

EXHIBIT B

RECOMMENDED CONDITIONS OF APPROVAL PLN21-0005

**2824 Halcyon Drive APN 77C-1240-5
Chris Zaballos, D.R. Horton (Applicant)
Douglas Storm, Douglas Storm Trust UDT (Property Owner)**

I. COMPLIANCE WITH APPROVED PLANS

1. The Project shall comply with the Plans and Exhibits, attached to the staff report dated May 2, 2022, except as hereinafter modified. Exhibits are on file at the City of San Leandro, Community Development Department, 835 East 14th Street, San Leandro, California, 94577.

EXHIBIT A: CS - COVER SHEET
EXHIBIT B: SS1 - ELDERBERRY WAY AND MUSCARI STREET
STREETSCENE
EXHIBIT C: SD-1 - PRELIMINARY SITE PLAN
EXHIBIT D: SD-2 - LOT COVERAGE AND SETBACK TABLE
EXHIBIT E: SD-3 – TRASH COLLECTION EXHIBIT
EXHIBIT F: SD-2 – FIRE ACCESS EXHIBIT
EXHIBIT G: SD-5 – SITE PLAN (ENLARGEMENT) 1
EXHIBIT H: SD-6 – SITE PLAN (ENLARGEMENT) 2
EXHIBIT I: SD-7 – SITE PLAN (ENLARGEMENT) 3
EXHIBIT J: A1 – PLAN 1.1678 FLOOR PLANS
EXHIBIT K: A2 – PLAN 1.1678 BUILDING SECTION & ROOF PLANS
EXHIBIT L: A3 – PLAN 1.1678 FRONT ELEVATIONS
EXHIBIT M: A4 – PLAN 1.1678 A FARMHOUSE BUILDING ELEVATIONS
EXHIBIT N: A5 – PLAN 1.1678 B CRAFTSMAN BUILDING ELEVATIONS
EXHIBIT O: A6 – PLAN 2.2065 FLOOR PLANS
EXHIBIT P: A7 – PLAN 2.2065 BUILDING SECTION & ROOF PLANS
EXHIBIT Q: A8 – PLAN 2.2065 FRONT ELEVATIONS
EXHIBIT R: A9 – PLAN 2.2065 A FARMHOUSE BUILDING ELEVATIONS
EXHIBIT S: A10 – PLAN 2.2065 B CRAFTSMAN BUILDING ELEVATIONS
EXHIBIT T: A11 – PLAN 3.2318 FLOOR PLANS
EXHIBIT U: A12 – PLAN 3.2318 BUILDING SECTION & ROOF PLANS
EXHIBIT V: A13 – PLAN 3.2318 FRONT ELEVATIONS
EXHIBIT W: A14 – PLAN 3.2318 A FARMHOUSE BUILDING ELEVATIONS
EXHIBIT X: A15 – PLAN 3.2318 B CRAFTSMAN BUILDING ELEVATIONS
EXHIBIT Y: CM1 – EXTERIOR COLOR & MATERIALS
EXHIBIT Z: L-1.1 – ILLUSTRATIVE PLAN
EXHIBIT AA: L-1.2 – PRELIMINARY LANDSCAPE PLAN
EXHIBIT BB: L-2.1 – WALL AND FENCE PLAN
EXHIBIT CC: L-2.2 – WALL AND FENCE DETAILS
EXHIBIT DD: L-3.1 – CONSTRUCTION PLAN (ENLARGEMENT 1)
EXHIBIT EE: L-3.2 – CONSTRUCTION PLAN (ENLARGEMENT 2)
EXHIBIT FF: L-3.3 – CONSTRUCTION PLAN (ENLARGEMENT 3)
EXHIBIT GG: L-4.1 – PLANTING PLAN (ENLARGEMENT 1)

EXHIBIT HH: L-4.2 – PLANTING PLAN (ENLARGEMENT 2)
EXHIBIT II: L-4.3 – PLANTING PLAN (ENLARGEMENT 3)
EXHIBIT JJ: L-5 – PROPOSED PLANT PALETTE
EXHIBIT KK: L-6 – CONTRUCTION DETAILS
EXHIBIT LL: TM-1 – VESTING TENTATIVE MAP LOCATION MAP
EXHIBIT MM: TM-2 – EXISTING CONDITION PLAN
EXHIBIT NN: TM-3 – PROPOSED LOTTING PLAN
EXHIBIT OO: TM-4 – PRELIMINARY UTILITY PLAN
EXHIBIT PP: TM-5 – PRELIMINARY GRADING & DRAINAGE PLAN
EXHIBIT QQ: TM-6 – PRELIMINARY STORMWATER CONTROL PLAN

