current occupant load count to City of Fremont Police or Fire Departments upon request. One employee or one member of the security team shall monitor occupancy loads at all times while a conference or banquet event is in use.

b. Security guards shall patrol the parking lot and will remain in the parking lot until all the guests have left. The applicant must develop a policy on how security guards will address intoxicated guests leaving the parking lot. The policy must be approved by the Fremont Police Department.

c. The banquet facilities shall not be open until the minimum required number of security personnel are present and prepared to commence security duties. Security staff must remain on-site until the banquet facility use has terminated and all guests have departed from the building and parking lots.

d. A security supervisor (easily identified as such) who has the ability to effectively communicate via two-way radio or cell phone with other security guards must be on-site whenever the banquet facility is in use. The security supervisor shall be the main contact person for all law enforcement officials.

e. Security personnel shall provide a written report/statement for criminal violations occurring on or near the premises and sign a Consolidated Arrest Form for any citizen's arrests it initiates. Security personnel shall participate, when requested, in court procedures which result from criminal activity occurring on or near the nightclub's premises.

12. Alcoholic beverages may only be served in accordance with Department of Alcoholic Beverage Control licensing requirements during banquet events. No alcoholic beverages may be served during conference/convention events. No alcoholic beverages may be served or consumed outside, except in the enclosed garden area at the rear of the building, or on the roof top terrace. Employees who are responsible for alcohol sales or service shall complete the necessary ABC training and comply with all ABC rules and regulations.

13. The applicant shall have security cameras operating at all times when the business is operating. Security camera quality, lighting, and positioning must be capable of providing facial recognition in key areas in and around the banquet hall facilities, including the parking lot area, during operational hours. A staff member shall be present at all times who has the authority to meet law enforcement's request to view and/or copy images captured on the video surveillance system. All images must be recorded and retained for at least 30 days. The exact location and quantity of all

security cameras shall be subject to approval by the Police Department prior to final occupancy.

14. The parking lot shall be posted with signs stating "No loitering or consumption of alcoholic beverages." A plan showing the location, size and quantity of said signs shall be provided as part of the building permit application and be subject to review and approval by the Police Department prior to final occupancy.
15. Pyrotechnic displays are prohibited at any events unless approved in advance by the Fire Marshal.
16. Special effects or events which diminish the effectiveness of fire protection systems, occupant notification systems, or infringe upon the means of egress are prohibited.
17. The applicant shall comply with all applicable state and local laws and regulations pertaining to smoking.
18. The sound-buffering lobby doors and all exterior doors shall be self-closing and shall be kept closed at all times when amplified or live music is being played in the building.
19. The parking lot shall be sufficiently illuminated during hours of darkness to the satisfaction of the Police Department.
20. The applicant is responsible for litter control and graffiti control/abatement, and for the sweeping/washing of all paved surfaces. Sidewalks, parking lots, and other paved areas must be swept regularly to prevent the accumulation of litter and debris from conference/convention or banquet events. If surfaces are pressure-washed, debris must be trapped and collected to prevent entry into the storm drain system. No cleaning agents may be discharged to the storm drain.
21. **Minor Modifications to Approved Plans.** Minor modifications may be made to the project subject to review and approval by the Planning Manager and/or City Engineer if such modifications are in keeping with the intent of the original approval. However, the Planning Manager may refer any modifications to the Planning Commission if the request is of such a nature that it warrants consideration by the Commission.
22. **Impact Fees.** The project shall be subject to Citywide Development Impact Fees and Nonresidential Affordable Housing Fees. These fees include fees for fire protection services/facilities, capital facilities, and traffic facilities. All applicable fees shall be calculated and paid at the fee rates in effect at the time of building permit issuance. The applicant may elect to defer payment of the fees in accordance with the City's Impact Fee Deferral Program.
23. **Deed Restriction.** A deed restriction approved by the city attorney shall be recorded on the property to ensure that the use of the property remains limited to that presented to the approval authority, including the Floor Area Ratio increase.
24. **City Indemnification.** The applicant shall defend, indemnify, and hold harmless the City or any of its boards, commissions, agents, officers, and employees (collectively "City") from any claim, action or proceeding against the City to attack, set aside, void, or annul the approval of the project. The City shall promptly notify the applicant of any such claim, action or proceeding and shall cooperate fully in the defense. Nothing contained in this condition shall prohibit the City from participating in a defense of any

claim, action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith.

