

## Exhibit C

### RECOMMENDED CONDITIONS OF APPROVAL

PLN17-0034

311 MacArthur Blvd.

APN's 76-311-30-1, 76-311-1-3, 76-311-3, 76-311-4, 76-311-5

David Langon (Applicant) and 311 MacArthur Boulevard LLC (Property Owner)

#### I. COMPLIANCE WITH APPROVED PLANS

1. The project shall comply with Exhibits A through Q, attached to the staff report dated September 5, 2019, 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. Project Data (A0.1)

Exhibit B. Site Plan (A0.2)

Exhibit C. Landscape Layout Plan (L-3.0)

Exhibit D. Dimensioned Site Plan, Signing, Striping, Tree Preservation (C3)

Exhibit E. Fire Lane Diagram (A0.2A)

Exhibit F. Lighting Plan (L-7.1)

Exhibit G. Tentative Map Tract 8422 (C1)

Exhibit H. Elevations and Streetscape

Exhibit H.1. Building A Front Elevation (A1.5)

Exhibit H.2. Building A Rear Elevation (A1.6)

Exhibit H.3. Building A Left/Right Elevations (A1.7)

Exhibit H.4. Building B Front/Left Elevations (A2.5)

Exhibit H.5. Building B Rear/Right Elevations (A2.6)

Exhibit H.6. Building C Front/Left Elevations (A3.5)

Exhibit H.7. Building C Rear/Right Elevations (A3.6)

Exhibit H.8. Building D Elevations (A4.2)

Exhibit H.9. Front Elevations, Color (A0.4)

Exhibit H.10. Streetscape (A0.3)

Exhibit I. Floor Plans Buildings A-D

Exhibit I.1. Building A Ground Floor (A1.1)

Exhibit I.2. Building A Main Floor (A1.2)

Exhibit I.3. Building A Upper Floor (A1.3)

Exhibit I.4. Building B Ground Floor (A2.1)

Exhibit I.5. Building B Main Floor (A2.2)

Exhibit I.6. Building B Upper Floor (A2.3)

Exhibit I.7. Building C Ground Floor (A3.1)

- Exhibit I.8. Building C Main Floor (A3.2)
- Exhibit I.9. Building C Upper Floor (A3.3)
- Exhibit I.10. Building D Floor Plans and Roof Plan (A4.1)

Exhibit J. Floor Plans Types

- Exhibit J.1. Plan 1 All Floors (A5.1)
- Exhibit J.2. Plan 1.1 All Floors (A5.2)
- Exhibit J.3. Plan 1.2 Ground and Main Floor (A5.3)
- Exhibit J.4. Plan 1.2 Upper Floor (A5.4)
- Exhibit J.5. Plans 2 and 3 Ground and Main Floor (A5.5)
- Exhibit J.6. Plans 2 and 3 Upper Floor (A5.6)

Exhibit K. Roof Plans Building A-C

- Exhibit K.1. Building A Roof Plan (A1.4)
- Exhibit K.2. Building B Roof Plan (A2.4)
- Exhibit K.3. Building C Roof Plan (A3.4)

Exhibit L. Landscape Details

- Exhibit L.1. Planting Plan (L-6.1)
- Exhibit L.2. Planting Details (L-6.2)
- Exhibit L.3. Patio, Wall, Gate and Picnic Area Detail (L-3.1)
- Exhibit L.4. Perimeter Fence, Trellis, and Grill Detail (L-4.1)
- Exhibit L.5. Trellis, Picnic Table, Raised Planter, Arbor Detail (L-4.2)
- Exhibit L.6. Concrete Pavers, Bike Rack, Wall Light, Mailboxes (L-4.3)
- Exhibit L.7. Planting Notes (L-6.0)

Exhibit M. Topographic Survey (C2)

Exhibit N. Grading and Utility

- Exhibit N.1. Grading and Utility Plan North (C4)
- Exhibit N.2. Grading and Utility Plan South (C5)
- Exhibit N.3. Sections (C7)

Exhibit O. Preliminary C.3 Storm Water Control Plan (C6)

Exhibit P. Color and Material Boards

- Exhibit P.1. Scheme A
- Exhibit P.2. Scheme B
- Exhibit P.3. Scheme C

Exhibit Q. Shadow Study

2. The developer 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. Construction shall commence within 2 years following City Council approval and shall be substantially completed 18 months thereafter. For the purpose of compliance with this condition, commencement of construction shall be defined as the construction of a substantial portion of the infrastructure and residential units.

