

## **Exhibit G**

### **RECOMMENDED CONDITIONS OF APPROVAL PLN22-0008, PLN21-0020 AND PLN21-0021**

**Assessor's Parcel Numbers: 080G 0900 001 08, 080G 0900 004 01, 079A 0475 009 04, 079A 0590 001 05, 079A 0590 001 07, 079A 0590 002 00, 079A 0590 003 00, and 079A 0590 004 00;  
Monarch Bay LLC (applicant) and City of San Leandro (owner)**

#### **I. COMPLIANCE WITH APPROVED PLANS AND CONDITIONS OF APPROVAL**

1. The project shall be in substantial compliance with the plan Exhibits D through F, attached to the Resolution dated May 19, 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.
2. These conditions of approval shall run with the land and the Applicant/Developer shall be responsible for assuring that any heirs, executors, administrators, and successors in interest to the real property that is the subject of this approval are informed of its terms and conditions.
3. The Applicant/Developer shall include an annotated copy of the approved City Council Resolution with each set of detailed construction plans submitted for plan check review. Notations to the conditions of approval shall be made to clearly indicate how all conditions of approval will be or have been complied with and a reference shall be provided to specific plan sheets that demonstrate compliance. Construction plans shall not be accepted without the annotated final conditions of approval document.
4. These conditions of approval impose specific fees, dedications, reservations and/or other exactions. Pursuant to Government Code Section 66020, the 90-day period in which the Developer or applicant must protest the imposed fees, dedications, reservations and/or other exactions has begun as of the date that the conditions of approval are approved.
5. 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.
6. The project shall comply with all requirements of the Disposition and Development Agreement (DDA) Agreement and Development Agreement (DA) documents, and all Exhibits including the Purchase and Sale Agreement and Leases, entered into by the City of San Leandro and Cal Coast Companies, LLC, Inc.
7. The Site Plan Review and Planned Development Project approvals shall remain in effect as outlined in the project Development Agreement.
8. All standard conditions, design features and applicable mitigation measures described within the 2015 San Leandro Shoreline Development Project Environmental Impact Report (SCH # 2013072011) and are incorporated herein by reference and the Applicant/Developer shall implement all required mitigation measures contained in the Mitigation Monitoring and Reporting Program (MMRP) prepared in conjunction with the Shoreline EIR, as appropriate. All Mitigation Measures can be found in the MMRP unless otherwise noted.

9. Modifications to the project shall be processed pursuant to the project Development Agreement.

## **II. INDEMNIFICATION**

10. The Applicant/Developer hereby agrees to defend, indemnify, and save harmless the City of San Leandro, its Council, boards, commissions, officers, employees and agents, from and against any and all claims, suits, actions, liability, loss, damage, expense, cost (including, without limitation, attorneys' fees, costs and fees of litigation) of every nature, kind or description, which may be brought by a third party against, or suffered or sustained by, the City of San Leandro, its Council, boards, commissions, officers, employees or agents to challenge or void the permit granted herein or any California Environmental Quality Act determinations related thereto.
11. In the event that any person should bring an action to attack, set aside, void or annul the City's approval of this project, the Applicant/Developer shall defend, indemnify and hold harmless the City and/or its agents, officers and employees from any claim, action, or proceeding against the City and/or its agents, officers and employees with counsel selected by the Applicant/Developer (which shall be the same counsel used by Applicant/Developer) and reasonably approved by the City. Applicant's/Developer's obligation to defend, indemnify and hold harmless the City and/or its agents, officers and employees shall be subject to the City's compliance with Government Code Section 66474.9.
12. Where any state, federal or case law allows City to exercise any discretion or take any act with respect to that law, City shall, in an expeditious and timely manner, at the earliest possible time, (a) exercise its discretion in such a way as to be consistent with, and carry out the terms of, this Agreement and (b) take such other actions as may be necessary to carry out in good faith the terms of this Agreement.
13. City shall take all actions that are necessary or advisable to uphold the validity and enforceability of this Agreement. If this Agreement is adjudicated or determined to be invalid or unenforceable, City agrees, subject to all legal requirements, to consider modifications to this Agreement to render it valid and enforceable to the extent permitted by applicable law. Developer shall pay all of City's documented costs, including attorneys' fees and experts' costs, incurred to modify or defend this Agreement.

## **III. ADDITIONAL PLAN SUBMITTALS**

### **Prior to Close of Sale on Single-Family Parcel**

14. The Applicant/Developer shall submit a site visibility analysis for all public/private street and private street/drive alleyway intersection within the single-family residential element. Analysis shall be reviewed and approved by the City's Engineering and Transportation Department.
15. In accordance with the requirements of the Development Agreement, Section 1.4.17 of the Disposition and Development Agreement, and Mitigation Measure HYDRO-7 of the MMRP, the Developer Project Elements must meet City engineering requirements related to flood plain and sea level rise, with such requirements and the site engineering plans subject to approval of the City Engineering and Transportation Director. In accordance with Mitigation Measure HYDRO-7,

the Project shall be designed to be resilient to a mid-century sea level rise projection. If the Project would remain in place longer than mid-century, an adaptive management plan shall be developed to address the long-term impacts that would arise. The results of the risk assessment shall be incorporated into the site design . Such plans shall include provisions related to surcharge and raising the level of the Property in accordance with technical recommendations and approved plans. An acceptable method of fulfilling the adaptive management plan required by Mitigation Measure HYDRO-7, is to design structures to be resilient to the 2070 sea level rise projection and establish a funding mechanism to address capital improvements necessary for future adaptation to sea level rise. As such, Developer has agreed to participate in Community Facilities District financing which will address future sea level rise improvements. Developer Project Element structures on the Property are to be designed to be resilient to a 2070 sea level rise projection of 3.5 feet above Base Flood Elevation as defined by the Medium-High Risk Aversion scenario in the 2018 State of California Sea Level Guidance. The minimum finish floor elevation to meet the base flood elevation plus sea level rise 2070 is 13.5 NAVD88 unless alternate means are approved by the City Engineering and Transportation Director. Future elevation plans shall be submitted in NAVD88.

16. The Applicant/Developer shall provide a waste management plan, approved by the hauler and the City, for each Project element demonstrating that there is adequate space for both staging of the waste containers and for a collection vehicle to enter and exit each property in order to service each container. For safety reasons, a turnaround must be provided for any street, or driveway, that would require the collection truck to back up a distance greater than 150 feet. If a turnaround is required, the Applicant/Developer shall provide a 40-foot turning radius for collection trucks. If “push/pull” service is available from the waste hauler, the individual alleys shall be serviced in this manner to avoid the placement of waste bins on the private road thereby displacing parking on collection day.

**Prior to Issuance of Permits for On-Site Work of Any Kind**

17. The Applicant/Developer shall submit a Construction Phasing and Management Plan for review and approval by the Community Development Director and Engineering and Transportation Director prior to permit issuance for any on-site work that details:
  - a. Project phasing including how “backbone” infrastructure, site preparation, and required public improvements will be completed pursuant to the project Development Agreement and Disposition and Development Agreement;
  - b. A fire, pedestrian, bicycle, and automobile access plan for the phasing, including continued access to the Bay Trail as may be required by City and the San Francisco Bay Area Conservation and Development Commission.
  - c. The building(s) contained within each phase and the site improvements that will be constructed within each phase (e.g., roadways, utilities, bio-retention facilities, off-street parking, landscaping, conform grading along the phase boundary, etc.) as well as the timing of the installation of the related improvements in accordance with the requirements specified in the project Development Agreement and Disposition and Development Agreement;
  - d. Plotting of all units, specifying unit type, or model for each lot, building envelopes, or setbacks, consistent with the City-approved plans;
  - e. Detailed phasing plan of the required geotechnical surcharging for each phase of the Project;