25. **Conditional Use Permit Revocation or Modification.** This Conditional Use Permit may be revoked or modified by the Planning Commission, or by the City Council if it originally took final action on the permit, if any one of the following findings can be made:
- a. The permit was obtained by misrepresentation or fraud;
 - b. The terms or conditions of approval of the permit have not been met;
 - c. The improvement, use, or activity authorized by the permit is in violation of any statute, ordinance, law, or regulation or constitutes a nuisance; or
 - d. The owner or occupant of the property is conducting the use or any associated or other use of the property in violation of any statute, ordinance, law, or regulation or in a manner that constitutes a nuisance.

Planning Conditions to be satisfied prior to Building Permit issuance and during construction

26. **Mitigation Measures as previously adopted with the Planning Commission's approval of the Springhill Suites hotel (PLN2015-00241).**

Mitigation Measure Air-1: Temporary Construction Emissions. *Prior to the issuance of a grading permit, the following best management practices shall be included in a dust control plan to limit fugitive dust emissions and noted on the grading and construction plans along with the contact information for a designated crew member responsible for the on-site implementation of the dust control plan:*

1. *All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered twice per day.*
2. *All haul trucks transporting soil, sand, or other loose material off-site shall be covered.*
3. *All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.*
4. *All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.*
5. *All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.*
6. *Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.*
7. *All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.*

8. *Post a publicly visible sign with the telephone number and person to contact at the City of Fremont regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.*

Mitigation Measure Bio-1: *To mitigate any potential impact to future occupation of the site by burrowing owls, the following measures shall be incorporated into the project conditions of approval and written into the construction drawings:*

- a) *No more than 14 days prior to any ground disturbing activities (regardless of time of year), a qualified biologist will conduct a take avoidance survey for burrowing owls. If no owls are found during this first survey, a final survey will be conducted within 24 hours prior to ground disturbance to confirm that burrowing owls are still absent. If ground disturbing activities are delayed or suspended for more than 14 days after the initial take avoidance survey, the site will be resurveyed (including the final survey within 24 hours of disturbance). All surveys will be conducted in accordance with Staff Report guidelines.*
- b) *Buffer. If one or more owls are observed on-site during the nesting season, a setback of 200 meters (656 feet) shall occur between the owl and construction. If the owls are not disturbed by closer construction based on the observations of a knowledgeable biologist, the buffer can be shortened. Construction can resume between 50 and 200 meters from occupied burrows after the young fledge and are foraging independently. After the young fledge and/or from September 1 through January 31, the CDFW will be contacted regarding passively relocating the owls and developing mitigation for them.*

Mitigation Measure Bio-2: *Preconstruction nesting bird surveys should be implemented within the two weeks before construction begins if construction will occur between February 1 and August 31, the period within which migratory birds usually nest. A minimum buffer of at least 50 feet should be established between the nest and construction activity. This buffer will be maintained until the young fledge and are foraging independently. Nevertheless, if construction at the edge of a smaller buffer does not disturb nesting birds, the buffer width could be shortened at the discretion of the monitoring biologist and in consultation with CDFW. If 50 feet is too narrow a buffer, based on the behavior of the birds, then the monitoring biologist can modify the buffer to a larger width such that the nesting birds, including nestlings, are not adversely disturbed by construction. A biologist will monitor the bird nest weekly during construction prior to fledging. Construction can resume within the buffer after fledging.*

Mitigation Measure Cult-1: *If any archaeological, paleontological resources or human remains are encountered during grading or site disturbance, the following measures shall be implemented:*

Archaeological Deposits:

If deposits of prehistoric or historical archaeological materials are discovered during project activities all work within 50 feet of the discovery shall be redirected. Project personnel shall not collect or move any archaeological materials. A qualified archaeologist shall be contacted to assess the situation and consult with agencies as appropriate, including the City of Fremont. The archaeologist shall make recommendations for the treatment of the discovery.