Pursuant to Zoning Code §3-1024, the developer 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.

## II. PERMITTED USE

4. **Permitted Use.** This Zoning Amendment, Planned Development, Site Plan Review, and Tentative Map is an approval to construct a 20-unit, three-story residential townhome subdivision on a 0.97-acre site at 311-335 MacArthur Boulevard. Alameda County Assessor's Parcel Numbers 76-311-30-1, 76-311-1-3, 76-311-3, 76-311-4, 76-311-5.
5. **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.
6. **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.

## III. ADDITIONAL PLAN SUBMITTALS

7. **GreenPoint Checklist.** Prior to issuance of building permits, applicant shall submit a checklist showing that the project meets the minimum green building rating for a residential buildings, according to the most current GreenPoint Rated for Newly-Constructed Residential Buildings, or equivalent green building rating system as adopted by the City of San Leandro at the time of submittal for building permits. Features indicated on said checklist shall be incorporated into building permit plans.
8. **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 by a California licensed landscape architect and shall conform to the Model Water Efficient Landscape Ordinance as updated by the State of California Department of Water Resources.
9. **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.

10. **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.
11. 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.

#### **IV. PROJECT SITE IMPROVEMENTS**

12. **Garage Doors.** All garage doors shall be a roll-up sectional type and provide variety in panel and/or window design.
13. **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.
14. **Lighting.** On-site lighting shall be designed and located so as to not interfere with traffic on adjacent streets or shine above the horizontal plane or onto adjacent properties. Dark sky compliant outdoor lighting plans shall be reviewed and approved with the building permit application.
15. **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.

#### **V. INCLUSIONARY HOUSING**

16. **Inclusionary Units.** To satisfy the Inclusionary Housing Requirement under Zoning Code §6-3022 Owner-Occupied Units, the developer shall designate two units as for-sale to Moderate Income Households and one unit as for-sale to Low Income Households. None of the units may be clustered in any one building.
17. **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 §6-3022.

#### **VI. ENGINEERING AND TRANSPORTATION DEPARTMENT REQUIREMENTS**

##### **Municipal Regional Stormwater Permit Provision C.3 (Clean Water Program)**

18. **Regulated Project.** 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 (Order

No. R2-2015-0049, NPDES Permit No. CAS612008, adopted 11/19/2015). Stormwater treatment measures must be constructed to provide the required treatment of storm runoff prior to entering the public storm drain system.

19. **O&M Agreement.** The applicant shall submit a detailed Operations and Maintenance agreement in accordance with MRP section C.3.h. The O&M agreement shall be required prior to Grading Permit issuance.
20. **Storm Water Pollution Measures.** The applicant shall reduce storm water pollution by implementing the following pollution source control measures:
  - 20.1. Structures shall be designed to discourage the occurrence and entry of pests into buildings, thus minimizing the need for pesticides. The trash area shall be separated from the rest of the building by concrete or masonry walls so that pests that gain access to the area are less likely to access the rest of the building.
  - 20.2. All storm drains shall be marked “NO DUMPING, DRAINS TO BAY”.
  - 20.3. All on-site storm drains shall be inspected and, if necessary, cleaned at least twice a year immediately prior to the rainy season.
  - 20.4. 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.
  - 20.5. Interior floor drains (if any) shall not be connected to the storm drain system.
  - 20.6. Air conditioning condensate shall be directed to landscaped areas. Any air conditioning condensate that discharges to land without flowing to a storm drain may be subject to the requirements of the State Water Resources Control Board’s (SWRCB) Statewide General Waste Discharge Requirements (WDRs) for Discharges to Land with a Low Threat to Water Quality.
  - 20.7. 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.
  - 20.8. 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, plans that are tolerant of saturated soil conditions and prolonged exposure to water shall be specified.
  - 20.9. 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.
  - 20.10. Selection of the plants that will require minimal pesticide use.
  - 20.11. Irrigation shall be appropriate to the water requirements of the selected plants.