- f. Phasing of construction, construction traffic, construction fencing, and delivery of soil and building materials, noise issues, and other related issues and demonstrates compliance with applicable Conditions of Approval related to construction management;
  - g. Temporary fence/wall plan showing the location, design, height, and construction details, for all fencing and walls and a timetable for installation. All sites shall be secured during construction with a six (6) foot high chain link fence and any other necessary security measures in accordance with recommendation of the San Leandro Police Department. Modifications to temporary construction fencing from City standards may be considered and approved by the Community Development Director;
  - h. Construction scheduling - 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.
  - i. Provisions for public noticing – a minimum of two weeks prior to initiating any construction activities at the site, the Applicant/Developer shall provide notice to businesses and residents within 500 feet of the project site including (1) project description, (2) description of construction activities, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name and phone number of the Construction Management Individual for the project, and (5) that construction work is about to commence. A copy of such notice and methodology for distributing the notice shall be provided to the Community Development Director for review and approval at least five (5) business days in advance;
  - j. A provision for personnel responsible for receiving and addressing construction-related inquiries and complaints from the community; and
  - k. Details of signage that shall be installed on site prominently posting the contact information for responsible personnel to receive community complaints during the construction phase(s).
18. Prior to issuance of any permits for on-site work, the Applicant/Developer and City shall enter into one or more Public Improvement Agreements agreeing to construct and complete all public improvements necessary to service the Project and any improvements required pursuant to the Development Agreement and Disposition and Development Agreement. As part of the Agreement(s), the Applicant/Developer shall pay all fees and provide securities, guaranteeing construction of the required improvements. Bonding shall be provided to the City in the form of a “Performance Surety” and a separate “Labor and Materials Surety” in amounts stipulated by City ordinances and in a format acceptable to the City Engineer.
19. The public improvement agreements noted above shall demonstrate satisfaction of the following Mitigation Measures, subject to review and approval by the Engineering and Transportation Director:
- a. TRAF1A.2: Optimize the cycle length of the traffic signal at the intersection of Doolittle Drive and Marina Boulevard. Developer to contribute its fair share.
  - b. TRAF-1C: Install a traffic signal at Marina Boulevard and Aurora Drive.
  - c. TRAF-1D: Install a roundabout at the intersection of Monarch Bay Drive and Mulford Point Drive.
  - d. TRAF-2B.3: Implement a bicycle lane on Doolittle Drive between Fairway Drive and Williams Street, as identified in the City of San Leandro’s 2010 Bicycle and Pedestrian Master Plan.

- e. TRAF-7B.1: Modify the traffic signal at southbound I-880 ramps and Marina Boulevard to a three phase operation to provide non-conflicting:
    - Eastbound and westbound through movements on Marina Boulevard during the first phase.
    - Southbound right-turn, northbound right-turn and westbound left-turn movements during the second phase.
    - Pedestrian phase across the I-880 southbound on-ramp. This phase can be run concurrently with the southbound off-ramp right turn or the westbound through movement.
  - f. TRAF-7H: Modify the traffic signal phasing and optimize cycle length and signal split timing at the intersection of Merced Street and Marina Boulevard
  - g. TRAF-7K: Optimize the traffic signal cycle length at the intersection of Aladdin Avenue and Teagarden Street.
20. The Applicant/Developer shall submit a comprehensive sanitary sewer study to be reviewed and approved by the City prior to issuance of any permits for on-site work. The findings of said study will likely require upgrades to the City's existing sewer infrastructure both within and outside of the Project limits (including but not limited to gravity and force sewer mains, laterals, pump station, manholes, valves, testing facilities etc.). Any such upgrades required to support the development, whether within the Project limits or off-site, shall be the sole responsibility of the Applicant/Developer to design and construct to the satisfaction of the Engineering & Transportation Department and in accordance with City's standards and specifications.
21. The Applicant/Developer shall submit a comprehensive potable water and fire flow study to be reviewed and approved by the City and East Bay Municipal Utility District (EBMUD) prior to issuance of any permits for on-site work. The findings of said study will likely require upgrades to EBMUD's existing potable water infrastructure both within and outside of the Project limits (including but not limited to water mains, laterals, valving, treatment facilities, etc.). Any such upgrades required to support the development, whether within the Project limits or off-site, shall be the sole responsibility of the Applicant/Developer to design and/or coordinate with EBMUD and construct to the applicable jurisdiction's Standards and Specifications.
22. The Applicant/Developer shall submit a detailed hydrologic and hydraulic study including calculations for a 100-year storm as well as a capacity study for the existing pump station located northwest of Monarch Bay Drive near Neptune Drive to be reviewed and approved by the City prior to issuance of any permits for on-site work. All stormwater entering, and/or originating from, the site shall be collected and conveyed to an adequate downstream drainage facility.
- The findings of said study will likely require upgrades to the City's existing storm drain infrastructure both within and outside of the Project limits (including but not limited to gravity storm drain mains, laterals, storm drain pump/lift stations, outfall structures, manholes, etc.). Any such upgrades required to support the development, whether within the Project limits or off-site, shall be the sole responsibility of the Applicant/Developer to design and construct to the satisfaction of the Engineering & Transportation Department and in accordance with City's standards and specifications.
23. The Applicant/Developer shall submit a Traffic Control Plan and construction truck route plan to the Engineering & Transportation Department for review and approval prior to issuance of permits for

any on-site work 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. Such plan shall include all plans for temporary signals, temporary signage, temporary striping, location points for ingress and egress of construction vehicles on and off the site, staging areas, and timing of construction activity which appropriately limits hours during which large construction equipment may be brought on or off the site.

24. Prior to issuance of permits for any on-site work west of Monarch Bay Drive, the Applicant/Developer shall submit a spill contingency plan pursuant to Mitigation Measure HYDRO-1B and shall demonstrate that Mitigation Measure HYDRO-1A is satisfied as it relates to the Applicant/Developer's scope of work.
25. Prior to issuance of permits for any on-site work east of Monarch Bay Drive, the Applicant/Developer shall submit a Monarch Butterfly Roosting Habitat Protection Program (MBRHPP) prepared by a qualified biologist that complies with EIR Mitigation Measure BIO-1A and ensures adequate avoidance and protection of the winter roosting colony, consistent with the intent of Section 4-1-1000, Interference with Monarch Butterflies Prohibited, of the San Leandro Municipal Code. Grading and equipment operation, any tree removal, pruning, or herbicide application within 200 feet of the edge of trees known to support the Monarch Butterfly Roosting Habitat shall be restricted from August 1 through March 31 to prevent any inadvertent disturbance to the winter roosting colony, unless modified by the approved Monarch Butterfly Roosting Habitat Protection Program (MBRHPP).
26. Prior to issuance of permits for any on-site work east of Monarch Bay Drive in the vicinity of the jurisdictional wetlands, a compensatory mitigation program shall be developed and implemented to provide adequate mitigation for jurisdictional waters affected by proposed improvements per Mitigation Measure BIO-3 and HYDRO-1B. The jurisdictional wetland delineation shall be prepared by a qualified wetland specialist and submitted for verification by the Army Corps. As applicable, a Wetland Protection and Replacement Program (WPRP) shall be prepared by the qualified wetland specialist shall be reviewed and approved by regulatory agencies and implemented accordingly. As applicable, a Section 404 permit shall be obtained from the Army Corps and a Section 401 water quality certification shall be obtained from the RWQCB.
27. Prior to issuance of permits for any on-site work, the Applicant/Developer shall submit a Mitigation Measure Compliance Checklist confirming compliance with all required environmental mitigation measures contained in the Mitigation Monitoring and Reporting Program.

#### **Prior to Tree Removal**

28. A tree report shall be prepared and submitted for approval. Such report shall indicate:
  - a. Trees to be removed and those to be preserved.
  - b. Measures to protect trees to be preserved shall be incorporated into and demonstrated on all applicable plans, including installation of temporary construction fencing at the perimeter of the protected area, restrictions on construction within the fenced areas unless approved as a condition of the application and performed under the supervision of the certified arborist, and prohibition on parking or storing of vehicles and other construction equipment within the protected area.

- c. Compliance with Migratory Bird Treaty Act and relevant sections of the California Fish and Game Code to avoid loss of nests in active use. This shall be accomplished by scheduling tree removal and building demolition outside of the bird nesting season (which occurs from February 1 to August 31) to avoid possible impacts on nesting birds if new nests are established in the future. Alternatively, if tree removal and building demolition cannot be scheduled during the non-nesting season (September 1 to January 31), a pre-construction nesting survey shall be conducted pursuant to Mitigation Measure BIO-1C. The survey shall be completed by a qualified wildlife biologist no more than 14 days prior to the start of tree removal. 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.

Where avoidance of a regulated tree is not feasible, replacement tree plantings shall be provided prior to plan check approval as part of the final landscape plan.

29. The Applicant/Developer shall comply with San Leandro Zoning Code Section 4.16.112 and shall comply with the requirements of Mitigation Measure BIO-5A prior to tree removal.
30. The Applicant/Developer shall comply with the requirements of the approved Tree Report. All construction contracts shall identify these requirements and shall be acknowledged by the contractor. Adequate measures defined in the tree report to protect all trees to be preserved shall be incorporated and demonstrated on applicable plans. This shall include installation of temporary construction fencing at the perimeter of the protected area, restrictions on construction within the fenced areas unless approved as a condition of the application and performed under the supervision of the certified arborist, and prohibition on parking or storing of vehicles and other construction equipment within the protected area. Where avoidance of a regulated tree is not feasible, replacement tree plantings shall be provided prior to plan check approval as part of the final landscape plan.
31. Tree removal, landscape grubbing, building demolition, and other construction activities, such as grading and utility installation shall be performed in compliance with the Migratory Bird Treaty Act and relevant sections of the California Fish and Game Code to avoid loss of nests in active use. This shall be accomplished by scheduling tree removal and building demolition outside of the bird nesting season (which occurs from February 1 to August 31) to avoid possible impacts on nesting birds if new nests are established in the future. Alternatively, if tree removal and building demolition cannot be scheduled during the non-nesting season (September 1 to January 31), a pre-construction nesting survey shall be conducted pursuant to Mitigation Measure BIO-1C. The survey shall be completed by a qualified wildlife biologist no more than 14 days prior to the start of tree removal. 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.