It is recommended that adverse effects to archaeological deposits be avoided by project activities. If avoidance is not feasible, the archaeological deposits shall be evaluated for

their eligibility for listing in the National Register of Historic Places and the California Register of Historical Resources (PRC §21084.1; CEQA Guidelines §15064.5(c)(1)), or whether the deposit qualifies as a "unique archaeological resource" under CEQA. If the deposit is neither eligible for the National or California registers nor a unique archaeological resource, avoidance is not necessary. If the deposit is eligible or qualifies as a unique archaeological resource under CEQA, adverse effects on the deposits must be avoided, or such effects must be mitigated. Mitigation can include, but is not necessarily limited to, excavation of the deposit in accordance with a data recovery plan and standard archaeological field methods and procedures; laboratory and technical analyses of recovered archaeological materials preparation of a report detailing the methods, findings, and significance of the archaeological site and associated materials; and, if appropriate, accessioning the historic archaeological material and technical report to an archaeological repository. Educational public outreach would be appropriate if significant cultural resources were identified.

Paleontological Resources

Should paleontological resources are discovered during project activities, all ground-disturbing activities within 25 feet should be redirected and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. If found to be significant, and project activities cannot avoid the paleontological resources, adverse effects to paleontological resources should be mitigated. Mitigation may include monitoring, recording the fossil locality, data recovery and analysis, a final report, and accessioning the fossil material and technical report to a paleontological repository. Public educational outreach may also be appropriate. Upon completion of the assessment, a report documenting methods, findings, and recommendations should be prepared and submitted to the City for review, and (if paleontological materials are recovered) a paleontological repository, such as the University of California Museum of Paleontology.

Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results of resource evaluation and mitigation efforts. The report shall be submitted to the Northwest Information Center at Sonoma State University.

Mitigation Measure Cult 2: *If human remains are discovered, the following steps shall be taken:*

If human remains are discovered during project activities the procedures outlined in Section 7050.5 of the California Health and Safety Code shall be implemented. Work within 50 feet of the discovery shall be redirected and the Alameda County Coroner notified immediately. At the same time, an archaeologist shall be contacted to assess the situation and consult with agencies as appropriate, including the City of Fremont Planning Department. Project personnel shall not collect or move any human remains and associated materials.

If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.

Mitigation Measure Hydro-1: *The project shall be designed to channel the storm water runoff created from the hotel site and future office building site's 1.35 acres of*

impervious surface area (2.70 acres total) in order to sustain the existing adjacent wetlands located to the west of the of the subject property.

Mitigation Measure Traffic-1: Prior to occupancy of the conference/convention center, the City shall Coordinate with CalTrans regarding the intersection of Fremont Boulevard and Cushing Parkway - southbound I-880 on-ramp to include an adjustment in the traffic signal cycle and green time allocation (splits) to reduce the AM peak hour wait time from 79.8 seconds to 66.3 seconds. Coordinate with CalTrans to adjust the intersection signal operation to include an adjustment in the traffic signal cycle and green time allocation (splits).

Mitigation Measure Traffic-2: Prior to occupancy of the conference/convention center, the City shall adjust the traffic signal cycle and green time allocation (splits) at the intersection of Fremont Boulevard and Landing Parkway to reduce the PM peak hour wait time from 93.4 seconds to 63.1 seconds.