- 20.12. The applicant shall select pest and disease resistant plants.
- 20.13. The applicant shall plant a diversity of species to prevent a potential pest infestation from affecting the entire landscaping plan.
- 20.14. The applicant shall plan insectary plants in the landscaping to attract and keep beneficial insects.
21. **Sanitation.** The Applicant shall comply with the following high standards of 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 requirements.
22. **Storm Drain.** All proposed storm drain onsite and offsite inlets 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 “United Storm Water” or similar trash capture devices.

#### **Tract Map**

23. **Tract Map.** A tract map for condominium purposes shall be prepared for the project. Map shall be prepared by a licensed Land Surveyor, and a Tract Map application shall be completed and submitted to the City of San Leandro Engineering and Transportation Department, and shall be consistent with the submitted Tentative Map. Tract map shall be approved and recorded at the Alameda County Recorder’s office prior to building permit application.
24. **CC&R’s.** Applicant shall include the development Covenants, Conditions, and Restrictions (CC&R’s) for review by City staff along with the Tract Map submittal.

#### **Storm Drainage**

25. **Line Q Connection Permit.** The storm drain lines within Broadmoor Boulevard and MacArthur Boulevard are operated and maintained by Alameda County Flood Control and Water Conservation District (ACFCWCD) and is called “Line Q”. Connections to Line Q will require a permit from the District and shall be submitted prior to building permit issuance.

#### **Off-Site Improvements**

26. **Sidewalk/Curb/Driveway.** The Applicant shall remove any broken and uplifted sidewalk, driveway, curb and gutter along the full project frontage and shall construct new City standard sidewalk, driveway, curb and gutter in the same location and alignment as the existing curb and gutter. All work within the Public Right-of-Way shall be per City of San Leandro Standard Plans.
27. **Underground Utilities.** All utility connections for the project shall be placed underground.

28. **Encroachment Permit.** Any work in the Public Right-of-Way shall require an encroachment permit from the City of San Leandro Engineering and Transportation Department.
29. **Pedestrian Flashing Sign.** The Applicant shall add a pedestrian rapid-flashing beacon at the crosswalk on MacArthur Boulevard (near Broadmoor). The crosswalk warning system to be installed by the applicant must be manufactured specifically for the purpose of enhancing pedestrian safety, and must be classified as a Rectangular Rapid Flashing Beacon (“RRFB”) in the U.S. Department of Transportation, Federal Highway Administration, Manual on Uniform Traffic Control Devices (MUTCD), Interim Approval 21 Memorandum, dated March 20, 2018.

**Grading**

30. **Grading Permit.** 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](http://www.sanleandro.org/about/municipal_code.asp).
31. **Construction General Permit.** The project is 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 grading and/or erosion control plans.

**Impact Fees**

Please note that this is an estimated amount using the Fiscal Year 2018-2019 fee rates. These fees are subject to change at the start of each fiscal year and will not be vested until issuance of building permit. The property is outside the MacArthur Boulevard Underground Utility District. Therefore, no Underground Utility Fee is due for this project.

32. **Park Facilities.** A Park Facilities Development Impact Fee shall be assessed assuming 20 dwelling units (du) as follows:

Park Land Acquisition Fee:	\$14,126.00/du	or	\$282,520.00
Park Improvement Fee:	\$2,279.00/du	or	\$45,580.00
Total Park Impact Fee:	\$16,405.00/du	or	<u>\$328,100.00</u>

In lieu of the Park Land Acquisition Fee, the applicant can instead purchase and dedicate (or partner with other developers to purchase and dedicate) 0.25 acres of park land within the City limits.

33. **Street Improvement.** The Development Fee for Street Improvement (DFSI) shall be assessed in the amount of \$28,758.40 which is calculated at \$1,437.92 per housing unit. However, a credit for the existing use of the property is applied to this fee, in the amount

of \$32,477.71, which is calculated at \$2.39 per square foot of the existing building of 13,589 square feet (per Alameda County Assessor's records). Therefore, no DFSI is due for this project.

## VII. ALAMEDA COUNTY FIRE DEPARTMENT REQUIREMENTS

Please note that these conditions do not constitute a complete fire and building code review. A formal plan check review will be completed at time of building permit submittal. The building will need to comply with all building and fire code requirements in affect at time of building permit submittal.

