

CITY OF ALAMEDA PLANNING BOARD  
**DRAFT RESOLUTION**

APPROVING DEVELOPMENT PLAN, DESIGN REVIEW, AND UNIVERSAL DESIGN WAIVER APPLICATION NO. PLN19-0564 FOR 182 TOWNHOMES IN 31 BUILDINGS AS PART OF PHASE II AND SITE-WIDE TRANSPORTATION DEMAND MANAGEMENT PLAN AND AFFORDABLE HOUSING PLAN FOR 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 of the City of Alameda held a duly noticed public hearing and approved Development Plan and Design Review for Phase I of the Alameda Marina Master Plan, which consists of 360 multifamily residential units and 8

work-live units; and

WHEREAS, on December 9, 2019, the Planning Board held a study session on the subject Phase II Development Plan and Design Review application and provided comments on the project; and

WHEREAS, on March 9, 2020, the Planning Board held a duly noticed public hearing on the subject Phase II Development Plan and Design Review application and examined all pertinent application materials and public testimony.

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 Phase II Development Plan residential buildings 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 Planned Development regulations under AMC Section 30-4.20.** The proposed Development Plan is consistent with the Alameda Marina Master Plan for construction of multi-family residential units for 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 multifamily development consisting of 182 townhome units in 31 buildings.
- 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 Development Plan is compatible with existing surrounding uses and provides coordinated travel ways for vehicular and non-vehicular circulation. Landscaped pathways and Bay Trail-compliant signage serve public access to the site and waterfront amenities. A variety of outdoor spaces such as paseos, pathways, and other landscaped areas facilitate harmonious transitions between the townhome buildings and immediate surroundings.
- 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 landscape plan includes native plants and Bay Friendly-compliant landscaping that also achieves state water efficient landscape requirements. The landscaping provides a good transition between the public sidewalks and private open spaces used by residents in the townhomes.

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 182 townhome 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 network of pedestrian pathways provide public access through the townhome buildings, connecting the Phase II area with the waterfront Bay Trail, Graving Dock, and Clement Avenue. This network of pedestrian and bicycle paths and other common landscaped open space facilitate harmonious transitions between the townhome development and the immediate surroundings.
6. **The Development Plan provides a comprehensive, coordinated, controlled system of informational and directional graphic signage throughout the development.** The Development Plan consists of 31 buildings connected by streets, private driveways and non-vehicular paths. A wayfinding signage program will be incorporated into the building plans as a condition of approval. Bay Trail-compliant signage will also be provided according to the Bay Trail program.
7. **The Development Plan demonstrates progressive techniques for the conservation of, and decreased consumption of, nonrenewable energy.** The proposed townhomes will be designed to achieve LEED Silver certification or an equivalent sustainability standard as required under the Master Plan. The townhouse buildings will also provide rooftop solar panels.

BE IT FURTHER RESOLVED, that the Planning Board makes the following findings regarding the Design Review application (AMC Section 30-37.5):

1. **The proposed design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual.** The proposed Phase II townhouse designs are 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 architecture of the townhome buildings 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 that are reminiscent of the Clement Avenue neighborhood and maritime history of the site. Overall, the building designs provide quality architecture that is compatible with the neighborhood and addresses the buildings' relationships 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 townhome architecture is generally divided into two groupings consisting of waterside and landside designs. Waterside buildings have a strong rhythm of cantilevered bays that create a definitive transition. Landside buildings use a combination of bays and balconies to differentiate the upper floors from the ground floor. The Graving Dock is incorporated into the site plan and is a major focal point of the site design. Townhomes on the ends of buildings have their entries on the

side of the building or on the corner. Windows will provide a minimum two-inch recess from the exterior wall surface. Taken as a whole, these building features create well-articulated façades on all sides of the building resulting in a distinctive yet attractive architectural design. The designs promote harmonious transitions in scale and character with the immediate surroundings.

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 designs of the townhome buildings draw 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 the use of tongue and groove and board and batten siding similar to those on industrial buildings, and a range of building colors and articulation that complement the variety of buildings in the surrounding neighborhood.