2. The Applicant and/or Property Owner shall be responsible for assuring that any successor in interest who assumes responsibility for this zoning approval is informed of its terms and conditions.
3. Pursuant to Zoning Code Section 3.04.144, the Applicant may request from the Planning Commission renewal of the Planned Development project approval for up to two additional years if it finds the renewal is consistent with the Code and that no substantive change has occurred in conditions or circumstances pertinent to the Planned Development. Application for renewal shall be made in writing to the Community Development Director not less than 30 days or more than 120 days prior to the expiration of the Planned Development approval. Denial of a request for renewal of the Planned Development Project approval may be appealed.
4. This approval shall lapse after two years from City Council approval, unless a renewal of the Planned Development project approval is granted in accord with Section 3.04.144; or a building permit or grading permit has been applied for, coupled with diligent progress evidencing good faith intention to commence the intended use; or an occupancy permit has been issued.
5. The Project and use shall remain in substantial compliance with the approved plans and exhibits. Proposed changes to the Site Plan Review, Zoning Map Amendment, Planned Development and Tentative Map or the approved plans shall be made in writing to the Zoning Enforcement Official, who may either administratively approve a minor modification or bring it back to the Board of Zoning Adjustments for review.
6. Permitted Use. This Site Plan Review, Zoning Map Amendment, Planned Development, and Tentative Map is an approval to subdivide one parcel into 18 parcels and construct 18 two-story single-family houses on a 2.4-acre site at 2824 Halcyon Drive, Alameda County Assessor's Parcel Numbers 77C-1240-5.

II. ADDITIONAL PLAN SUBMITTALS

7. Final Landscape and Irrigation Plans. Prior to issuance of building permits, the developer shall submit Final Landscape and Irrigation Plans for the review and approval of the Community Development Director. The plans shall include details such as: 1) tree size, species and location; 2) shrubs and groundcovers; 3) installation specifications, including tree staking; 4) irrigation details; 5) water

conservation techniques; and 6) maintenance programs. Final landscape and irrigation plans shall be prepared and certified by a California licensed landscape architect and shall conform to the Model Water Efficient Landscape Ordinance (MWELO) as updated by the State of California Department of Water Resources.

8. Final Site Lighting and Photometric Study. Prior to issuance of building permits, the developer shall submit final plans and details for site lighting, including submittal of a photometric study, for the review and approval of the Community Development Director and Principal Engineer. The plans and details shall show location, height, decorative features, and construction details showing materials and finishes to be used for construction. All site lighting shall be directed below the horizontal plane and no lighting may spill offsite.
9. Water Conservation. Final building plans submitted for building permit shall incorporate a range of water conservation measures to substantially reduce average per capita daily use. These measures shall include the use of equipment, devices and methods for plumbing fixtures and irrigation that provide for long-term efficient water use, subject to the review and approval of the Community Development Director.
10. Prior to issuance of any Certificate of Occupancy on the property, the improvements outlined above shall be completely installed to the satisfaction of the Community Development Director and the City Engineer.

III. PROJECT SITE IMPROVEMENTS

11. Screened Utilities. All electrical, gas, and water meters shall be located such that they will not be visible from the streets, or these units shall be screened or enclosed.
12. Mechanical Screening. All exterior mechanical equipment such as air conditioning/heating units and radio/television antennas shall be screened from view so as not to be visible from adjacent properties or streets to the satisfaction of the Community Development Director. This condition shall not apply to wireless cable receivers that do not exceed three feet in diameter.

IV. INCLUSIONARY HOUSING

13. Inclusionary Units. To satisfy the Inclusionary Housing Requirement under [Zoning Code Section 6.04.144 Owner-Occupied Units](#), the developer shall designate two houses as for-sale to Moderate Income Households and one house as for-sale to Low Income Households. None of the units may be clustered in any one phase or portion of the project.
14. Restriction of Sale. The developer shall execute an instrument or agreement approved by the City restricting the sale of the Owner-Occupied Inclusionary Units in accordance with [Zoning Code Section 6.04.144](#).