34. **Fire Protection System.** A Fire Protection System meeting the requirements of NFPA 13, 13R, or 13D is required for this building. On the documents list what type of the system will be provided for the structures. If the fire protection system is a NFPA13 or 13D system, a fire alarm system shall be provided. Note this on the cover sheet.
35. **Building Eave Height.** A measurement of the height from grade to the eave shall be taken once the eave is in place for all buildings. It is the responsibility of the owner/ developer to make any changes if the height of the eave exceeds 30 feet.
36. **Fire Hydrants.** Fire hydrants shall be provided as indicated on the plans.
37. **Emergency Lighting.** Pathways and walkways to the public way shall be provided with emergency lighting (14-19, 20-21).
38. **Fire Extinguishers.** Fire Extinguishers shall be provided in weather proof cabinets with a rating of 2A 10B:C and a travel distance not to exceed 75 feet for all common areas.
39. **Driveway Fire Lane.** The driveway is required to be designated as a Fire Lane. The "Fire Lane" shall be identified with either a posted sign every 100 feet or painted red curb with the appropriate CVC code section.
40. **Knox Box.** A Knox Box shall be provided for any common areas.

## VIII. PUBLIC WORKS REQUIREMENTS

41. **Trash, Recycling, and Organics Collection.** Trash, recycling and organics bins shall be placed curbside no more than 24 hours prior to scheduled service day(s). Bins shall be removed from the curb no more than 12 hours after collection service. The solid waste and recycling provider is Alameda County Industries.
42. **Recycling Requirements.** Applicant is subject to Alameda County Mandatory Recycling Ordinance 2012-01.

## IX. EAST BAY MUNICIPAL UTILITY DISTRICT

43. **Separate Meters.** Once the property is subdivided, separate meters for each lot will be required. A main extension at the project sponsor's expense will be required to serve the proposed development. No water meters are allowed to be located in driveways.
44. **Water Service.** When the development plans are finalized, the project sponsor 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 project sponsor's expense. Due to EBMUD's limited water supply, all customers should plan for shortages in time of drought.

## **X. CONSTRUCTION PROVISIONS**

45. **Construction Hours.** Construction on the project site shall not commence prior to 7:00 a.m. and shall cease by 7:00 p.m., Monday through Friday, and shall not commence prior to 8 a.m. and shall cease by 7 p.m. Saturday and Sunday, unless otherwise approved by the Chief Building Official. There shall be no construction on Federal holidays. Interior construction such as sheet rock taping and texturing, painting, tile installation and similar activity shall be permitted outside the above hours provided that construction noise shall not be detectable outside of the buildings under construction or renovation.
46. **Construction and Demolition Debris.** 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](http://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.
47. **Bird Nesting.** Tree removal, trimming, and other vegetation removal shall be completed between August 16 and January 31, outside of bird nesting season. If work must occur during nesting season a survey shall be conducted by a qualified wildlife biologist no more than 14 days prior to the start of project activities. If active nests are identified, a no disturbance buffer of 25-500 feet (depending on species and setting) would be established around each nest until the young are fledged or the nest becomes inactive.
48. **Air Quality.** The Project construction contractor(s) shall use construction equipment fitted with Level 3 Diesel Particulate Filters (DPF) for all construction equipment of 50 horsepower or more. Prior to any construction, the construction contractor(s) shall ensure that all construction plans submitted to the City of San Leandro Community Development Department clearly show the requirement for Level 3 DPF for construction equipment over 50 horsepower. During construction, the construction contractor(s) shall maintain a list of all operating equipment in use on the Project site for verification by the City of San Leandro Community Development Department. The construction equipment list shall state the makes, models, and numbers of construction equipment on site. Equipment shall be properly serviced and maintained in accordance with manufacturer recommendations. The construction contractor(s) shall ensure that all nonessential idling of construction equipment is restricted to five minutes or less in compliance with California Air Resources Board (CARB) Rule 2449.