#### **Prior to Grading Permit Issuance**

32. Prior to grading permit issuance, the Applicant/Developer shall submit plans and show construction details for relocating the golf cart and pedestrian crossing across Fairway Drive between the Nine Hole Executive Golf Course and the Golf Course Main Parking lot on the Improvement Plans, Grading Plans and Final Landscape Plans. Trail crossings of streets shall have curb cuts, ramps, signs, and

pavement markings as approved by Engineering & Transportation Department and Planning Division. The ultimate improvements shall include but are not limited to a separate pedestrian path of travel crossing Fairway Drive, a separate golf cart crossing separate from the pedestrian crossing, RRFB (Rectangular Rapid Flashing Beacons) system at the new crosswalk location, replace portion of the median, curb, gutter, sidewalks, asphalt pavement and concrete pavement along path of travel, removing and reinstalling median island including street trees, landscaping and irrigation, ADA-accessible ramps, signing and pavement striping, and any additional frontage improvements as determined by the City Engineer, prior to Acceptance of Improvements.

33. Prior to grading permit issuance, updated Geotechnical Reports shall be submitted that, at minimum, address the following pursuant to Mitigation Measure GEO-1 and GEO-3:
  - a. The potential earthquake related impacts of strong ground shaking amplification due to the soft underlying sediments.
  - b. Seismic ground motion parameters in accordance with Building Code requirements.
  - c. The potential for lateral spreading. Where necessary, corrective measures shall be included in the required design-level geotechnical report(s) and implemented during construction. These measures could include retaining structures to stabilize channel margins, use of deep foundations, removal or improvement of liquefiable soils, and/or the use of relatively rigid foundations.
  - d. Settlement of the existing fill and Bay Mud and options to mitigate these effects, including use of shallow ridged foundations for smaller structures, supporting larger structures with deep foundations such as driven piles (if necessary), and installing flexible connections for utilities. Pre-loading consolidation (surcharging) prior to construction of new improvements could also be considered. The recommendations for both special foundations and other geotechnical engineering measures specified in project specific geotechnical reports shall be implemented during design and construction pursuant to Plan Check.
  - e. Specific recommendations for mitigation of expansive soils under pavements and structures, including techniques such as capping expansive soils with a layer of non-expansive fill, or by lime treatment. Typical mitigation measures for pavements could include special pavement design, lime treatment of subgrade soils and/or sub-excavation of expansive soils and replacement with non-expansive fill. These recommendations shall be based on testing of the in-site fill materials. The recommendations shall be submitted to the City as a part of Plan Check applications prior to building and/or paving plan submittal.
  
34. Pursuant to Mitigation Measure GEO-3A, project-specific geotechnical reports shall be prepared at the time of Plan Check applications in accordance with the City's grading permit regulations. The recommendations for both special foundations and other geotechnical engineering measures specified in project specific geotechnical reports shall be implemented during design and construction. These measures may include use of deep foundations engineering and removal or improvement of potentially liquefiable soils. Documentation of the methods used shall be provided in the required design-level geotechnical report(s). All plans submitted for grading permits shall incorporate all design and construction criteria specified in the updated Geotechnical report(s). The geotechnical engineer shall sign the improvement plans and approve them as conforming to their recommendations prior to issuance of grading permits. All project-related grading, trenching, backfilling and compaction operations shall be conducted in accordance with the City of San Leandro Engineering and Transportation Department's Standard Plans and the recommendations in the updated Geotechnical Reports.

35. All grading, improvement plans, and construction plans prepared for building permits shall clearly indicate trees proposed to be removed, altered, or otherwise affected by development construction, together with the “limit of grading” line.
36. Prior to grading permit issuance, the improvement plans shall include fencing/wall details for all proposed fencing or walls within that development phase, subject to review and approval by the Community Development Department.
37. Prior to grading permit issuance, the Applicant/Developer shall obtain a Floodplain Development Permit from the City’s Floodplain Administrator. The application shall include the proposed elevation in relation to mean sea level of the lowest floor (including basement) of all structures and the proposed elevation in relation to mean sea level to which any structure will be flood-proofed in accordance with the City’s Municipal Code requirements under Chapter 7-9, Floodplain Management and Mitigation Measure HYDRO-7.
38. Finish floor and grade elevations within the private development elements shall be coordinated with the elevations of adjacent public areas, including but not limited to those areas serving as Emergency Vehicle Access (EVA) for the private development. The final grades of the public areas within 100 feet of the Shoreline are also subject to review and approval by Bay Conservation and Development Commission (BCDC).
39. The Applicant/Developer shall include BCDC’s jurisdictional boundary on all plans submitted for permits and shall apply for and obtain any and all necessary permits and authorizations from BCDC if any are so required.
40. Prior to grading permit issuance, a signed contract with a qualified archaeologist shall be submitted pursuant to Mitigation Measure CULT-2.

**Prior to Building Permit Issuance**

41. Additional design review by the Community Development Department Planning Division is required for the Single-Family Element (single-family homes and townhomes) prior to building permit issuance. To initiate design review, submit updated conceptual plans with additional exhibit and details, including:
  - a. Updated preliminary grading plan demonstrating compliance with Sea Level Rise requirements;
  - b. Waste management exhibit demonstrating that there is adequate space for both staging of the waste containers and for a collection vehicle to enter and exit each property in order to service each container. If “push/pull|” service is available from the waste hauler, the project shall have individual alleys serviced in this manner as opposed to carts placed on the private road thereby displacing parking on collection day;
  - c. A mailbox and parcel delivery plan;
  - d. A fencing exhibit delineating private open space from common areas;
  - e. Consider enhanced pedestrian connectivity through the site, including sidewalk paths connecting townhomes with Monarch Bay Drive;
  - f. Rooftop decks, if allowed, shall be designed to the satisfaction of the Fire Marshal and Chief Building Official.

- g. Updated landscape plans and stormwater plans. Current plans depict stormwater treatment in what are presumed to be private yard spaces;
  - h. Streetscape elevations of a typical cul-de-sac arrangement and streetscape elevations along interior private street and Monarch Bay Drive;
  - i. Updated site plan exhibit clearly showing setbacks and building separations for each lot;
  - j. Detailed project data table detailing development standards for the project;
  - k. Provide enhanced detached single-family elevations where visible from a public right-of-way (e.g., vary façade planes, introduce 1-2 additional materials, include larger projections, recess windows, incorporate Juliette balconies, introduce contemporary awnings or shade structures). Large sections of building exteriors treated with only stucco shall be avoided; and
  - l. Provide enhanced townhome elevations where visible from a public right-of-way and introduce an additional building material to break up the massing of the units.
42. Architectural enhancements shall be incorporated on plans submitted for permit issuance subject to review and approval by the Community Development Director, as follows:
- a. Restaurant/Banquet elevations facing the parking lot shall be enhanced on plans submitted for permit issuance subject to review and approval by the Community Development Director.
  - b. Enhance east elevation of Market along Monarch Bay Drive. Consider upper-level windows, or a band of additional material or color (potentially horizontal band of brick) as the east elevation is the 'front' elevation from the road.
  - c. Consider additional detailing on multi-family stucco facades, which may include score lines/expansion joints, projecting elements, or deep recesses, or introduction of non-stucco materials. Window insets are encouraged, wherever feasible, with an emphasis on the first-floor. Deeper overhangs are encouraged, but not required, where financially feasible.
43. Prior to issuance of building permits, all building plans and specifications shall be submitted for review and approval to the Community Development Director to ensure general consistency with the approved exterior designs and architectural enhancements. Said plans and specifications shall indicate the exact type of siding, materials, plaster cement, veneer, brick, stone base, railings, awnings, metal work, door and window framing/trims/mullions, light fixtures, gates, and utility doors to ensure that the exterior materials and finishes meet the standards illustrated in the approved plan exhibits. In addition, a final paint colors and materials board shall be submitted for the exterior of the buildings.
44. In accordance with Section 1.4.16 of the DDA and Mitigation Measure TRAF-2A, prior to the issuance of building permits, the Applicant/Developer and City shall agree to Transportation Demand Management (“TDM”) measures for the overall project with a trip reduction goal of 10% for daily trips and 20% for peak-hour trips. Measures shall include, at minimum, a private shuttle that will be made available to all of the land uses within the Shoreline development. The final TDM Plan shall specify responsible parties to administer each measure and enforcement provisions.
45. The Applicant/Developer shall cooperate with City in the formation of a community facilities district or districts by the City pursuant to the Mello Roos Community Facilities District Act of 1982 (Gov. Code §§ 53311–53368.3) (the “Mello-Roos Act”) in accordance with Section 1.5 of the DDA. Without limitation of the foregoing, the Developer acknowledges and agrees as follows:
- a. Formation of CFD; Estimated Maximum Total Tax Rate. The CFD is anticipated to be formed prior to the sale of the Property from the City to the Developer. Accordingly, the City is

anticipated to be the sole landowner-voter in connection with the formation of the CFD. The Special Tax shall be established for the CFD in an amount, determined in the sole discretion of the City, that is sufficient to finance all or a portion of the Public Improvements (via CFD bonds and/or pay as you go) and services determined necessary by the City for the Project that are authorized to be financed under the Mello-Roos Act, pursuant to a rate and method of apportionment prepared by the City's special tax consultant. The special tax shall include an annual escalator and shall have no sunset date.