V. ENGINEERING AND TRANSPORTATION DEPARTMENT REQUIREMENTS

15. Pursuant to Government Code Section 66020, including Section 66020 (d) (1), the City HEREBY NOTIFIES the applicant for this Project that the 90-day approval period (in which the applicant may protest the imposition of any fees,

- dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) will begin on the date of the conditional approval of this Project. If the applicant fails to file a protest within this 90-day period, complying with all the requirements of Government Code Section 66020, the applicant will be legally barred from later challenging any such fees, dedications, reservations or other exactions.
16. The proposed development shall comply with City ordinances, policies and regulations. All improvements shall be in accordance with the City's Design Standards, Specifications and Standard Plans unless otherwise specifically approved by the City Engineer.
 17. Design review fees, development impact fees, permit fees, inspection fees, and any other fees charged by the City or other reviewing agencies for the review, approval, permitting and inspection of the above listed public improvements shall be paid by the Developer.
 18. Prior to the issuance of building permits, the Developer shall obtain City Council approval of the Final Map and enter into Subdivision and Public Improvement Agreements and other agreements required by the City Engineer for the project. The Final Map shall show all of the utilities such as sewer, water, gas, electric, storm, etc.
 19. Site Improvement Plans for all on-site and off-site improvements shall be approved by the City Engineer prior to the issuance of Building Permits for the project. All improvements shall be designed and constructed in accordance with the City's Design Standards, Specifications and Standard Plans, unless otherwise specifically approved by the City Engineer.
 20. The project construction drawings shall incorporate the recommendations contained within the Geotechnical Investigation prepared by Quantum Geotechnical, Inc., dated July 30, 2020.
 21. Prior to approval of the Final Map, the Subdivider shall submit for approval by the City Engineer, an estimate of the cost of all work and improvements to be performed, both within the public rights-of-way and the project boundaries.
 22. Prior to the approval of the Final Map, the Subdivider shall provide the City Engineer with an updated Preliminary Title Report, prepared within three months prior to the submittal of the Final Map to the City Engineer for review, for all lands contained within the boundary of the Final Map.
 23. The proposed Conditions, Covenants, and Restrictions (CC&Rs) for the project shall be approved by the City prior to approval of the final map.
 24. CC&Rs shall include provisions requiring garbage and recycle bins of the projects households to be placed on the private Courts A and B and the public Street A on service days only in a manner so that refuse and recycle trucks do not have to obstruct the driving aisle in the street.
 25. Any water wells identified on the target property not intended for future use should be plugged and abandoned in accordance with Alameda County requirements.

26. The construction of "Street A", connecting Muscari Street to Elderberry Way will result in more through traffic travelling on these roads to get to Halcyon Drive, in particular, to the signalized intersection at Oleander Street and Halcyon Drive. As part of the public improvements for the project, the City requires that the pavement in Elderberry Way be rehabilitated with a thicker asphalt section to accommodate the additional traffic without reducing the pavement lifespan. The Applicant/Contractor shall perform field investigations to determine the existing pavement section of Elderberry Way.
27. Because the project creates or replaces more than 10,000 SF of impervious surface, it is considered a Regulated Project according to Provision C.3.b of the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit (MRP), Order No. R2-2015-0049, NPDES Permit No. CAS612008, adopted 11/19/2015. Regulated projects must provide stormwater runoff treatment and hydromodification per the aforementioned MRP.
28. The Applicant shall reduce storm water pollution by implementing the following pollution source control measures:
 - a. All storm drains shall be marked "NO DUMPING, DRAINS TO BAY"
 - b. All on-site storm drains shall be inspected and, if necessary, cleaned at least twice a year including immediately prior to the rainy season.
 - c. Sidewalks and parking lots shall be swept regularly to minimize the accumulation of litter and debris. Steam cleaning or low volume pressure washing may be performed only after pre-cleaning using dry methods, spot cleaning and recovery in stained areas and removal of all mobile pollutants. Debris resulting from pressure washing shall be trapped and collected to prevent entry into the storm drain system. Wash water containing any soap, cleaning agent or degreaser shall not be discharged to the storm drain.
 - d. Air conditioning condensate shall be directed to landscaped areas.
 - e. Landscaping shall be designed to minimize irrigation and runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to storm water pollution.
 - f. Where feasible, landscaping shall be designed and operated to treat storm water runoff by incorporating elements that collect, detain, and infiltrate runoff. In areas that provide detention of water, plants that are tolerant of saturated soil conditions and prolonged exposure to water shall be specified.
 - g. Plant materials selected shall be appropriate to site specific characteristics such as soil type, topography, climate, amount and timing of sunlight, prevailing winds, rainfall, air movement, patterns of land use, ecological consistency and plant interactions to ensure successful establishment.
 - h. Proper maintenance of landscaping, with minimal pesticide use, shall be the responsibility of the property owner.