BE IT FURTHER RESOLVED, that the Planning Board makes the following findings regarding the Request for Waiver of the 100% Visitability Requirement in the Universal Design Ordinance (AMC Section 30-18.5):

1. The requested waiver is necessary to support the provision of affordable housing. The Master Plan includes development of 760 housing units with 104 deed-restricted affordable units. The physical constraints on the site are a barrier to meeting the 100% visitability requirement without affecting the feasibility of providing affordable housing.
2. The requested waiver is necessary to avoid an undue and substantial financial hardship caused by topographical conditions on the site; the size or configuration of the site; and/or other site constraints; and/or legal constraints and equivalent facilitation is not available. The configuration of the site with respect to preservation of the Graving Dock and the need to elevate site grading to address sea level rise present significant barriers to meeting accessibility requirements for 100% of the townhome units.
3. The requested waiver is necessary to avoid a conflict with adopted local, regional, State or Federal regulations. The project includes improvements to the site and shoreline to provide flood protection consistent with local and federal regulations.

BE IT FURTHER RESOLVED, that the Planning Board approves Development Plan, Design Review, and Universal Design Waiver application no. PLN19-0564 for 182 townhomes in 31 buildings as part of Phase II and site-wide Transportation Demand Management Plan and Affordable Housing Plan for the Alameda Marina Master Plan project located at 1815 Clement Avenue, subject to the following conditions:

#### **Planning Conditions:**

1. Building Permit Conditions: These conditions shall be printed on the first pages of the building permit plans and improvement plans.
2. Substantial Compliance with Approvals: The plans submitted for the Building Permit shall be in substantial compliance with Exhibit 1: Alameda Marina Phase II Development Plan and Design Review Plans prepared by KTGy dated March 9, 2020, and on file in the City of Alameda Planning Building & Transportation Department, except as modified by the conditions specified in this resolution.
3. Alternate Site Plan: Prior to issuance of Building Permits, the Applicant shall revise the Development Plan and Design Review package to reflect the site plan configuration as depicted on the sheet labeled Site Plan Option A1.0.1, prepared by KTGy, dated January 21, 2020, on file with City of Alameda Planning, Building and Transportation Department. The revised Development Plan and Design Review package shall be submitted to the Planning Director for review and final approval for consistency with the alternate site plan. Plans submitted for Building Permits shall also reflect the revised site plan.
4. Townhome Parking: Final plans submitted for building permits shall reflect ten (10) townhome units redesigned with single-car garages.
5. CEQA Mitigation Measures: Prior to issuance of a Building Permit or Site Improvement Permit for Phase II, 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.
6. 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 designee. Major modifications that are not consistent with this design review approval or these conditions shall be subject to review and approval of the Planning Board.
7. 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 Alameda Marina Master Plan and Alameda Marina Tentative Map.
8. Affordable Housing Plan: Prior to issuance of the first Building Permit for Phase II, 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 twenty-five (25) affordable housing units in Phase II broken down into the following income categories:

- a. Seven (7) units shall be affordable to very-low income households.
- b. Seven (7) units shall be affordable to low income households.
- c. Eleven (11) units shall be affordable to moderate income households.

9. Transportation Demand Management Plan: Prior to issuance of the first building permit for Phase I Wrap A, the Applicant shall submit a Final Transportation Demand Management Plan ("TDM Plan") for Planning Director review and approval. The Final TDM Plan shall incorporate the following requirements:

- a. Assessments: Alameda Marina households shall pay the Alameda Transportation Management Association to provide transit services via assessments on each housing unit and each commercial space, as follows:
  - i. Every townhome unit that has one private parking space provided shall be assessed an annual fee of \$400 (2020 dollars).
  - ii. Every townhome unit that has two private parking spaces provided shall be assessed an annual fee of \$500 (2020 dollars).
  - iii. Each multi-family unit, within a structured parking facility, shall be assessed an annual fee of \$400 (2020 dollars).
  - iv. Commercial spaces (including Work-Live units) shall be assessed \$0.75 per square foot per year.
  - v. Annual assessments shall be adjusted annually in accordance with the San Francisco Bay Area Consumer Price Index for All Urban Consumers (CPI-U).
- b. The Final TDM plan submitted for Planning Director review shall address all of the requirements of Alameda Marina Master Plan EIR Mitigation Monitoring Program Measure TRA-1 and will include a suite of additional measures intended to reduce vehicle trips by project residents, employees, and visitors to the site.
- c. Any revenues in excess of expenditures shall be used to supplement (not reduce) the annual transit funds collected through residential and commercial transportation assessments. The TDM measures may be combined with other developments to more effectively manage the program.