- b. Financing Public Improvements; Reimbursement of Expenses. The CFD may finance the design, acquisition and/or construction of Public Improvements necessary for development of the Project, which will include a share of the City's estimated future sea level rise mitigation costs, that are eligible for financing under the Mello-Roos Act, some of which Public Improvements may be constructed by the City and some of which may be constructed by the Developer. Bonds are expected to be issued by the CFD to finance Public Improvements eligible for financing under the Mello-Roos Act, as determined by the City, in consultation with the City's bond counsel, financial advisor and/or underwriter and subject to prevailing bond market conditions. The timing and amount of CFD bonds, if any, sold to finance the Public Improvements, and the prioritization of funding any particular Public Improvements, shall be in the sole discretion of the City. The parties agree that in connection with the issuance of CFD bonds, if any, to finance Public Improvements constructed and/or paid for by Developer to be acquired by the City, Developer and the City will enter into a funding and acquisition agreement in a form reasonably acceptable to the City's bond counsel setting forth, among other things, the requirements for and mechanism by which the Developer would be reimbursed. The Parties may also be reimbursed from CFD special taxes and/or CFD bond proceeds for any costs advanced in connection with the formation of the CFD, the issuance of any CFD bonds and related CFD costs, in the sole discretion of the City.
  - c. Financing Public Services. The CFD may finance services attributable to the new development that are eligible for financing under the Mello-Roos Act, in the amounts determined in the sole discretion of the City.
  - d. City's Reservation of Discretion. It is expressly acknowledged, understood and agreed by the Parties that the City reserves full and complete discretion with respect to the formation of the CFD, the issuance of any series of Bonds for the CFD, and the financing of facilities and services through the CFD.
  - e. Developer's Cooperation; Notification to Future Purchasers. Developer agrees to cooperate with the City on any bond sale for the CFD for which information about the Developer and its development plans for the Project are requested by the City. Developer also acknowledges and agrees to provide notice to potential purchasers of land subject to the Special Tax required by applicable law, including, without limitation, Government Code Section 53341.5.
46. The Applicant/Developer shall submit a site lighting and street lighting plan prepared by an electrical engineer for review and approval of the City Engineer and Community Development Director prior to issuance of the Improvement, Utility, or Building permits, whichever comes first. The lighting plans shall show the location of all light sources, streetlight spacing, intensity of luminance, and uniformity ratio, in accordance with the City's specifications, and shall address, at minimum, the following:
- a. Design details and materials for each lighting type (light standards, bollards, wall mounted packs, etc.)
  - b. Demonstration that adequate lighting ranges will be provided throughout the development, including but not limited to alleyways, pathways, streetscapes, and open spaces, without

creating light spillover, glare, light pollution, or conflicts with surrounding factors such as tree locations, off-site or adjacent lighting, or hazardous conditions for vehicular traffic, either on private property or on adjoining streets. In order to minimize light and glare on the project property, all parking lot and exterior structure light fixtures shall be high cut-off type that divert lighting downward onto the property and shall not cast light on any adjacent property or roadway.

- c. Photometric study demonstrating location, candle power, and light levels
  - d. To prevent damage from vehicles, standards in parking areas shall be mounted on reinforced concrete pedestals or otherwise protected.
47. Prior to issuance of building permits, the developer shall submit final landscape and irrigation plans for both on-site and off-site improvements for that phase for the review and approval of the Community Development Director and Engineering and Transportation Director, including final details and specifications including, but not limited to: material samples for driveways and private walkways. At a minimum, the planting plan shall include trees with a minimum size of 15 gallons, shrubs and vines with a minimum size of five gallons, and ground cover with a minimum size of one gallon with appropriate spacing for full coverage. Said 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. Plants at the perimeter of parking lots shall not be taller than 30 inches in height per Zoning Code Section 4.16.116. Fan Palms shall be substituted with a different plant species. 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. 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. The landscape architect shall also assume responsibility for review of the work and shall provide a Letter of Acceptance of construction conformance to the City, prior to acceptance of the work, that the installation of landscaping and irrigation in the public right-of-way way and City-owned portions of the site were constructed in accordance with the approved plans. A final inspection of the installed landscaping and irrigation shall be completed prior to final building permit approval.
48. The Applicant/Developer shall submit a Master Sign Program application for the entire development for review and approved by the Planning Division prior to issuance of building permits for the first phase. The Applicant/Developer shall design and install project entrance and wayfinding signage as part of the Master Sign Program.
49. The Applicant/Developer shall submit an acoustic study to the satisfaction of the City's Chief Building Official with the applications for building permit Plan Check in accordance with Mitigation Measure NOISE-1A that demonstrate all development meets applicable exterior noise standards and all new residences meet an interior noise level of 45 dBA CNEL consistent with State and local noise standards. For non-residential uses, the study shall include, but not be limited to, noise levels associated with airport operations and acceptable interior noise levels for all non-residential construction will be determined based on a case-by-case basis according to the type of activity proposed. The study shall be based on precise grading and architectural plans including specific construction method details and materials to calculate the necessary exterior to interior noise reduction of approximately 20 dBA to achieve 45 dBA CNEL for residential construction. The precise exterior to interior reduction would be determined in the acoustical study when precise

grading plans with building elevations, footprints and architectural plans are available. The acoustic study shall:

- a. Identify noise insulation features and techniques to reduce interior noise levels to achieve the interior noise standard pursuant to Mitigation Measure NOISE-1A, using features such as upgraded exterior wall and roof assemblies, and upgraded windows and exterior doors.
  - b. Pursuant to Mitigation Measure NOISE-1B, all residential units of the Project shall include an alternative form of ventilation, such as noise-baffled passive air ventilation systems or mechanical air conditioning systems, that would allow windows to remain closed for prolonged periods of time to meet the interior noise standard of 45 dBA Ldn established by the City and the Uniform Building Code Requirements.
  - c. Demonstrate compliance with Mitigation Measure Noise-4 addressing construction noise.
  - d. All construction contracts shall identify these requirements and shall be acknowledged by the contractor.
50. All plans submitted for building permits shall incorporate all design and construction criteria specified in the updated Geotechnical report(s). The geotechnical engineer shall sign the improvement plans and approve them as conforming to their recommendations prior to issuance of building permits. The geotechnical engineer shall also assume responsibility for inspection of the work and shall certify to the City, prior to acceptance of the work that the work performed is adequate and complies with its recommendations. The geotechnical engineer of record shall prepare letters and as-built documents to document their observances during construction and to document that the work performed is in accordance with the project plans and specifications. As required by the City of San Leandro, all construction activities shall meet the Building Code regulations for seismic safety (i.e. reinforcing perimeter and/or load bearing walls, bracing parapets, etc.).
51. Prior to the issuance of building permits, a Letter of Map Revision (LOMR) and elevation certificate shall be submitted to the City's Chief Building Official in compliance with Municipal Code Chapter 7-9, Floodplain Management and Mitigation Measure HYDRO-7.
52. Prior to issuance of building permits, the Applicant/Developer shall provide documentation that they have submitted proper notice to the Federal Aviation Administration, as required, and received necessary permits and approvals to the satisfaction of the Community Development Director.

#### **Prior to Certificate of Occupancy**

53. Prior to issuance of any Certificate of Occupancy on the property, improvements required by the project Disposition and Development Agreement prior to Certificate of Occupancy shall be completely installed to the satisfaction of the Community Development Director and the Director of Engineering and Transportation or as outlined in the Disposition and Development Agreement and Development Agreement.