- i. Irrigation shall be appropriate to the water requirements of the selected plants. Irrigation system shall automatically adjust for weather conditions.
 - j. Applicant shall select pest- and disease-resistant plants.
 - k. Applicant shall plant a diversity of species to prevent a potential pest infestation from affecting the entire landscaping plan.
 - l. Applicant shall plant “insectary” plants in the landscaping to attract and keep beneficial insects.
 - m. Storage areas containing non-hazardous liquids shall be covered by a roof and drain to the sanitary sewer system, and be contained by berms, dikes, liners, vaults or similar spill containment devices.
29. The applicant shall obtain an Encroachment Permit from the Engineering and Transportation Department for any work within the public right-of-way. Contractors must be properly licensed, have a valid Business License, and submit proof of insurance. Applicable fees/deposits must be paid.
30. The notes below shall be included on the Improvement Plans submitted for permitting:
- a. The applicant shall obtain an Encroachment Permit from the Engineering and Transportation Department for any work within the public right-of-way including the use of lifting equipment or the staging of materials. Barricades, traffic cones, and/or caution ribbon shall be positioned around any equipment or materials within the right-of-way to provide a barrier to public access and assure public safety. Any damage to the right-of-way improvements must be promptly repaired by the applicant according to City adopted standards.
 - b. The applicant shall comply with the following high standards for sanitation during construction of improvements: garbage cans, construction dumpsters, and debris piles shall be removed on a minimum weekly basis. All food related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers only and shall be regularly removed from the site. Inspections, conducted as part of the regular construction compliance, will be conducted to ensure compliance of the Applicant and contractors with this requirement.
 - c. The applicant shall implement construction best management practices during construction to control erosion, keep sediment from leaving the project site and prevent storm water pollution. The applicant shall protect existing storm drain inlets and conveyances within the project area to prevent sediment from construction activities entering the storm drain system.
31. A Grading Permit will be necessary for the project. The requirements for said permit are indicated in San Leandro Municipal Code §7-12. The permit will be issued prior to or concurrent with the Building Permit. The San Leandro Municipal code can be found at http://www.sanleandro.org/about/municipal_code.asp. The geotechnical engineer of record shall certify that the design of site

improvements conforms to recommendations from the Geotechnical Investigation.

32. The site will be subject to a Construction General Permit according to the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002. The general permit is applicable to construction sites that disturb one or more acres of land surface. The applicant will be required to register the project with the State Water Board's Storm water Multi-Application and Report Tracking System (SMARTS) website. A Qualified SWPPP Developer (QSD) and a Qualified SWPPP Practitioner (QSP) must be responsible for permit compliance. The SMARTS system will generate a Waste Dischargers Identification (WDID) number which must be printed on the Demolition Plans and Grading & Erosion Control plans.
33. The potable water network that serves the site is owned and operated by East Bay Municipal Utility District (EBMUD). Please contact EBMUD at 866-403-2683 for more information about connections and water service.
34. The proposed project is in the Oro Loma Sanitary District service area. The applicant shall contact Oro Loma Sanitary District (510-276-4700) for specific sanitary sewer connection and discharge requirements, and shall submit a copy of Oro Loma Sanitary District Sewer Permit to the City prior to Encroachment Permit Issuance.
35. Existing water service to the site shall be completely removed and capped at the main in Halcyon Drive.
36. The applicant shall locate all utilities serving the site underground.
37. Lighting along the proposed public street shall be designed and constructed per City Standards and shall match the existing street lighting along Muscari and Elderberry.
38. The applicant shall include a photometric study for the project with the site improvement plans submittal.
39. The street trees proposed along the new roadway connecting Muscari and Elderberry are to be maintained by the City of San Leandro Public Works Department. The street trees specified shall be per the Public Works list of approved trees.
40. All proposed storm drain inlets and trench drains shall be marked "NO DUMPING, DRAINS TO BAY" as per the City of San Leandro Standard Plan Dwg. No. 204. All proposed storm drain inlets that are not within bioretention areas shall have trash capture devices. This note shall be included on Building Permit plan set.
41. Grading and Building Permit plans shall include a signage and striping plan for the project.
42. Grading and Building Permit plans shall show that all abandoned driveways or damaged curb, gutter and/or sidewalk along Halcyon Drive shall be removed and replaced per City standards.