10. Bay Trail/Pedestrian Access: The following conditions of approval pertain to the Bay Trail and pedestrian paths connecting the Bay Trail to the Graving Dock and the Interim Bay Trail connecting the Graving Dock to Clement Avenue.

- a. Public Access Easements. As part of the Final Map, the Applicant shall provide public access easements on all paseos providing access to the front of homes and the public pathways shown on the Development Plan that are located within the project. The public access easements shall include the Bay Trail extending along a minimum 8' wide path from the west of the Phase II site continuing east to the Graving Dock and continuing to the Interim Bay Trail that leads to Clement Avenue.

- b. Gates Prohibited. No gates shall be erected that would block access to any paseo or pathway. 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, which could include any Covenants, Conditions & Restrictions (CC&Rs) applicable to the property.
11. No Residential Parking in Public Parking Lots: Any CC&Rs applicable to the property shall also state that residential parking is not allowed in marina/public park parking lots.
12. Sustainable Strategies: Building Permit plans shall meet LEED Silver certification or equivalent implementation of sustainable building techniques, as determined by the Building Official.
13. Functional Elements: Building Permit plans shall provide sufficient details to demonstrate compliance with the Functional Elements section on page 57 of the Master Plan.
14. Lighting Plan: Prior to issuance of Building Permit(s), the Applicant shall submit a detailed lighting plan and photometric study for Planning Director review and approval. The detailed lighting plan shall specify the type of lighting fixtures, the location of those fixtures on the plan, a street lighting plan for the Clement Avenue frontage, a street lighting plan for internal streets, and a bay trail and parks lighting plan.
15. Bird Safe Building Ordinance: Building Permit plans shall demonstrate compliance with the Alameda Bird-Safe Building Ordinance (AMC Section 30-5.16.b), as applicable.
16. 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.
17. Public Art Requirement: Prior to final building inspection, the Applicant shall demonstrate compliance with the Public Art Ordinance (AMC Section 30-98).
18. Building Signage: Building signage shall be subject to separate Sign Permit approval according to the Sign Ordinance (AMC Section 30-6).
19. 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 Director. The Final Landscaping Plan shall identify specific sizes and species of plants to be installed.
20. 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.

21. 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.

### **Public Works Department Conditions**

22. The Applicant shall comply with all conditions of approval included in City of Alameda Resolution No. 15570 approved at City Council, July 16, 2019, for Tentative Map #8500, and the said conditions are hereby incorporated by reference.
23. Issuance of the Site Development Permit (PWD permit) is required prior to the issuance any Building Permits, other than demolition permits.
24. Site improvements associated with Phase II of the Tentative Map #8500, including all landscaping, public park facilities, shoreline improvements, marina reconfigurations, and improvements in the Clement Avenue/Stanford Street/Willow Street right of ways, shall be completed to the satisfaction of the City Engineer prior issuance of the first certificate of occupancy for residential units in Phase II.
25. All on-site surface drainage and all runoff from roof downspouts shall be collected and conveyed to stormwater treatment facilities in substantial conformance with the Tentative Map #8500, consistent with the City's NPDES stormwater permit requirements, and in a manner approved by the City Engineer.
26. The SWPPP shall comply with the City's "Urban Runoff Best Management Practices Standards".

### **Fire Department Conditions**

27. Roof Access: Final plans submitted for building permits shall demonstrate that the design of the roof decks and solar panels will not prevent firefighter movement across the roof to the satisfaction of the Fire Marshal.
28. Address Signs: The final building addressing plan submitted along with plans for building permit shall include the placement of address signs in the immediate vicinity of every garage door. The address sign shall include both the unit number and street name to the satisfaction of the Building Official and Fire Marshal.