Mitigation Measure Traffic-3: Prior to occupancy of the conference/convention center, the City shall adjust the traffic signal cycle and green time allocation (splits) for the intersection of Fremont Boulevard and Warren Avenue to reduce the PM peak hour wait time from 237.6 seconds to 207.8 seconds.

Engineering Conditions of Approval to be satisfied prior to Building Permit Issuance:

27. Encroachment Permit: The public improvements conditioned as part of this entitlement require an encroachment permit prior to starting any work within the City of Fremont right-of-way. The encroachment permit shall require engineered plans prepared by the Developer's consultant, reviewed and approved by the City, surety and insurance. The encroachment permit shall be issued prior to or concurrently with the Building Permit.

28. Street Improvements:

- a. Developer shall be responsible to remove and replace curb, gutter, and sidewalk on Fremont Boulevard damaged during construction of the proposed project.
- b. The City recently completed street improvements along the project frontage including reconstruction of pavement; therefore, Developer shall be required to grind and overlay the full width of Fremont Boulevard along the project frontage in accordance with the City of Fremont "Coordination of excavation" ordinance.
- c. All public storm drains pipes within the City of Fremont right-of-way shall be reinforced concrete sized at 12" minimum for laterals and 15" minimum for mains.
- d. Project entry and monument signs, bioretention areas, and walls shall not be located within the existing public service easement along Fremont Boulevard.

29. Ingress/Egress Easement: Developer shall dedicate an ingress-egress easement along the southern boundary for maintenance access to the wetlands prior to building permit issuance to the satisfaction of the Director of Public Works.

30. Grading and Geology:

- a. **Coverage Under Statewide Construction General Permit:** Projects involving land disturbance of one acre or more are required to obtain coverage under the "Construction General Permit" (NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities). The applicant must file a Notice of Intent (NOI) to the State Water Resources Control Board (SWRCB), prepare and submit a Storm Water Pollution Prevention Plan (SWPPP), and obtain a Waste Discharge Identification number (WDID). A copy of the NOI must be submitted to the City's Project Engineer prior to issuance of development permits (including demolition, grading, and building permits).
- b. **Erosion and Sediment Control Plan:** The project plan set must include an Erosion and Sediment Control Plan (ESCP) sheet showing the Best Management Practices (BMPs) to be implemented to minimize pollutant discharges related to construction activity. The ESCP must show the development site at the stage of maximum land disturbance. A copy of the ESCP and/or SWPPP Plan must be maintained on the project site at all times throughout the demolition/grading/construction process; the ESCP and/or SWPPP must be updated as necessary to show adequate BMPs appropriate for the current stage of the project.
- c. **Liquefaction Zone:** The Project site is within the State of California Seismic Hazard Zone for Earthquake Induced Liquefaction. A geotechnical investigation report addressing the potential hazard and addressing the City's peer review comments shall be submitted, reviewed and approved prior to building permit issuance. The investigation shall be consistent with the guidelines published by the State of California (CGS Special Publication 117A) and plans shall be designed in conformance with the report.

31. Flood Zone: The project site is within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain – Zone AE and Developer shall:

- a. Elevate the lowest floor above 12.0' NAVD88 or flood proof to the same elevation. For insurance rating purposes, the building's flood proofed design elevation must be at least one foot above the base flood elevation to receive rating credit.
- b. Submit an Elevation Certificate (FEMA Form 086-0-33) for each proposed structure, based on construction drawings, prior to issuance of a building permit. Consequently, developer shall submit an Elevation Certificate for each built structure, based on finished construction prior to issuance of an occupancy permit.
- c. If the structure is to be flood proofed, developer shall submit a Flood Proofing Certificate (FEMA Form 086-0-34) for each structure, flood proofing details, and if applicable, a Flood Emergency Operation Plan and an Inspection and Maintenance Plan prior to the issuance of a building permit.

- d. Elevate the building support utility systems such as HVAC, electrical, plumbing, air conditioning equipment, including ductwork, and other service facilities above the base flood elevation or protected from flood damage.