43. The CC&Rs shall include provisions requiring bioretention areas within the residences' front yards be maintained to ensure no increased stormwater flows through the site. However, if a property owner proposes to replace or replant vegetation in the bioretention areas, the City Engineer shall approve the proposed replanting plan prior to any change in the bioretention area. A copy of the CC&Rs shall be provided for the City's records prior to approval of the final map.
44. The City's traffic impact fee program is called "Development Fee for Street Improvements" (DFSI). According to the adopted 2021-22 Fee Schedule, the rate for "General Residential" land use is \$1,567.56 per unit. The total DFSI fees due is \$25,080.96, which includes a credit for the two existing single family residential units. This fee is subject to change at the beginning of each fiscal year and is not vested until Building Permit issuance.
45. A Park Facilities Development Impact Fee shall be assessed assuming 18 dwelling units (du) will be added to the property with a credit for the two existing single family residential units as follows:

Park Land Acquisition Fee:	\$17,523.00/du or \$280,368.00
<u>Park Improvement Fee:</u>	<u>\$2,787.00/du or \$44,592.00</u>
Total Park Impact Fee:	\$20,0310.00/du or \$324,960.00

Please note that this is an estimated amount. These fees are subject to change at the start of each fiscal year and will not be vested until issuance of building permit.

VI. BUILDING AND SAFETY SERVICES

46. Building Codes and Ordinances. All Project construction shall conform to all building codes and ordinances in effect at the time of building permit submittal.
47. Geotechnical structural plans review approval letter shall be submitted prior to the issuance of building permits.
48. A PCB Report may be required, depending on existing structures on site, and must be done prior to the demolition of existing structures.
49. An Asbestos Report for demolition of existing structures is required prior to demolition.
50. Approval from Bay Area Air Quality Management District BAAQMD J # for demolition of existing structures is required prior to demolition.
51. A Lead Report is required if lead is detected prior to the issuance of building permits. Best practices for Lead removal is required.
52. All submittals shall include required mechanical, electrical, and plumbing plans. No deferred MEP's accepted.
53. The project is required to comply with Title 24.
54. Construction and Demolition is required to comply with CalGreen and CalGreen Residential Mandatory Measures Checklist is required.

55. Plans submitted for building permits shall show egress for bedroom windows.
56. Fire rating for walls, roof and roof eaves within 5' of property line are required.
57. Photovoltaic electrical system is required for each new single family residence.

VII. ALAMEDA COUNTY FIRE DEPARTMENT REQUIREMENTS

58. A formal plan check review will be completed at time of building permit submittal. The building and parking lot will need to comply with all building and fire code requirements in effect at time of building permit submittal.
59. A fire protection system meeting the requirements of NFPA 13D shall be provided in every single family dwelling.
60. Smoke alarms shall be provided per the CBC 2019 edition.
61. Carbon monoxide detectors shall be installed per the CFC 2019 edition.
62. The width of a fire access route shall be a minimum of 20 feet with no obstruction within the fire access or above the fire access route. It is 28 feet with parking on one-side and 36 feet with parking on both sides.
63. Fire hydrants shall be provided per Appendix C of the CFC 2019 edition and flow a minimum of a 1,000 gpm minute at 20 psi.
64. An address shall be illuminated, visible, and have a contrasting color.
65. All areas designated as part of fire access, including roads, driveways, turnouts, turnaround areas, and fire ground operation areas, when required to be posted as fire lanes, shall be in the accordance with the following:
 - a. Fire lane areas shall be clearly marked with red striping no less than 6 inches in width, running along the edge of the roadway. Painted upon the red striping, in white letters no less than 6 inches in height, shall be the words "FIRE LANE" at 20-foot intervals. For curbs, red striping shall be provided along the face and top of the curb. In white letters, the word "Fire Lane", no smaller than 4 inches in height, shall be painted on the face of the curb every 30 feet.
 - b. Fire lane signs shall be posted immediately adjacent to and visible from designated fire lane areas. Signs shall meet Caltrans specification standards (R26F CA).
 - c. Signs shall be required at the beginning of the designated fire lane area, at the end of the designated area, and in between so such signs are Clearly visible.