#### **IV. INCLUSIONARY HOUSING**

54. The Applicant/Developer shall comply with its Inclusionary Housing Plan submitted, reviewed and approved through the planning approval process required under Section 6.04.128 "Compliance Procedures" of the Inclusionary Housing Ordinance (Chapter 6.04 of the Zoning Code). The

approved Inclusionary Housing Plan will also demonstrate compliance with the approved project Disposition and Development Agreement and Development Agreement.

55. The Applicant/Developer shall enter into, and record, an Inclusionary Housing Agreement (reflecting the approved Inclusionary Housing Plan) with the City per Zoning Code Section 6.04.128 (C-D) "Compliance Procedures" that commit the Inclusionary Units as affordable and long-term and housing in lieu fees for the ownership and rental housing units.

## **V. SUSTAINABILITY**

56. Per Mitigation Measure GHG-1, the Applicant/Developer shall obtain a Leadership in Energy and Environmental Design (LEED) Certified rating for Building Design and Construction from the U.S. Green Building Council (USGBC) for the Developer Hotel and Multifamily Elements.
57. Per Mitigation Measure GHG-1F, individual habitable residential and non-residential structures shall be designed to be 15 percent more energy efficient than the current Building and Energy Efficiency Standards. The 15-percent reduction in building envelope energy use shall be based on the current Building and Energy Efficiency Standards (Title 24, Part 6, of the California Building Code) such as through increased efficiency related to window efficacy, low energy lighting, lighting occupancy sensors, wall, floor and attic insulation, efficient heating that is in place at the time building permits are submitted to the City. Architectural plans submitted to the City Building Division shall identify the requirement to reduce building energy use by 15 percent to meet this requirement. The Applicant/Developer is encouraged but not required to incorporate microgrid and battery storage into the Project if economically feasible.
58. Applicant/Developer-provided appliances shall be Energy Star appliances (dishwashers, refrigerators, clothes washers, and dryers) pursuant to Mitigation Measure GHG-1C. Installation of Energy Star appliances shall be verified by the San Leandro Building and Safety Division during plan check.
59. The location of the electrical vehicle (EV) infrastructure shall be specified on site plans, and proper installation shall be verified by the Building and Safety Division prior to issuance of a Certificate of Occupancy:
  - a. Multi-Family: 40 percent of parking spaces shall be EV Ready and remaining 60 percent shall be EV Capable
  - b. Developer Hotel: 10 percent of the total non-residential parking spaces shall have EV charging stations and an additional 10 percent shall be EV Capable.
  - c. Single-Family: Pursuant to Mitigation Measure GHG-1A, Residential developments that include garage parking shall be electrically wired to accommodate electric vehicle charging.
60. An employee Commute Trip Reduction (CTR) program shall be established for large non-residential development projects (employers with at least 50 employees at work site during its hours of business) by the Applicant/Developer or their designee, in conformance with the Bay Area Air Quality Management District's Commuter Benefits Program (California Government Code Section 65081). The program shall offer one of the following commuter benefit options:
  - a. Pre-tax benefit: Allow employees to exclude their transit or vanpooling expenses from taxable income, up to the maximum allowable pre-tax benefit.

- b. Employer provided subsidy: Provide a subsidy to reduce or cover employees' monthly transit or vanpool costs, up to \$75 per month.
- c. Employer-provided transit: Provide a free or low-cost transit service for employees, such as a bus, shuttle or vanpool service.
- d. Alternative commuter benefit: Provide an alternative commuter benefit that is as effective in reducing single-occupancy commute trips, as the options above.

The employer shall also provide information about other commute options and connect commuters for carpooling, ridesharing, and other activities. The CTR program shall identify alternative modes of transportation to the Project Site, including transit schedules, bike and pedestrian routes, and carpool/vanpool availability. Information regarding these programs shall be readily available to employees and clients and shall be posted in a highly visible location and/or made available online. The project Applicant/Developer shall consider the following additional incentives for commuters as part of the CTR program:

- a. Preferential carpool parking.
- b. Flexible work schedules for carpools.
- c. Telecommute and/or flexible work hour programs.
- d. Car-sharing program (e.g., Zipcar).
- e. Bicycle end-trip facilities, including bike parking, showers, and lockers.

The CTR program shall be prepared for the review and approval by the Community Development Director prior to occupancy permits, which approval shall not be unreasonably withheld or delayed.

- 61. 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 and are commercially available, subject to the review and approval of the Community Development Director, which approval shall not be unreasonably withheld or delayed.
- 62. Outdoor landscaping on the Single-Family Element shall utilize tertiary treated recycled water from the San Leandro Water Pollution Control Plant, subject to availability and final City approval. Developer shall either install the facilities and improvements necessary to utilize such recycled water pursuant to the project Development Agreement or enter into an agreement with the City to construct them. The scope and responsibility of such facilities and improvements shall be as approved through a Public Improvement Agreement.

## **VI. FEES**

- 63. Except as provided in the Development Agreement for the project, the Applicant/Developer shall pay all required City fees in effect at the time of required fee payment, including all applicable City development, impact, permitting, and plan checking fees in accordance with the fee schedules in effect at the time of the permit approval(s).
- 64. Prior to issuance of building permits, the Applicant/Developer shall pay school fees as mandated by the State of California.

65. The proposed developments are in the City of San Leandro's sewer service area. The Applicant/Developer shall pay the applicable sewer connection fees that are current at the time each building permit is issued.
66. Developer shall finance and place public art at appropriate locations on the Property. The amount to be used to fund the public art shall be calculated as one percent (1%) of the total construction budget for the Project, in a minimum total cumulative amount of Two Million Dollars (\$2,000,000). In lieu of funding on-site public art, Developer may fulfill all or a portion of its requirements under this Section by making a payment calculated as one percent (1%) of the total construction budget for the Project, payable for each Developer Project Element prior to issuance of the first building permit for Vertical Improvements for such Developer Project Element, to be deposited by City into a public art fund managed by the City (the "Public Art Fund"). The Public Art Fund shall be used by City exclusively for eligible expenses for art on the Property in conformance with Section 1.4.13 of the DDA.

## **VII. SOLID WASTE**

### **General**

67. Project is in the Alameda County Industries (ACI) service area. For questions about solid waste and recycling service, service levels and/or proposed service location(s) for residential and commercial tenants. Contact ACI at (510) 357-7282. To ensure compliance with the Franchise Agreement, ACI shall be the exclusive service provider for compactors onsite.
68. To comply with state and local regulations, the Applicant/Developer shall demonstrate on the plans submitted for building permit issuance that solid waste enclosures have enough solid waste and recycling storage capacity to contain all materials generated at the site. The enclosure must be sized to ensure enough capacity for the collection, proper sorting and containment of all materials (landfill, recycling and organics). California state law, SB 1383, mandates that compostable and recyclable materials be separated from landfill materials and properly recycled. In San Leandro, SB 1383 will be implemented and enforced under the Alameda County Organics Reduction and Recycling Ordinance. For more information, visit [www.stopwaste.org/rules#Business](http://www.stopwaste.org/rules#Business).
69. The Applicant/Developer shall comply with all City and State construction and demolition debris recycling requirements including CalGreen Residential Mandatory Measures Checklist. 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.
70. Solid waste and recycling containers shall be kept inside the designated space(s) and kept out of public view, except when it is necessary to place them at the trash staging area on days that the contents of the containers are picked up for disposal. Property managers/building owners shall be responsible for securing trash, recycling and composting waste containers and preventing the theft of recycled materials. Property managers/building owners shall provide keys or cards to the franchised waste hauler or service company for access to any locked gates or enclosures if services are not provided by on-site maintenance staff. The property managers/building owners shall be

responsible for ensuring solid waste and recycle containers are secured and waste enclosures are locked promptly after collection and shall be responsible for the regular cleaning and maintenance of all trash, organics and recycling enclosure areas and receptacles and ensure organics collection receptacles are maintained in an odor-free condition.

### **Hotel/Restaurants/Market**

71. Alameda County's Mandatory Recycling Ordinance #2012-01 requires businesses to have enough recycling collection services to contain the amount of recyclable and organic material generated on-site. Plans submitted for building permits must clearly show the following, to scale, on the site plan:
  - a. Dimensions of enclosure(s); including gates and pedestrian doors.
  - b. All containers inside enclosures including type (trash, recycle, organics) and container size(s).
  - c. Design and construction of enclosure walls.
  - d. Pedestrian accessible path of travel.
  - e. Staging area(s)/collection point(s) to be utilized by the garbage/recycling service provider.
  - f. For shared enclosures, list of businesses sharing each enclosure and business type.
72. Supermarkets, malls, large hotels, and chain stores may have special considerations. Balers may be used for large cardboard generators, but stored bales are subject to the same storage restrictions (not within sight of street, alley, or parking lot) as other waste. Compactors will only be allowed for trash only if there is also a separate compactor for blue bin recycling.
73. Supermarkets require storage of pallets and reusable crates that must be located as to be the least obtrusive/visible from the public right of way. Plans submitted for building permit issuance shall show this area on site plans, as well as the solid waste enclosure for the market.