- 32. **Stormwater Treatment and Flow Control Facilities:** The Project is required to implement post-construction measures to minimize stormwater pollutant discharges and increases in peak flows in accordance with the requirements of the Municipal Regional Permit (MRP). The Preliminary Stormwater Management Plan provided by the developer as part of the tentative map approval is approved in concept only; the Final Stormwater Management Plan must contain/address all elements of the Final Stormwater Management Plan Checklist (available at www.fremont.gov/swmp). Developer is required to submit engineered plans, details and calculations that demonstrate compliance with Provision C.3 of the Municipal Regional Permit.
- 33. **Stormwater Treatment Measures Maintenance Agreement:** The project is required to submit a Stormwater Treatment Measures Maintenance Agreement (aka O&M Agreement) for review and approval concurrent with the application for building permits. Template documents and instructions for completing the O&M Agreement may be found at <http://fremont.gov/stormwaterdevelopment>. Submittal of an approved, executed O&M Agreement is required prior to building permit issuance.
- 34. **Storm:** Developer shall submit a hydrology map and hydraulic calculations prepared, stamped, and signed by a licensed California Civil Engineer using a design storm of 15-year recurrence interval for primary facilities and 10-year recurrence interval for secondary facilities in accordance with the Alameda County Public Works Agency Hydrology and Hydraulics Criteria to ensure adequate conveyance of storm run-off from the project site. Off-site construction of storm drainage facilities to mitigate projected flows may be required. Hydraulic calculations shall be reviewed and approved prior to building permit issuance.
- 35. **Referrals:** Prior to building permit issuance, Developer shall refer the project to the following agencies for approvals: Alameda County Water District (ACWD); Union Sanitation District (USD); and Alameda County Flood Control & Water Conservation District (ACFC&WCD).

Fire Department:

- 36. Civil Sheets - Fire sprinkler laterals and fire sprinkler risers are missing from the plans. The shown pipe size and piping configuration shall meet the Fire Flow and Fire Sprinkler requirements of all codes.
- 37. Solar Zones that are roof mounted will require separation from the public.
- 38. Intermediate landings width shall accommodate the standpipes and exiting requirements. "Wet standpipes shall be provided in stairwells, and at the roof. Standpipes shall be installed in accordance with NFPA 14, the California Building Code, and Fremont Municipal Code. In multi-storied buildings, standpipes shall be installed at intermediate landings."
- 39. Occupant loads/exits shall conform to the occupant type and use for each individual area/room. Occupant loads for the building shall be determined by using the CFC Table 1004.1.1.