29. Prior to approval of the Improvement Plans, the applicant shall submit plans for review and approval by the Public Works Director and the Fire Marshal, that:

- a. Provide fire hydrants spaced throughout the project as required in California Fire Code Appendix C. Ensure sufficient fire flow for the development compliant with California Fire Code Appendix B where a maximum reduction of the fire flow can be reduced by up to 75% for fire sprinklered buildings. Placement of hydrants shall be shown on the improvement plans and shall be to the satisfaction EBMUD, the City Fire Marshal and the City Engineer.
- b. Fire hydrant flows shall be a minimum of 1,500 G.P.M. from any one hydrant.
- c. One fire hydrant shall be installed in the Chestnut Lane EVA generally between Townhome Building 4 and Building 6.
- d. The Applicant shall provide adequate turn around space or through access for any street greater than 150 feet in length to the satisfaction of the Fire Marshal and the City Engineer.
- e. Emergency Vehicle Access roads shall have an adequate turning radius for fire apparatus (inside turning radius of 28 feet, outside turning radius 44 feet 8 inches, minimum height 13 feet 6 inches, minimum width 20 feet) and 26 feet wide in the immediate vicinity or portion thereof buildings 30 feet or taller.
- f. All streets and courts within the development that are required to be fire access roads, shall be marked as fire access roads to the satisfaction of the Fire Chief. All roads that are required to be fire access roads shall be designed to handle fire apparatus weight of up to 35,000 pounds per axle. Parking shall be prohibited within the streets and alleys that are dedicated as fire lanes. CC&R's shall include an enforcement mechanism.

30. Aerial Fire Apparatus Roads: Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet, approved aerial fire apparatus access roads shall be provided. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of the building or portion thereof. For more detail refer to Appendix D in the CFC 2019 edition.

## **Alameda Municipal Power**

### **General Conditions**

31. Prior to approval of Improvement Plans, the Applicant shall coordinate with Alameda Municipal Power (AMP) regarding power requirements.

32. The Applicant shall comply with AMP's Rules and Regulations and "Material and Installation Criteria for Underground Electrical Systems" (available at [www.alamedamp.com](http://www.alamedamp.com)) which provides service options, standards, and minimum clearances from electrical transformers and other utility electrical equipment.

33. New street trees shall maintain clearances from electrical utilities as follow: a) street/pathway lights and utility poles – 25 feet; b) joint trench and all underground electrical lines – five feet; c) 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).
34. All service installations to commercial/industrial, multiple dwelling units and subdivisions, shall be underground.
35. 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.
36. The applicant will also 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.
37. Applicant shall allocate space for pad-mounted transformers and switches in addition to the primary and secondary boxes and conduits that will be required to provide power to the development. AMP will require easements for all transformers, primary and secondary boxes, and conduits.
38. The Applicant shall submit, with the site improvement plans, detailed drawings showing the required site electric utility facilities.
39. 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 underground 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.
40. 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.
41. The applicant shall provide (at no charge to AMP) all required easements to AMP facilities on the property prior to issuance of the Final Map.

42. The Final Map shall show all necessary easements and access to all electrical utility facilities that are in the private properties.

#### **AMP Specific Conditions**

43. The development will be served from 208/120V three phase transformers, not 120/240V.

#### **AMP Building Permit Conditions**

44. The Applicant shall provide completed "Service Planning Sheets" for AMP's review.
45. 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 shall be identified.
- Indicate service requirement for the buildings if single phase, 3W, 120/208 V or three phase, 4W, 208/120 V.
  - Provide at least three locations for transformers along Stanford Extension and Willow Extension. Recommended locations would be between 1) Buildings 9 and 10, 2) Buildings 3 and 5 and 3) Buildings 25 and 26.
  - Provide the electric panel single line diagram and load schedule for the buildings especially if there will be EV circuits. Indicate the rating of the switchgear.
  - Indicate the size and number of cables from the building switchgear to the service point which will be at the secondary box outside the building.
  - Indicate if there will be a house meter per building. A main disconnect will be required if there are six or more main breakers in the building switchgear.
  - Provide detailed specifications for the rooftop solar installations.

#### **AMP Substructure Conditions**

46. The Applicant shall provide all necessary underground substructures, including conduits, pull boxes, electric utility equipment pads, etc. per AMP specifications. AMP will furnish and install all required transformers, high voltage distribution cables, and secondary cables.
47. 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.
48. 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.

49. Vesting: The Design Review approval shall expire two (2) years after the date of approval or by **March 9, 2022** unless substantial construction or use of the property has commenced under valid building 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.
50. **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.

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 Community Development Department a written notice of appeal stating the basis of appeal and paying the required fees.