VIII. PUBLIC WORKS

66. The Applicant is subject to Alameda County Mandatory Recycling Ordinance#2012-01. For more information, visit www.RecyclingRulesAC.org.
67. The Project must comply with all City and State construction and demolition debris recycling requirements. Permit applicants must demonstrate compliance by completing and submitting an online Waste Management Plan using Green Halo Systems (www.GreenHaloSystems.com) prior to permit issuance.

Applicants must submit recycling and disposal receipts online and submit the waste management report before scheduling the final inspection. Note: Project will not be finalized until all recycling and disposal tags have been registered into Green Halo Systems.

68. Project shall be serviced by Alameda County Industries, which is the solid waste & recycling service provider. The City of San Leandro holds an exclusive franchise agreement for solid waste and recycling services with ACI.

69. The project is serviced by Oro Loma Sanitary District. Applicant shall contact Oro Loma and the project shall be subject to requirements and fees from Oro Loma.

IX. EAST BAY MUNICIPAL UTILITY DISTRICT

70. Separate Meters. Once the property is subdivided, separate meters for each lot will be required. A main extension at the Applicant's expense may be required to serve the proposed development. No water meters are allowed to be located in driveways.

71. Water Service. When the development plans are finalized, the Applicant shall contact EBMUD's New Business Office and request a water service estimate to determine the costs and conditions of providing water service to the development. Engineering and installation of water mains and meters requires substantial lead time, which should be provided for in the project sponsor's development schedule. The project sponsor should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all of the applicable water-efficiency measures described in the regulation are installed at the Applicant's expense. Due to EBMUD's limited water supply, all customers should plan for shortages in time of drought.

X. ENVIRONMENTAL MITIGATION MEASURES

72. COA AQ-1: Low Emitting Construction Equipment. The project applicant or contractor shall select equipment during construction to minimize emissions. The project applicant shall submit a construction management plan to the City of San Leandro for review and approval, prior to issuance of any grading and building permits. The construction management plan shall demonstrate that all off-road construction equipment greater than 50 horsepower shall meet or exceed the United States Environmental Protection Agency (EPA) Tier IV Interim standards. The project applicant and contractor may utilize alternatively fueled equipment (e.g., electric, natural gas) or equipment equipped with engines with a Tier rating lower than Tier IV Interim in combination with other emission control technology (e.g., diesel particulate filters) to satisfy this requirement so long as the project applicant or contractor can demonstrate, to the City's satisfaction, that the alternatively fueled equipment and/or the use of emission control technologies will result in that equipment meeting or exceeding the EPA Tier IV Interim emission standard.

73. BIO-1 Pre-Construction Surveys for Nesting Birds and Roosting Bats. The project would include pre-construction surveys for nesting birds as

recommended in Appendix BIO. Construction activities that occur during the nesting season (generally February 1 to August 31) would disturb nesting sites for birds protected by the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code.

- a. Implementation of the following avoidance and minimization measures would minimize
- b. impacts to raptors and other nesting birds.
- c. To prevent impacts to the Fish and Game Code and/or MBTA-protected birds, nesting raptors, and their nests, removal of trees shall be limited to only those necessary to construct the proposed project.
- d. If possible, construction work (including tree and vegetation removal) should occur outside the nesting season (generally between February 1 and August 31). If construction (including tree and vegetation removal) cannot be conducted outside the nesting season, pre-construction surveys shall be conducted not less than 7 days before the start of work to verify the absence of active nests.
- e. If an active nest of a special-status bird species is located during preconstruction surveys, the United States Fish and Wildlife Service (USFWS) and/or California Department of Fish and Wildlife (CDFW) (as appropriate) shall be notified regarding the status of the nest.
- f. For nests of all species protected under Fish and Game Code, construction activities shall be restricted as necessary to avoid disturbance of the nest until it is abandoned, or the agencies deem disturbance potential to be minimal. Restrictions may include establishment of exclusion zones (no ingress of personnel or equipment at a minimum radius of 100 feet around an active raptor nest and an appropriate radius around an active migratory bird nest depending on the species) or alteration of the construction schedule.
- g. A qualified Biologist shall delineate the buffer using nest buffer signs, environmentally sensitive area fencing, pin flags, and/or flagging tape. The buffer zone shall be maintained around the active nest site(s) until the young have fledged and are foraging independently.

