

CITY OF ALAMEDA PLANNING BOARD
DRAFT RESOLUTION

APPROVING DEVELOPMENT PLAN AND DESIGN REVIEW APPLICATION NO. PLN19-0270 FOR A FOUR- TO FIVE-STORY RESIDENTIAL BUILDING WITH 360 MULTI-FAMILY UNITS AND 8 WORK/LIVE UNITS AS PART OF PHASE I OF THE ALAMEDA MARINA MASTER PLAN PROJECT LOCATED AT 1815 CLEMENT AVENUE.

WHEREAS, Alameda Marina, LLC (“the Applicant”) has acquired approximately 27.08 acres in fee, and approximately 17.06 acres in leased land pursuant to the Tidelands and Marina Lease with the City of Alameda, consisting of a total of approximately 44 acres of real property commonly known as the Alameda Marina site, with an address of 1815 Clement Avenue, City of Alameda, County of Alameda (APN 071-0288-003 and 071-0257-004 (for the leased areas of the site); 071-0257-003-01 and 071-0288-001-02 (for the fee areas of the site)); and

WHEREAS, the Alameda Marina site is designated as Specified Mixed Use (MU4 Northern Waterfront) which encourages a residential, commercial, maritime and open space mix of uses in the City of Alameda General Plan; and

WHEREAS, the Alameda Marina site is designated MX (Mixed Use) and MF (Multifamily Residential) on approximately 27.08 acres (which includes unbuildable area of submerged lands between tidelands parcels), and M-2 (General Industrial) on approximately 17.06 acres (which includes unbuildable area of submerged lands between tidelands parcels), in the Alameda Municipal Code (AMC) Zoning Map; and

WHEREAS, the Alameda General Plan and AMC require preparation of a Master Plan to guide development of the property consistent with the General Plan and AMC; and

WHEREAS, in July 2018, the Alameda City Council certified the Alameda Marina Final Environmental Impact Report and approved the Alameda Marina Master Plan, which established standards, maps and diagrams for the development of a mixed use plan for the property that includes up to 760 multifamily housing units, up to 250,000 square feet of commercial and maritime commercial space, about 3.59 acres of shoreline open space, about 17.1 acres dedicated to marina operations, and a 530 slip marina; and

WHEREAS, on June 24, 2019, the Planning Board of the City of Alameda held a duly noticed public hearing and recommended the City Council approve Master Plan Amendments that provide for a well-designed pedestrian network, bicycle access, and vehicular access related to the waterfront in support of the Master Plan vision; and

WHEREAS, on October 14, 2019, the Planning Board held a duly noticed public hearing on the subject Development Plan and Design Review application and examined all pertinent application materials and public testimony; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds the environmental effects of the proposed project were considered and disclosed in the Alameda Marina Master Plan Environmental Impact Report (State Clearinghouse #2016102064). No further environmental review is required under the California Environmental Quality Act for the proposed project. The proposed multi-family residential building will not result in any new environmental impacts or cause any previously disclosed significant impacts to become more severe, and all

mitigations specified in the EIR are included as conditions of approval for the project as required by the Alameda Marina Master Plan; and

BE IT FURTHER RESOLVED, that pursuant to AMC Section 30-4.20(g), the Board has made the following findings relative to proposed Development Plan:

1. **The Development Plan qualifies for approval under the Alameda Marina Master Plan and satisfies the purpose of the Mixed Use zoning regulations under AMC Section 30-4.20.** The proposed Development Plan is consistent with the Alameda Marina Master Plan for construction of a multi-family residential building for 360 units at this location. The Development Plan qualifies for approval under AMC Section 30-4.20(g) as it satisfies the purpose of the regulations to facilitate mixed use development by providing a mix of residential and commercial Work/Live uses.
2. **The Development Plan is designed in a manner compatible with existing and potential contiguous uses. The Development Plan also provides a sufficient vehicular and non-vehicular circulation system within the project with the least amount of duplication, and the Plan provides the best interface with other systems.** The building is oriented to Clement Avenue and Schiller Street and provides pedestrian oriented interfaces with the surrounding spaces. A pedestrian corridor provides public access between Clement Avenue and the waterfront and Bay Trail through the building. A variety of outdoor spaces such as courtyards, pathways, and other common open space facilitate harmonious transitions between the wrap building and the immediate surrounding. The eight work/live units along Schiller Street also provide commercial spaces that provide a transition from this residential building to the adjacent Maritime/Commercial Core.
3. **The Development Plan provides and maintains adequate landscaping using, where appropriate, native plants and taking maximum advantage of the screening capabilities of landscaping.** The proposed plan includes nearly 50,000 square feet of total open space, much of which is occupied with native plants and landscaping, consistent with Bay-friendly landscape standards and complying with state water efficient landscape requirements. The ground level landscaping provides a good transition between the public sidewalks and private open spaces used by residents in the building.
4. **The amount of land proposed for any particular use can be marketed for that use within a reasonable time after development is complete.** This plan provides for the development of 360 housing units that are necessary to address a severe housing shortage in the community. These critically needed housing units include affordable housing units that are expected to be occupied within a reasonable time.
5. **The Development Plan provides sufficient area, and encourages adequate public accessibility and usage of the water/land interface.** A pedestrian corridor provides public access between Clement Avenue and the waterfront and Bay Trail through the building. A variety of outdoor spaces such as courtyards, pathways, and other common open space facilitate harmonious transitions between the wrap building and the immediate surrounding.
6. **The Development Plan provides a comprehensive, coordinated, controlled system of informational and directional graphic signage throughout the development.** The Development Plan consists of a single building with clear points of entry, which minimizes the need for a comprehensive wayfinding signage program. The pedestrian corridor will include signage that identifies it as a public walkway between Clement Avenue and the waterfront.