49. **BAAQMD Best Management Practices.** Project's construction contractor shall comply with the current Bay Area Air Quality Management District (BAAQMD) Best Management Practices for reducing construction emissions of PM10 and PM2.5.
50. **Dust and Noise.** Construction activity shall not create dust, noise or safety hazards for adjacent residents and properties. Dirt and mud shall not be tracked onto Herma Court, Broadmoor Boulevard or MacArthur Boulevard from the project site during construction. All construction contracts shall include the following requirements: 1) Unpaved construction sites shall be sprinkled with water at least twice per day; 2) Trucks hauling construction materials shall be covered with tarpaulins or other effective covers; 3) Streets surrounding demolition and construction sites shall be swept at least once per day; and 4) Paving and planting shall be done as soon as possible. City shall charge developer, and developer shall pay, for all costs of sweeping city streets in the vicinity of the project as necessary to control dust and spillage.
  - 50.1. **Dust.** Standard construction dust control procedures, such as wetting, daily roadwashing and other maintenance functions to control emissions, shall be implemented at all times during outdoor construction. Dust generating activities such as grading, excavation, paving etc., shall be scheduled the early morning and other hours when wind speeds are low. All construction activities entailing soil disturbance shall cease when winds exceed 30 miles per hour as an hourly average.
  - 50.2. **Noise.** Procedures with the highest noise potential shall be scheduled for daylight hours, when ambient noise levels are highest. The contractor(s) shall be required to employ the quietest among alternative equipment or to muffle/control noise from available equipment.
51. **Truck Route Plan.** The developer shall prepare a construction truck route plan that would restrict trucks to arterial streets that have sufficient pavement section to bear the heavy truck traffic, thereby minimizing noise and traffic impacts to the community. The construction truck route plan shall be reviewed and approved by the City Traffic Engineer prior to receipt of the grading permit.
52. **Truck Hauling Hours.** Truck hauling activities shall be restricted to 8:00 a.m. to 5:00 p.m. There shall be no truck hauling activity on Saturdays, Sundays and legal holidays.
53. **Maintenance.** During the construction phase, the site shall be well maintained in a neat manner, free of weeds, litter and debris.
54. **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.
55. **Pest and Vermin Control.** Pest and vermin control shall be instituted prior to the demolition and construction of the project.
56. **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.

57. **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.
58. **Conditions of Approval.** A copy of these Conditions of Approval shall be identified on the plans submitted with the building permit application and posted or made available on the job site during construction.

## **XI. MAINTENANCE**

59. **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.
60. **Balconies and Patios.** Balconies and patio areas shall be kept in a neat and clean condition at all times and shall not be used for storage. Access to patio doors shall be maintained unobstructed for emergency access.
61. **Pet Waste.** Pet waste shall be promptly removed and properly disposed from all property sidewalks, pet areas, and landscaping. An outdoor pet waste disposal receptacle shall be provided and maintained.
62. **Fencing and Walls.** All fencing and walls on the project site shall be structurally sound, graffiti- free and well maintained at all times.
63. **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.
64. **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.
65. **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. PARKING MANAGEMENT**

66. **Garage Parking.** The CC&Rs shall require that all resident parking occur on-site, in designated garages.
67. **Prohibited Uses.** Designated parking areas shall not be converted to living areas, storage cages, or any other uses that would obstruct or prevent its use for vehicle parking.

68. **Prohibited Vehicles.** The parking and storage of boats, trailers, camper tops, cargo containers and inoperable vehicles on the subject property shall be prohibited at all times.
69. **Parking Maintenance.** The Homeowners Association shall regularly maintain the parking areas and shall be responsible for the prompt clean up and removal of litter, oil stains and spilled vehicle fluids. Parking areas shall be well maintained and kept free of litter and debris at all times.

### **XIII. GENERAL CONDITIONS**

70. **HOA.** 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 such as the driveway and landscaping. A copy of the CC&Rs shall be provided for the City's records prior to approval of the final map.
71. **Planning Fees.** Any outstanding Planning Services deposit fees or balance shall be paid prior to issuance of a building permit.
72. **City Fees.** 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.
73. **School Fees.** Prior to issuance of building permits, the applicant shall pay school fees as mandated by the State of California.
74. **No Smoking/Vaping.** Smoking and vaping shall be prohibited within 25 feet of all common areas. A no-smoking sign shall be prominently displayed outdoors in the vicinity of common areas.
75. **Recorded Conditions.** 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.
76. **Amendments.** No application for amendment of the application or Conditions of Approval may be accepted or submitted 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 waives compliance with the terms of the application and Conditions of Approval pending application for the amendment.