Furthermore, the project would include pre-construction surveys for roosting bats as recommended in Appendix BIO. While unlikely, the vacant structures on-site could provide roosting habitat for special-status bat species. Potential direct and indirect impacts could occur to roosting bats during project construction due to the removal of potential roosting habitat. These activities could potentially subject bats to risk of death or injury, and they are likely to avoid using the area until such construction activities have dissipated or ceased. Relocation, in turn, could cause hunger or stress among individual bats by displacing them into adjacent territories belonging to other individuals. Implementation of the following avoidance and minimization measures would minimize impacts to roosting bats.

A qualified biologist would conduct a survey for special-status bats during the appropriate time of day to maximize detectability to determine whether bat species are roosting near the work area no less than 7 days and no more than 14 days prior to beginning ground disturbance and/or construction. Survey methodology may include visual surveys of bats (e.g., observation of bats during foraging period), inspection for suitable habitat, bat sign (e.g., guano), or use of ultrasonic detectors (e.g., Anabat). Visual surveys would include trees within 100 feet of project construction activities. Not more than 2 weeks prior to building demolition, the project applicant will retain a qualified biologist to survey buildings proposed for demolition for the presence of roosting bats or evidence of bats. If no roosting bats or evidence of bats are found in the structure, demolition may proceed. If the biologist determines or presumes bats are present (if there are site access issues or structural safety concerns), the biologist shall exclude the bats from suitable spaces by installing one-way exclusion devices. After the bats vacate the space, the biologist shall close off the space to prevent recolonization. Building demolition shall only commence after the biologist verifies 7 to 10 days later that the exclusion methods have successfully prevented bats from returning. To avoid impacts on nonvolant (i.e., nonflying) bats, the biologist shall only conduct bat exclusion and eviction from May 1 through October 1. Exclusion efforts shall be restricted during periods of sensitive activity (e.g., during hibernation or while females in maternity colonies are nursing young).

74. MM HAZ-1 Soil Management Plan for Impacted Soils. If impacted soils or other impacted wastes are present at the project site, the project applicant will retain a qualified environmental consultant (PG or PE), to prepare a Soil Management Plan (SMP) prior to construction. The SMP, or equivalent document, will be prepared to address onsite handling and management of impacted soils or other impacted wastes, and reduce hazards to construction workers and offsite receptors during construction. The plan must establish remedial measures and/or soil management practices to ensure construction worker safety, the health of future workers and visitors, and the off-site migration of contaminants from the site. These measures and practices may include, but are not limited to:
- a. Stockpile management including stormwater pollution prevention and the installation of BMPs
 - b. Proper disposal procedures of contaminated materials
 - c. Monitoring and reporting
 - d. A health and safety plan for contractors working at the site that addresses the safety and health hazards of each phase of site construction activities with the requirements and procedures for employee protection
 - e. The health and safety plan will also outline proper soil handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction.
 - f. The lead agency will review and approve the development site Soil Management Plan for Impacted Soils prior to demolition and grading.

75. MM HAZ-2. Remediation. If soil present within the construction envelope at the project site contains chemicals at concentrations exceeding hazardous waste screening thresholds for contaminants in soil (California Code of Regulations [CCR] Title 22, Section 66261.24), the project applicant will retain a qualified environmental consultant to conduct additional analytical testing and recommend soil disposal recommendations, or consider other remedial engineering controls, as necessary.

The qualified environmental consultant will utilize the site analytical results for waste characterization purposes prior to offsite transportation or disposal of potentially impacted soils or other impacted wastes. The qualified environmental consultant will provide disposal recommendations and arrange for proper disposal of the waste soils or other impacted wastes (as necessary), and/or provide recommendations for remedial engineering controls, if appropriate.

The City will review and approve the disposal recommendations prior to transportation of waste soils offsite, and review and approve remedial engineering controls, prior to construction.

Remediation of impacted soils and/or implementation of remedial engineering controls, may require additional delineation of impacts; additional analytical testing per landfill or recycling facility requirements; soil excavation; and offsite disposal or recycling.

The City will review and approve the disposal recommendations prior to transportation of waste soils offsite and review and approve remedial engineering controls, prior to construction.

XI. CONSTRUCTION AND MAINTENANCE PROVISIONS

76. Construction Hours. Construction on the Project site shall not begin prior to 7:00 am Monday through Friday, and prior to 8:00 am on Saturday and Sunday, and shall cease by 7:00 pm each evening, unless otherwise approved by the Chief Building Official. There shall be no construction on Federal holidays. Interior construction shall be permitted outside the above hours provided that construction noise shall not be detectable outside of the structures being built.