7. **The Development Plan demonstrates progressive techniques for the conservation of, and decreased consumption of, nonrenewable energy.** The proposed multi-family building will be designed to achieve LEED Silver certification or an equivalent sustainability standard as required under the Master Plan; and

BE IT FURTHER RESOLVED, that the Planning Board makes the following findings regarding the Design Review application:

1. **The proposed design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual.** The proposed multi-family building is consistent with the Alameda Marina Master Plan, which was adopted per the General Plan policies and Zoning regulations for the Alameda Marina site to provide critically needed housing in Alameda. The multi-family wrap building design is consistent with the Design Review Manual in many aspects. For example, the building provides various forms of complementary massing and articulation, and includes building materials and ground floor spaces that promote social and pedestrian interaction. Overall, the building design provides quality architecture that is compatible with the neighborhood and addresses the building's relationship to surrounding public space as intended in the Design Review Manual and in the Master Plan.
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 proposed design of the multi-family building is a wrap building that consists of dwelling units that surround a central parking garage. This building type is consistent with the building typologies allowed under the Alameda Marina Master Plan in the proposed location. The building is oriented to Clement Avenue and Schiller Street and provides pedestrian oriented interfaces with the surrounding spaces. A pedestrian corridor provides public access between Clement Avenue and the waterfront and Bay Trail through the building. A variety of outdoor spaces such as courtyards, pathways, and other common open space facilitate harmonious transitions between the wrap building and the immediate surrounding. The eight work/live units along Schiller Street also provide commercial spaces that provide a transition from this residential building to the adjacent Maritime/Commercial Core.
3. **The proposed design of the structure(s) and exterior materials and landscaping are visually compatible with the surrounding development, and design elements have been incorporated to ensure the compatibility of the structure with the character and uses of adjacent development.** The proposed design of the building draws inspiration from existing buildings on the Alameda Marina site and the surrounding neighborhood. The architectural design shares elements, materials and colors that reflect and respect, without replicating, the architecture of the contributing buildings in the Alameda Marina Historic District. Examples of these elements include height and massing (from Contributing Building 19), the use of metal siding and metal panels similar to those on industrial buildings, and a range of building colors and massing that complement the variety of buildings in the surrounding neighborhood; and

BE IT FURTHER RESOLVED, that the Planning Board approves Development Plan and Design Review application no. PLN19-0270 for a four-and-five-story residential building with 360

multi-family units and 8 Work/Live units as part of Phase I of the Alameda Marina Master Plan project, subject to the following conditions:

Planning Conditions:

1. CEQA Mitigation Measures: Prior to issuance of a Building Permit or Site Improvement Permit, the Applicant shall submit a Mitigation Measure Compliance Checklist confirming compliance to date with all required environmental mitigation measures contained in the MMRP adopted by the Alameda City Council on July 10, 2018, for the redevelopment of Alameda Marina. The checklist shall be printed on the Building Permit plans.
2. Alameda Marina Master Plan and Tentative Map Consistency: All future development or improvement of the property shall be subject to review by the Planning Director for consistency with the adopted Alameda Marina Master Plan and Tentative Map, as amended. Development of proposed buildings shall be subject to all conditions of approval imposed on the Master Plan and Alameda Marina Tentative Map.
3. Affordable Housing Plan: Prior to issuance of the first Building Permit, the Applicant shall execute and record an Affordable Housing Agreement to ensure compliance and monitoring requirements consistent with the Inclusionary Housing Ordinance. The Affordable Housing Agreement shall be in compliance with Section 8.1 *Affordable Housing* of the Master Plan and shall identify forty-nine (49) affordable housing units broken down into the following income categories:
 - i. Sixteen (16) units shall be affordable to very-low income households.
 - ii. Twelve (12) units shall be affordable to low income households (12 units).
 - iii. Twenty-one (21) units shall be affordable to moderate income households.
4. Transportation Demand Management Plan: Prior to issuance of the first building permit, the Applicant shall prepare and submit a Transportation Demand Management Plan for Planning Board review and approval. The plan shall address parking management requirements in *Section 6.6 Parking* of the Master Plan (page 51). These programs include but are not limited to Unbundled Parking, Shared Parking (enforcement of no residential parking being allowed in marina parking lots), and Car Share Parking as specified on pages 50 and 51 of the Master Plan.
5. Pedestrian Corridor Access: The following pertains to the Pedestrian Corridor that runs through the subject building from Clement Avenue to the waterfront.
 - a. Public Access Easement. Prior to issuance of a certificate of occupancy for the first unit, the Applicant shall provide a Public Access Easement for the Pedestrian Corridor. The form of the easement shall be approved by the City Attorney.
 - b. Public Access Signage. The applicant shall provide signage at points where the Pedestrian Corridor intersects the building to identify that the public access corridor continues through the building. The locations, design, and content of the signage shall be provided in graphic details on the Building Permit plans.
 - c. Gates Prohibited. No gates shall be erected that would block access to the section of the Pedestrian Corridor that runs through the building. The prohibition on erecting any gate or similar barrier shall be stated in a form approved by the City Attorney and recorded on the property. Any Covenants, Conditions & Restrictions (CC&Rs) applicable to the property shall also state this prohibition.

6. Work/Live Conditions: Work/live units shall comply with the Work/Live Ordinance (AMC Section 30-15) and the following conditions:
 - a. Group B Occupancy. Building Permit plans shall demonstrate that the Work/live studios are designed to accommodate commercial or industrial uses conforming to the Group B occupancy classification under the California Building Standards Code.
 - b. Rental and Sale Limitations.
 - i. No work/live studio, or any portion thereof, shall be sold as an individual unit.
 - ii. No portion of a work/live studio may be separately rented or sold as a commercial space for a person or persons not living in the premises or as a residential space for a person or persons not working in the same studio.
 - iii. The restrictions shall be binding upon any successor in ownership of the property and lack of compliance shall result in legal action against the property owner.
 - iv. Prior to the City issuing a building permit for any work/live studio, the property owner shall file with the County Recorder a declaration of restrictions, which has been approved by the City Attorney as to its form and content, specifying the limitations of use and operation included in the use permit and all Additional Requirements specified in AMC Section 30-15.5.
 - c. Work/Live Permit. Prior to issuance of certificate of occupancy for any work/live studio, the intended occupant of the work/live studio shall apply for a Work/Live Permit subject to approval by the Planning Director. To approve the Work/Live Permit, the Planning Director shall find that the proposed use conforms to the allowable uses for work/live studios under the Master Plan and applicable zoning regulations.
7. Window Recess: Building Permit plans shall provide a window section detail that depicts a 3" recess between the window glazing and the exterior surface of the exterior siding on the windows above the ground floor.
8. Loading Zone: The loading zone on Schiller Street shall be 10 feet wide to accommodate parking of wide delivery trucks. The final design and configuration of the loading zone shall be to the satisfaction of the City Engineer.
9. Sustainable Strategies: Building Permit plans shall meet LEED Silver certification or equivalent implementation of sustainable building techniques, as determined by the Building Official.
10. Functional Elements: Building Permit plans shall provide sufficient details to demonstrate compliance with the Function Elements section on page 57 of the Master Plan.
11. Bird Safe Building Ordinance: Building Permit plans shall demonstrate compliance with the Alameda Bird-Safe Building Ordinance (AMC Section 30-5.16.b).
12. Dark Skies Ordinance: Plans submitted for building permits shall demonstrate compliance with the Alameda Dark Skies Ordinance (AMC Section 30-5.16.c).
13. Public Art Requirement: Prior to final building inspection, the Applicant shall demonstrate compliance with the Public Art Ordinance (AMC Section 30-98).
14. Building Signage: Building signage shall be subject to separate Sign Permit approval according to the Sign Ordinance (AMC Section 30-6).