### **Multi-Family Element**

74. The Applicant/Developer shall identify sufficient internal dedicated storage and collection space in each unit for trash and recyclables on plans submitted for building permit issuance.

### **Single-Family Element**

75. The Applicant/Developer shall identify sufficient internal dedicated storage and collection space in each unit for trash and recyclables on plans submitted for building permit issuance.
76. Sufficient room to store collection containers shall be shown within each individual lot in a manner consistent with City requirements on plans submitted for building permit issuance.

## **VIII. CONSTRUCTION PROVISIONS**

77. The Applicant/Developer shall comply with the City's codified 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.

78. Truck hauling activities shall be restricted to 7:00 a.m. to 5:00 p.m. There shall be no truck hauling activity on Saturdays, Sundays and legal holidays without prior approval from the Community Development Director, which approval shall not be unreasonably withheld or delayed.
79. Applicant/Developer shall comply with the requirements of the approved acoustic study. All construction contracts shall identify these requirements and shall be acknowledged by the contractor.
80. For construction, grading, and demolition activities that would use vibration-intense equipment such as pile driving, stone columns, rammed aggregate piers, deep soil mixing, rock blasting and vibratory rollers that would occur within 250 feet of existing residential, commercial, libraries, and hotel buildings, the steps outline in Mitigation Measure NOISE-2 shall be implemented in close coordination with City of San Leandro staff so that alternative construction techniques or scheduling approaches are undertaken.
81. The Applicant/Developer shall comply with the requirements of the approved Monarch Butterfly Roosting Habitat plan. All construction contracts shall identify these requirements and shall be acknowledged by the contractor.
82. The Applicant/Developer shall comply with the requirements of the approved tree report. All construction contracts shall identify these requirements and shall be acknowledged by the contractor.
83. The Project's on-site construction contractors shall use equipment that meets the United States Environmental Protection Agency Tier 4 interim emissions standards for off-road diesel-powered construction equipment with more than 50 horsepower, unless it can be demonstrated that such equipment is not available in which case Tier 3 shall be used. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Tier 4 interim emissions standard for similarly sized highway engines, as defined by the California Air Resources Board's regulations. The requirement to use Tier 4 interim off-road equipment for engines over 50 horsepower shall be identified in construction bids. Prior to construction, the project engineer shall ensure that all demolition and grading plans clearly show compliance with this condition. During construction, the construction contractor shall maintain a list of all operating equipment in use on the Project Site for verification by the City of San Leandro Building Official or their designee. The construction equipment list shall state the makes, models, and numbers of construction equipment on-site. Equipment shall properly service and maintain construction equipment in accordance with the manufacturer's recommendations. Construction contractors shall also ensure that all nonessential idling of construction equipment is restricted to five minutes or less in compliance with California Air Resources Board's Rule 2449.
84. The Project's construction contractors 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/Building Division. The construction equipment list shall state the makes, models, and number of construction equipment on-site. Construction contractors shall ensure that all equipment shall be properly serviced and maintained in accordance with the manufacturer's recommendations.

85. The Project's construction contractors shall communicate with all sub-contractors in contracts and construction documents that all non-essential idling of construction equipment is restricted to 5 minutes or less in compliance with California Air Resources Board Rule 2449 and is responsible for ensuring that this requirement is met.
86. 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. 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 during regular operations and continuously during grading import or export; 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.
87. 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.
88. All construction contractors shall comply with the following best management practices for reducing construction emissions of fugitive dust (PM10 and PM2.5) as required by the Bay Area Air Quality Management District Revised California Environmental Quality Act Air Quality Guidelines:
- a. Water all active construction areas at least twice daily, or as often as needed to control dust emissions. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.
  - b. Pave, apply water twice daily or as often as necessary to control dust, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
  - c. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
  - d. Sweep daily (with water sweepers using reclaimed water if possible) or as often as needed all paved access roads, parking areas and staging areas at the construction site to control dust.
  - e. Sweep public streets daily (with water sweepers using reclaimed water if possible) in the vicinity of the project site, or as often as needed, to keep streets free of visible soil material.
  - f. Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.
  - g. Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt/sand).
  - h. Limit vehicle traffic speeds on unpaved roads to 15 miles per hour.
  - i. Replant vegetation in disturbed areas as quickly as possible.
  - j. Install sandbags or other erosion control measures to prevent silt runoff from public roadways.

89. A qualified archeologist shall be on-site to monitor the initial excavation of native soil once all pavement of engineered soil is removed from the Project site in accordance with Mitigation Measure CULT-2. After monitoring the initial excavation, the archeologist shall make recommendations for further monitoring if it is determined that the site has archeological resources. If the archeologist determines that no resources are likely to be found on-site, no additional monitoring shall be required.
90. Pursuant to Mitigation Measure CULT-2, if currently unknown historic/prehistoric artifacts or human remains are discovered during ground disturbing activities, the following measures shall be implemented:
  - a. In compliance with State law (Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code), in the event that historical artifacts are found, all work within 50 feet of the find shall stop and a qualified archaeologist shall examine the find. The archaeologist shall then submit a plan for evaluation of the resource to the City of San Leandro Planning Services Division for approval.
  - b. If the evaluation of the resource concludes that the found resource is eligible for the California Register of Historic Resources, a mitigation plan shall be submitted to the City of San Leandro Planning Services Division for approval, which shall consider reasonable efforts for the resources to be preserved in place or left in an undisturbed state.
  - c. If the artifacts and samples recovered during construction are determined to be significant and cannot be preserved in place, the artifacts shall be cataloged and curated by a qualified archaeologist and placed in an appropriate curation facility. The mitigation plan shall be completed before earthmoving or construction activities can recommence within the designated resource area.
  - d. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission (NAHC) within 24 hours of this identification. The NAHC will immediately identify a Native American most likely descendant (MLD) to inspect the site and provide recommendations within 48 hours for the proper treatment of the remains and associated grave goods.
91. Pursuant to Mitigation Measure CULT-3, in the event that fossils or fossil-bearing deposits are discovered during construction, excavations within 50 feet of the find shall be temporarily halted or diverted. The contractor shall notify a qualified paleontologist to examine the discovery. The paleontologist shall document the discovery as needed in accordance with Society of Vertebrate Paleontology standards, evaluate the potential resource, and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies, such as the Bureau of Land Management (BLM), US Geological Survey (USGS), to determine procedures that would be followed before construction is allowed to resume at the location of the find. In consultation with the paleontologist, it is determined that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the Project on the qualities that make the resource important. The plan shall be submitted to the City for review and approval and the Project proponent shall implement the approval plan.
92. Pursuant to Mitigation Measure CULT-4, if human skeletal remains are uncovered during construction, the contractor shall immediately halt work within 50 feet of the find, contact the Alameda County coroner to evaluate the remains, and follow the procedures and protocols set forth in Section 15064.5(e)(1) of the CEQA Guidelines. The Coroner shall then determine whether the

remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours, who will, in turn, notify the person the NAHC identifies as the Most Likely Descendant (MLD) of any human remains (Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code 5097.98 [as amended by AB 2641]). Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery.

Per Public Resources Code 5097.98, the contractor shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the human remains are located, is not damaged or disturbed by further development activity until the contractor has discussed and conferred, as prescribed in this section (California Public Resources Code Section 5097.98), with the MLD regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. If the MLD does not make recommendations within 48 hours, the Project Applicant/Developer shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD's recommendations, the Project Applicant/Developer or the descendent may request mediation by the NAHC.

93. The Applicant/Developer shall maintain the property to be free of litter, weeds, debris, etc., both before and after issuance of building permits. Daily litter and debris collection rounds shall be conducted on the site and an adequate number of trash receptacles shall be provided to minimize litter accumulation.
94. Pest and vermin control shall be instituted prior to the demolition and construction of the project.
95. 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.
96. A copy of these Conditions of Approval shall be posted or made available on the job site during construction.

#### **IX. MAINTENANCE AND OPERATIONS**

97. Property management shall maintain a copy of these Conditions of Approval in the leasing office and shall provide a copy to tenants and residents of the buildings upon request.
98. 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. All residents shall be notified of those areas where smoking and vaping is prohibited in accord with California Civil Code §1947.5.
99. No use, process, or activity shall produce dust that is perceptible without instruments by a reasonable person at the property lines of a site.
100. No objectionable odors or vibration emanating from the project site shall be detectable beyond the subject property. The City may require installation of vibration control measures or odor control measures including but not limited to the installation of air filters, misting systems, carbon

adsorbers, odor control blocks, passive or active vibration control measures, or wind screens and/or require changes in site operations.