77. Construction Activity. Construction activity shall not create dust, noise or safety hazards for adjacent residents and properties. Dirt and mud shall not be tracked onto surrounding streets from the Project site during construction.

78. Maintenance. During the construction phase, the site shall be well maintained in a neat manner, free of weeds, litter and debris.

79. Secure Construction Site. The property shall be secured during construction with a six (6) foot high chain link fence and any other security measures in accordance with recommendation of the San Leandro Police Department.

80. Pest and Vermin Control. Pest and vermin control shall be instituted prior to the demolition and construction of the project.

81. Construction Facilities. Potable water and temporary sanitary facilities shall be provided to workers during construction activities. Temporary sanitary facilities

shall be kept in a clean and odorless condition, secured, and located away from nearby residences.

82. Construction Contact. Adjacent businesses and residents shall be provided with the contact information of the responsible site foreman or managing general contractor during periods of grading and construction.
83. Maintenance. The project site and public right-of-way shall be well maintained and shall be kept free of litter, debris and weeds at all times. Post construction, the project site and public right of way shall be well maintained and shall be kept free of litter, debris and weeds. The Homeowners Association shall be responsible for the maintenance of the project site and adjacent public right-of-way.
84. Fencing and Walls. All fencing and walls on the project site shall be structurally sound, graffiti-free and well maintained at all times.
85. Trees and Landscaping. All landscaping improvements shall be maintained in a healthy, growing condition at all times. Street trees and tree wells shall be maintained. All trees shall be planted so that at maturity they are located far enough away from the sidewalk so that their branches are at least eight (8) feet above the sidewalk area and 14 feet above the roadway/vehicle traveled way.
86. No Graffiti. Any graffiti shall be promptly removed from building walls, perimeter soundwalls and/or fences. The developer and its successors in interest shall comply with the rules and regulations of the City's graffiti removal program and shall grant a license and right of entry as requested to enforce the terms of such program.
87. Signage. No temporary or unauthorized signs including but not limited to banners, streamers and pennants shall be placed on the property, unless approved by the City under a Temporary Sign Permit or Special Event Permit. The use of spotlights, feather signs, animated or inflatable signs, balloons, and lasers shall be prohibited at all times.

XII. GENERAL CONDITIONS

88. A Homeowners Association shall be required for this residential subdivision and a Homeowners Association shall be referenced in the CC&Rs. The Homeowners Association shall be required to maintain the common areas to be kept free of litter and debris at all times such as the driveway, walls and fences, outdoor amenities and landscaping. A copy of the CC&Rs shall be provided for the City's records prior to approval of the final map.
89. Fences, walls and hedges shall comply with Zoning Code Section 4.04.364 (Fences, Walls, and Hedges) for RS zoning district.
90. Any outstanding Planning Services deposit fees or balance shall be paid prior to issuance of a building permit.
91. Developer shall pay its City development, permitting, and plan checking fees in accordance with the fee schedules in effect at the time of the Building Permit approval.

92. Prior to issuance of building permits, the applicant shall pay school fees as mandated by the State of California.
93. Project shall comply with the City's noise ordinance. Noise or amplified music in excess of the City's residential noise standards shall be prohibited.
94. The use of barbed wire, razor wire, chicken wire and chain-link fencing materials shall be prohibited.
95. Outdoor loudspeakers and public announcement systems shall be prohibited from installation and use.
96. All dumpsters or trash containers shall be kept in garages or a designated trash enclosure area except for the day(s) the collection company is scheduled for pick-up. Immediately after pick-up all dumpsters or trash containers shall be returned to the trash enclosure area, out of public view.
97. Sidewalk areas shall be kept free of obstruction and available for their designated use at all times. Building egress and accessible paths of travel shall remain unobstructed.
98. Compliance. No application for amendment of the application or Conditions of Approval may be submitted or accepted for processing by the city unless (i) there is full compliance with all terms of the application and Conditions of Approval; or (ii) the Community Development Director can waive compliance with the terms of the application if they are minor in content.
99. Modifications. Construction of the project shall remain in substantial compliance with the approved exhibits and plans. Any change to the project design, materials or colors shall be subject to the review and approval of the Community Development Director who may administratively approve minor changes, or for more substantial changes, require review by the Planning Commission and City Council as a modification to the Planned Development.
100. The approvals granted by the City as a result of this application, as well as the Conditions of Approval, shall be recorded in the office of the County Recorder of Alameda County.