15. Refuse Collection, Service and Loading Areas: Building Permit plans shall provide details of an enclosure/screening for the outdoor collection area located at the rear of the building as specified in the Refuse Collection, Service and Loading Areas section on page 57 of the Master Plan.
16. Other Agency Approvals: Prior to approval of improvements related to work within the jurisdictional areas, Applicant shall provide evidence that all required approvals, permits, or waivers from Bay Conservation and Development Commission (BCDC), Regional Water Quality Control Board (RWQCB), including compliance with the existing 401 Certification for the construction of a storm water outfall, and/or the Army Corps of Engineers have been obtained. The final Improvement Plans shall incorporate all other agency comments.
17. Public Improvements Phasing: Project development phasing shall be consistent with the project phasing requirements of the Alameda Marina Master Plan. All public shoreline, infrastructure, sea level rise, public access, and Clement Avenue improvements in each phase shall be completed prior to issuance of the first building permit in the next phase of the project.
18. Development of this project requires public right-of-way and on-site improvements that were approved as part of Tentative Map 8500, Alameda Marina. All public and private improvements shown within Tentative Map 8500 west of and including Schiller Street extension shall be completed to the satisfaction of the City Engineer prior to occupancy of any unit.
19. Improvement Plans, Subdivision Improvement Agreement, and Bonds for a phased final map shall be approved prior to the issuance of a Building Permit.

Site Specific Storm water Treatment

20. 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 adjacent properties and so as not to impede runoff from adjacent properties.
21. Project Civil Improvement Plans shall incorporate permanent storm water design techniques, source control measures, and permanent post-construction storm water quality controls to manage the quantity and quality of storm water 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) 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.
22. Project Civil Improvement Plans shall detail the project site strategy to comply with full trash capture requirements of the City's NPDES permit. A full trash capture system or device is any single device or series of devices that traps all particles retained by a 5mm mesh screen and has a design treatment capacity of not less than the peak flow rate Q resulting from a one-

year, one-hour storm in the sub-drainage area. Plan sheets shall include location, detail and cross-sectional drawings of the storm water full trash capture device(s) necessary to treat the entirety of the site.

23. Prior to the issuance of any permits for the development, the Applicant shall submit a Stormwater Control Plan and stamped, signed City of Alameda C3 certification form from a qualified independent civil engineer with storm water 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 Civil Improvement plans and the Stormwater Control Plan meet the established sizing design criteria for storm water treatment measures. The Civil Improvement Plans shall be consistent with and include the approved Stormwater Control Plan submittal.
24. Prior to the issuance of any permits for the project, the Applicant shall submit for review and approval by City Public Works a Storm water 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 storm water 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. After PW approval of the O&M Plan, the applicant shall provide PW with a pdf copy of the approved O&M Plan.
25. 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 storm water treatment measures have been constructed per the City approved plans and specifications. As appropriate, the Report shall include, but not be limited to, assurances that: imported materials used for the treatment measure(s) are certified by the supplier; installation of these materials is per approved plans and specifications and meets the intent of the design engineer; required on-site testing results conform with approved plans and specifications; treatment measures conform to dimensions, grades and slopes on approved plans and specifications; all structural features of the treatment measures comply with plan specifications; the irrigation system is installed and functions as designed; healthy vegetation/ground cover is installed as shown on plans. The Report shall be submitted in a form acceptable to the City Engineer.
26. Prior to project acceptance and any certificate of occupancy, the Property Owner(s) shall execute a C3-LID Treatment Measures Maintenance Agreement with the City, complete with an approved Operations and Maintenance Plan (OMP), the template for annual self-reporting, and assurances for property access for City verification inspections. Or, where a property owners' association (such as an HOA), rather than a distinct property owner, will be responsible for managing the long-term care of a project site's storm water measures and implementing the approved OMP, then the following shall occur prior to project acceptance and any certificate of occupancy: all required and approved OMPs for storm water site design and treatment measures and full trash capture devices, templates and responsibilities for annual self-reporting, and assurances for property access for City verification inspections shall be included and incorporated within the property owners associations' (e.g., HOAs') CC&Rs for the assignment of long-term maintenance responsibilities for all of these systems/devices.