40. The Fire Department access roadway serving structures over 30-feet in height shall have a minimum 26-foot unobstructed linear width. Access road shall meet Fire Department standards for surface type; all weather, distance; not to exceed 150-feet in length without an approved turnaround, weight loads; 75000 lb. minimum, turn radius; radii of 22.5 inside and 37.5 outside measured from the same point, grades; not to exceed 15 percent, cross grade, intersections and turnarounds shall be level (maximum 5%) with the exception of crowning for water run-off and vertical clearance of 13.5-feet minimum."
41. An Emergency Vehicle Access Easement will be required. A copy of the recorded easement maybe requested by the Fire Department.
42. An electrically operated gate shall be provided just past the farthest parking stall leading to the hammerhead turnaround for fire apparatus. Gate shall be keyed to the Knox key system for fire access and may be additionally keyed for ACWD access to the flood control roadway. Gate shall be manually openable in the event of a power failure. When opened, no part of the gate shall project into the fire access roadway. A prominent sign shall be posted on the gate reading - EMERGENCY VEHICLE ACCESS GATE - PARKED VEHICLES BLOCKING THIS GATE WILL BE TOWED AT VEHICLE OWNER'S EXPENSE.
43. Fire hydrant(s) shall be spaced at 300-foot intervals for commercial Buildings. The distance is measured as the fire engine travels on all-weather surfaces. Fire Department Connections for all sprinkler system must be located not more than 100-feet from a fire hydrant.
44. All new buildings and structures must meet the requirements of the California Fire Code Chapter 5, Section 510 Emergency Responder Radio Coverage. Buildings that fail to support adequate two-way radio coverage and pose a risk to public safety workers shall install equipment as required by the Fire Code Official, such as Bi-Directional Amplification (BDA) and a building network of antennas to increase reception and transmission.
45. Elevator size must be determined to meet the footprint of the building. The elevator car shall be of not less than 80-inches by 54-inches and with a 42-inch side slide door, with no less than 5-inch radius corners, in the horizontal, open position to accommodate an ambulance gurney or stretcher.
46. All new structures will require fire protection. Automatic fire extinguishing systems, applicable fire alarm and monitoring system will be required. The design criteria for the aforementioned systems will be determined based on occupancy group, building design, and square footage. The applicant shall meet all requirements of the currently adopted edition of the California Building, Fire and City of Fremont Municipal Codes in effect at the time of building permit / business license application.
47. Emergency Response Requirements - The project will require a digital plan submission to the GIS Department. The digital plan submission will be used by the Fire Department to aid in emergency response. The information required in the digital plan submission is listed on the City of Fremont, GIS website under Digital Submittal Standards and Requirements at the following link: <http://www.fremont.gov/index.aspx?NID=657> It should be noted that the information required is specific to emergency response and may require the removal or addition of layers and coordination between design disciplines i.e. sprinkler design, fire underground design, fire alarm design, etc. This

process contains detailed information which if left till the end of the construction phase may cause in a delay of occupancy due that the information must be completed and approved prior to occupancy.

Planting & Irrigation, Hardscape and Lighting:

48. Items intended to be design-build by specialty sub-contractors such as fountains or water elements (including piping, sleeves, etc.), Roof Garden details, Handrail attachments shall be submitted in the Building Permit Construction Document Phase for review and approval.

Conditions to be satisfied prior to issuance of a Certificate of Occupancy

49. Final plans for the project shall be submitted for building permit review and approval to ensure compliance with relevant codes, policies and other requirements of the Fremont Municipal Code, these conditions of approval, and any other associated approvals.

50. The applicant shall meet all requirements of the currently-adopted editions of the California Building, Fire, and City of Fremont Municipal Codes in effect at the time of building permit application.

51. The applicant shall comply with the provisions of the permits required from any state or regional agencies, including, but not limited to, the Union Sanitary District and the Alameda County Department of Environmental Health.

52. Any tenant improvement, modifications, use, or change in use to the existing facility will require plans to be submitted and approved by the City of Fremont and concurrent review and approval by the Fire Department. The project may require modifications to the Automatic Fire Extinguishing System and the installation of an automatic fire alarm system with an emergency voice/alarm communication system.

53. All interior finishes, decorative materials and furnishings shall comply with the requirements of most current California Fire Code, Chapter 8.

54. The number of persons allowed inside the venue may not exceed the maximum occupancy allowed by the California Building Code (CBC). The maximum occupancy number shall be issued by the City's Building Official upon approval of building permit and shall be clearly posted at all times in accordance with the requirements of the CBC.

55. The address of the business shall be clearly visible from the front and rear of the building and shall be illuminated during the hours of darkness.

56. The applicant shall have a key box (Knox brand) located outside of the building and provide keys to the Fire Department for access. Key box applications can be obtained at the Fire Department Administration office located at 3300 Capitol Avenue, or by calling (510) 494-4280.

Solid Waste Condition:

57. Facilities providing food are required to include a two-compartment sump connected to the sanitary sewer and a hot/cold water hose bib within the trash enclosure, pending approval from Union Sanitary District and Alameda County Health Department. The applicant will need to work with City staff and provide the necessary plans, details, and

calculations to show that the proposed plans meet City of Fremont Trash Enclosure Design Requirements.

END OF CONDITIONS