101. All uses shall comply with all City noise ordinance standards, as enumerated in Section 4-1-1115 of the Municipal Code. In part:
  - a. Construction-related noise near residences is restricted to between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday, and between the hours of 8:00 a.m. and 7:00 p.m. on Saturday and Sunday.
  - b. The sustained operation of any motor or engine or the repair, modification, testing, or operation of such a motor or engine shall be prohibited between the hours of 9:00 p.m. and 8:00 a.m. unless the motor, machine, or device is enclosed within a sound-insulated structure.
  - c. The playing of music, stereos, televisions, or other similar device in such a manner as to be plainly audible at a distance of 50 feet from the building or vehicle in which it is located is prohibited between the hours of 10:00 p.m. and 8:00 a.m.
102. The project site and public right of way shall be well maintained and shall be kept free of litter, debris and weeds. Street trees and tree wells shall be maintained. Property management and the HOA shall be responsible for the maintenance of the project site and adjacent public right-of-way.
103. 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.
104. 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 if pets are permitted in common areas.
105. All fencing and walls on the project site shall be structurally sound, graffiti- free and well maintained at all times.
106. All landscaping improvements shall be maintained in a healthy, growing condition at all times. Street trees and tree wells shall be maintained. All landscape and irrigation shall be well-maintained continuously, and any dead or dying plants or trees shall be promptly replaced.
107. 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. Tree removal, trimming, and other vegetation removal shall be completed between outside of bird nesting season.
108. The Applicant/Developer shall ensure that trees planted within 10 feet of any paved or concrete area include a root control barrier and deep watering sleeve, the design of which shall be subject to approval by the Engineering and Transportation and Public Works Departments.
109. Any graffiti shall be promptly removed from building walls, common areas and/or equipment. 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.

## **X. PARKING MANAGEMENT**

110. Spaces within the parking garage shall not be converted to storage cages or any other uses that would obstruct or prevent its use for vehicle parking without prior approval from the Community Development Director.
111. Unused portions of the parking garage that are too small to accommodate a standard vehicle may be modified to accommodate additional bicycle parking and/or motorcycle parking spaces subject to approval of the Community Development Director.
112. The property manager/building owner 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. Any parking lifts shall be regularly maintained and in operable condition to ensure optimal vehicle capacity.
113. Parking spaces shall be actively managed for optimal utilization. The City shall have the authority to require modifications and/or impose additional limitations on parking in order to address issues that may arise in the future, including but not limited to requiring residential parking permits for the use of surrounding public streets, subsidized transit passes for residents and/or employees (if not already required as part of the final Transportation Demand Management Plan), and/or modifying any restrictions on street parking.
114. Car-sharing shall be deemed a permitted accessory use. Parking spaces may be assigned or designated for car-sharing vehicles subject to review and approval by the Zoning Enforcement Official. No employees or agents of a car-sharing business or organization shall perform vehicle repairs/services or operate a permanent business office on the subject property.
115. Smoking within all parking garage areas shall be prohibited.
116. Loading areas shall be identified on all plans submitted for building permit issuance and shall be subject to review and approval by the City.
117. Deliveries and Moving Trucks shall not load or unload from the public right-of-way without prior approval of an encroachment permit. Loading and unloading shall not obstruct the flow of traffic on surrounding streets.

## **XI. GENERAL CONDITIONS**

118. All signage shall conform to the regulations in Chapter 4.12 of the Zoning Code and the approved Master Sign Program for the development. Neon signs and flashing signs are prohibited, including those placed in windows. All signs shall be well maintained at all times. Any damaged signs shall be promptly repaired or replaced. Window signs, whether painted or adhered to the glass or within eight feet of the window excluding merchandise display, shall be no larger than twenty-five percent of the window in which they are located. No temporary or unauthorized signs including but not limited to including but not limited to banners, balloons, 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.

119. All exterior mechanical equipment, including but not limited to rooftop equipment, air conditioning/heating units, and any communications equipment shall be screened from view so as not to be visible from adjacent properties or streets to the satisfaction of the Community Development Director. A detail of the screening shall be included on the plans submitted for permit review and approval by the City.
120. The Applicant/Developer shall subsurface all new transformers, switching boxes, and similar appurtenances, or shall screen them by locating them in an enclosure with walls matching the material and color of the nearest building. The enclosures shall include gates of heavy gauge corrugated steel and shall be surrounded by trees, shrubs and climbing vines. The Applicant/Developer shall arrange the location and treatment of the appurtenances with the gas, electric and communication providers prior to the approval of building permit(s) for vertical construction. A detail of the transformer screening shall be included on the improvement plans submitted for review and approval by the City.
121. Backflow prevention devices shall be installed on all new and existing domestic, commercial, irrigation, and fire water services and as required by the East Bay Municipal Utility District (EBMUD). The location of water service and backflow devices shall be subject to review and approval by EBMUD and the City. Devices shall be screened from public view by landscaping or other approved methods in the area in which the device is located. Landscaping shall blend with surrounding landscaping and, if necessary, landscaping shall be added in other areas, as required for symmetry. The final landscape package shall include landscape screening of any backflow prevention devices.
122. All mechanical equipment shall be designed and maintained to comply with City noise standards and noise from any mechanical equipment, elevators or generators shall be minimized and insulated from adjacent residential units.
123. Any future wireless telecommunications facilities proposed on the subject property shall be considered through a separate permit, and subject to lease approval and conditions, as applicable. Such facilities shall be fully screened and incorporated wholly within the building's architecture. All service equipment and conduit shall be accommodated within the building's interior. No conduit, panels or equipment shall be permitted to be mounted on the building's exterior walls. No conduit, panels or mechanical equipment may be mounted in a visible location or manner on the sides of the building.
124. The Applicant/Developer shall provide a fiber optic system throughout the neighborhood and to each residence capable of transmitting internet service at speeds of at least 1 GB/s or the industry standard at the time of construction, whichever is higher, to each residence simultaneously. The system shall be owned and maintained by the property owners, building owners, the HOA, a communications company, and/or a combination of these entities. This system shall extend to the public right of way and shall include a conduit or pathway that connects to either a communication utility company facility or a structure/manhole on the City's fiber optic backbone/transmission system. The City does not provide internet service but private companies may lease fiber on the City's backbone to provide data transmission.

125. The Applicant/Developer shall record Avigation Easements and a Deed Notice regarding the property's location within an Airport Influence Area subject to routine overflights by aircraft when further subdividing the Single-Family Element Parcel. Disclosures for sale or rental transactions shall also provide notice of the vicinity of the airport and routine overflights.
126. 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.
127. Barbed or razor wire shall not be installed on any fence, wall or building on the project site. The installation of chain link or cyclone fencing shall be prohibited .
128. Fences, walls and hedges shall comply with Zoning Code Section 4.04.364 (Fences, Walls, and Hedges), and approved plans unless otherwise approved by the Zoning Enforcement Official.
129. The solid waste and recycle containers shall be kept inside the designated space and kept out of public view, except when it is necessary to place them at the trash staging area on days that the contents of the containers are picked up for disposal.

## **XII. BUILDING AND SAFETY DIVISION**

### **General**

130. All construction shall fully comply with the current adopted California Building Standards Code in effect at the time of building permit issuance.
131. The Applicant/Developer shall provide detailed construction plans (working drawings) and structural calculations to the Building Division for plan review prior to issuance of a building permit. Plans and supporting documents shall be prepared by a California state-licensed architect or engineer. Upon completion of the plan check, all applicable fees shall be paid and a building permit issued prior to commencement of any actual construction work on-site.
132. All floors being served by an elevator are considered a ground floor and shall comply with Chapter 11A requirements.
133. ADA Accessibility/Fair Housing Act Compliance. Provide adaptable accessible units and accessible path of travel from public right of way and accessible parking to the following: leasing office, individual units, elevator, amenities spaces, laundry room, mail room, and site. Common use areas shall accommodate accessible activities or provide equivalent facilitation. Residential roof top deck shall be accessible. All egress routes shall have accessible compliant hardware. Provide accessible clearances for all accessible spaces.
134. The Applicant/Developer shall list all deferred submittals on plans submitted for building permits. Mechanical, Electrical and Plumbing (MEP) shall not be deferred.

### **Developer Hotel Element**

135. Prior to building permit issuance, the Hotel restaurant shall have Alameda County Health Department approval.
136. Show meeting room occupant loads and required exiting on plans submitted for building permit approval.

#### **Developer Restaurant Element**

137. Prior to building permit issuance, the Developer Restaurant Element shall have Alameda County Health Department approval.

#### **Market Element**

138. Prior to building permit issuance, the Market Element shall have Alameda County Health Department approval.

#### **Single-Family Element**

139. A photovoltaic electrical system is required for each new single-family residence. Plan submittal may be deferred but system shall receive final approval prior to certificate of occupancy.