27. The Applicant shall comply with the State Water Quality Control Board's Construction General Permit requirements. Copies of the required "Notice of Intent" (NOI) and "Storm Water Pollution Prevention Plan" (SWPPP) along with the WDID# shall be submitted to the City Engineer prior to commencement of any site work. The SWPPP shall utilize the California Storm Water Best Management Practices Handbook for Construction Activities, the ABAG Manual of Standards for Erosion & Sediment Control Measures, the City's Grading and Erosion Control ordinances and other generally accepted engineering practices for erosion control.
28. The Civil Improvement Plans shall list the City's erosion and sediment control standards and provide detail drawings and installation specifications for all water quality control measures. The applicant/developer shall be responsible for ensuring that all contractors and sub-contractors install and regularly maintain all control measure elements required in the project SWPPP and/or the Civil Improvement Plans during any and all construction activities in order to prevent any pollutants entering directly or indirectly the storm water system or waters of the State. The applicant/developer shall pay for any required cleanup, testing, and City administrative costs resulting from consequence of construction materials entering the storm water system and/or waters of the State.
29. Landscape Plans shall be designed to minimize runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution. Consideration shall be given to pest-resistant landscaping and design features and the use of integrated pest management (IPM) principles and techniques.
30. The Civil Improvement Plans shall indicate that all new storm drain inlets shall be clearly marked with the words "No Dumping! Drains to Bay," or equivalent, as approved by the City Public Works Department. Installation locations shall be clearly identified. Permanently affixed thermoplastic, metallic or plastic laminate style markers are examples of acceptable forms.
31. The Civil Improvement Plan design of all external enclosures for solid waste, recycling and organics shall prevent water run-on to the area, runoff from the area, and 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.
32. 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.

Site Specific Power Conditions

33. 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.

34. The Applicant shall comply to AMP's Rules and Regulations and "Material and Installation Criteria for Underground Electrical Systems" (both available at www.alamedamp.com) and provide completed "Service Planning Sheets" for AMP's review prior to submitting plans for building permits.
35. 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. The location, number and type of electric facilities, such as transformers and primary cables, cannot be finalized until electric estimates of each unit are provided. Special loads, such as EV chargers, and solar installations should be identified. The standard service to the building would be 208/120 V, three phase, four wire.
36. 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.
37. The Applicant shall provide and install street lighting consistent with City's standard. 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.
38. New street trees shall maintain clearances from electrical utilities as follows: 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).
39. The Applicant shall have all streetlights included in the Improvement Plans, installed, fully functional, operational and approved by the City of Alameda Public Works Director prior to issuance of a Certificate of Occupancy for any building unless a phasing plan is approved by the Director of Public Works. Applicant shall coordinate with the City for the streetlight energy costs.
40. All public streets shall be lit with LED lighting. Streetlight layout shall be staggered for a more uniform light distribution. Applicant can provide alternate design if a better efficient light distribution is met. Applicant shall purchase and install fixtures meeting the City of Alameda Public Works standards.
41. 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.
42. 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 Engineering Manager or designee in writing.
43. 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-

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of-way, as designated by AMP. AMP will connect the service to the distribution transformer or to the secondary distribution system.

44. Plans for building permits shall identify all necessary easements and access for AMP to all electrical utility facilities that are in the private properties.
45. 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. Remote metering is not allowed.
46. Concurrent with acceptance of work by City Council, the applicant/developer shall dedicate and AMP shall take over ownership and will be responsible for maintaining all new substructures for under grounding primary and secondary circuits, and distribution transformers once the improvements have been inspected by AMP and found to have been properly installed. The Applicant or successor property owner(s) shall be responsible for the service cables and service equipment.
47. Existing 12kV overhead lines along Clement Avenue (Willow St to Alameda Marina Drive) on the north side shall be converted to underground at no charge to AMP. The 115kV lines will remain overhead. The developer should provide easements for new pad mounted switches and transformers to convert the overhead systems to underground. The south side of Clement may remain overhead.
48. New buildings shall maintain 15 feet of clearance from the 115 kV overhead electrical facilities.
49. 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.
50. The Applicant shall submit, with the site improvement plans, detailed drawings showing the required site electric utility facilities.
51. All service installations to commercial/industrial, multiple dwelling units and subdivisions, shall be underground.
52. Existing 12KV primary cable and equipment crossing to Coast Guard Island shall be avoided and adequately protected during construction to prevent damage. Developer shall be responsible for the repair and replacement of the damage equipment primary cable crossing and equipment. The cost of any relocation of existing facility will be fully paid by the developer. This does not include Switch L-747 and submarine cables, which are to be preserved in place.
53. The applicant/developer will be billed for 100% cost of distribution line extension (except transformers that are rated less than 750 kVA). AMP will require a refundable deposit for transformers rated 750 kVA and higher based on their capacity utilization.

54. **HOLD HARMLESS.** The applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda City Planning Board and their respective agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Alameda, Alameda City Planning Board, and their respective agents, officers, or employees to attack, set aside, void or annul, an approval by the City of Alameda, the Planning, Building and Transportation Department, Alameda City Planning Board, the City of Alameda or the Alameda City Council related to this project. The City shall promptly notify the Applicant of any claim, action, or proceeding and the City shall cooperate in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding. 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.