### **XI. ALAMEDA COUNTY FIRE DEPARTMENT**

#### **General**

140. The project shall comply with the California Building and Fire Codes and current and local ordinances in effect at the time of building permit submittal.
141. Improvement plans shall include a certification that all roadways and emergency vehicle access (EVA) areas shall support 75,000 pounds.
142. Improvement plans shall include details for Emergency Vehicle Access (EVA) areas that are part of the improvements that provide access acceptable to the Fire Department and also include decorative treatments to improve the appearance of these areas, subject to review and approval by the Community Development Director and Fire Marshal.
143. Plans submitted for building permit submittal shall show proper exit doors for MEP rooms. Fire pump rooms shall be directly accessible from the outside or shall be accessible through an enclosed passageway from an enclosed stairway or exterior exit as required by NFPA 20. Note doors must be wide enough to allow removal of the entire fire pump.
144. Final hydrant locations shall be determined in the final improvement plans, subject to review and approval by the Alameda County Fire Department.
145. All addresses shall be illuminated, visible, and have a contrasting color.

146. 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.

### **Developer Hotel**

147. The wharf hydrant shown on sheet C6.2 is not approved and shall be removed from the plans submitted for building permit issuance.
148. Fire Department Access for Hotel and Restaurant to meet requirements of Section D105 of the California Fire Code for Aerial Fire Apparatus Access Roads.

### **Single-Family/Townhomes**

149. Approval of the Single-Family Element (single-family homes and townhomes) by the Fire Department does not constitute approval or vesting rights relative to the architecture of the homes. The Applicant/Developer shall obtain prior approval for each design from the Alameda County Fire Department prior to building permit issuance. The architecture/height of the structures shall be limited to the fire department access roads provided.

## **XII. ENVIRONMENTAL SERVICES**

150. The Applicant/Developer shall be responsible for ensuring that any fill needed on site consist of clean dirt that meets residential environmental screening levels for shallow soil. The source and analytics of the soil being imported shall be included in any Grading Permit application package and also made available to the Environmental Services Division for review.
151. The handling, which includes storage, of hazardous materials in quantities equal to or greater than 55 gallons, 200 cubic feet or 500 pounds requires submittal of a Hazardous Materials Business Plan (HMBP). HMBP submittal shall be completed via the California Environmental Reporting System (CERS) online at <http://cers.calepa.ca.gov/>. An HMBP shall be submitted prior to placement of registerable material onsite. The plan is subject to the review and approval of Environmental Services. Per Government Code Section 65850.2, the City shall not issue a final certificate of occupancy or its equivalent until the HMBP requirements are met. Information on the HMBP program is available on the City's website at <https://www.sanleandro.org/depts/pw/env/envhazmat.asp>.

152. Hazardous waste generated on site shall be handled and disposed pursuant to applicable local, state and federal law. Generators of hazardous waste shall register with the City's Environmental Services Section, which is the Certified Unified Program Agency (CUPA), through the California Environmental Reporting System at <http://cers.calepa.ca.gov/>. A site-specific hazardous waste generator identification number shall be obtained from the Department of Toxic Substances Control or the USEPA as applicable.
153. Discharge of anything other than rainwater to the stormwater collection system, which includes area drains, sidewalks, parking areas, street curb and gutter, is prohibited.
154. The elimination of outdoor exposure of materials, processes, or equipment to the maximum extent practicable is necessary to prevent contamination of rainwater. Exposures that cannot be eliminated require use of Best Management Practices (BMPs), both engineered and administrative, to prevent any exposure from impacting rainwater runoff.
155. If the facility stores petroleum products, including mixtures with any concentration of petroleum, in a quantity equal to or greater than 1,320 gallons as an aggregate of all individual aboveground "tanks" equal to or greater than 55 gallons shell capacity (including drums, tanks, containers, totes, oil-filled electrical equipment, oil-filled manufacturing equipment and oil-filled operational equipment), the facility shall comply with the requirements of the CA Aboveground Petroleum Storage Act (APSA) in Chapter 6.67 of the CA Health & Safety Code and implement a Spill Prevention, Control, and Countermeasure Plan (SPCC) in conformance with 40 CFR 112.
156. Properly sized grease interceptors shall be installed and maintained to pretreat discharges from food handling facilities to the sanitary sewer. No domestic sewage may discharge through grease interceptors.
157. Accessible and secure monitoring facilities shall be constructed at the site's final combined sanitary sewer outfall to allow for the City to install sampling equipment and collect wastewater samples to determine the facility's compliance with wastewater discharge regulations.

### **XIII. UTILITIES**

158. 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.
159. 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.

#### **XIV. ENGINEERING AND TRANSPORTATION**

##### **GENERAL**

160. As the project enters final design, there will likely be additional on-site and/or off-site improvements required which have not yet been identified. Any such improvements required to support the development, whether within the project limits or off-site, shall be the sole responsibility of the Applicant/Developer to design and construct to the City's and/or any other jurisdiction having approval authority's requirements.
161. All future plan submittals shall utilize NAVD88 datum, consistent with FEMA standard mapping procedures.

##### **STREET IMPROVEMENTS AND DEDICATIONS**

162. The developer shall pay for and install all street name signs, traffic regulatory and warning signs, and any necessary street striping and markings required by the City Engineer. Street striping and markings shall be raised ceramic markers or thermoplastic material, as directed by the City Engineer.
163. The Applicant/Developer shall re-construct Monarch Bay Drive to its ultimate improvements including but not limited to: construction of a two lane road with appropriate left turn lanes, a Class I bicycle facility, parking on both sides, curb, gutter, sidewalks, new curb-to-curb pavement, median island including landscaping and irrigation, storm water treatment, ADA-accessible ramps, storm drain, domestic water, recycled water, and sanitary sewer systems, new and/or modified utilities, fire hydrant, street lighting, joint trench, signing and pavement striping, undergrounding of utilities, pedestrian and transit amenities, construction of a traffic circle at Monarch Bay Drive at the Developer Hotel entrance, conforms to existing improvements, and repair/replacement of deficient project frontage improvements as determined by the City Engineer, prior to Acceptance of Improvements.
164. Developer shall be responsible for design and reconstruction of the portions of Mulford Point and Pescador Point Drives, which are located south of the Developer Hotel Element and to the north of the Multifamily Element, in accordance with the DDA Scope of Development, DDA Schedule of Performance, and the Shoreline Responsibility Map (Exhibit R) to the DDA. Such improvements shall include, but are not limited to new curb-to-curb pavement, parking, curb, gutter, sidewalk, landscaping, irrigation, storm water treatment, ADA-accessible ramps, storm drain, domestic water, recycled water, and sanitary sewer systems, new and/or modified utilities, fire hydrant, street lighting, joint trench, pavement striping, new signage, undergrounding of overhead utilities, pedestrian amenities, conforms to existing improvements, and repair/replacement of deficient project frontage improvements as determined by the City Engineer, prior to Acceptance of Improvements
165. Developer shall maintain access to existing Mulford Point Drive until the new road is constructed and operational. Developer shall be responsible for any restoration of existing parking lots, driveways, entrances, striping, patching, curb and gutter, landscaping and irrigation that may be required due to impacts related to the Project to provide a code compliant and usable parking lot for existing properties that are not a part of the Project.

166. The Applicant/Developer shall construct all public facilities in accordance with the current Americans with Disabilities Act (ADA), including driveways and curb ramps. Sidewalk accessibility is subject to the Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG); see <https://www.access-board.gov/guidelines-and-standards/streets-sidewalks/public-rights-of-way/proposed-rights-of-way-guidelines>.
167. The Applicant/Developer shall show construction details for all pedestrian paths and trails on the Improvement Plans, Grading Plans and Final Landscape Plans. Trail crossings of streets shall have curb cuts, ramps, signs, and pavement markings as approved by Engineering & Transportation Department and Planning Division.
168. The Applicant/Developer shall note, minor lot line adjustments may be made based on final construction plans, subject to approval by the City and Applicant/Developer.

### **CONSTRUCTION ACTIVITIES**

169. The Applicant/Developer shall contact the Engineering & Transportation Department to arrange for a Pre-Construction meeting prior to issuance of Grading or Building Permits, whichever comes first.
170. The project design engineer shall be responsible for the project plans. If plan deviations are necessary, the project design engineer must first prepare a revised plan or details of the proposed change for review by the Engineering & Transportation Department. Changes shall be made in the field only after approval by the City Engineer. At the completion of the project, the project design engineer shall prepare and submit a signed "As-built" plans.
171. Construction inspections shall be coordinated with the Engineering & Transportation Department and Building Division and no construction shall deviate from the approved plans without City approval.
172. Prior to issuance of permits for demolition of the project site buildings, an asbestos and lead-based paint survey shall be performed. If asbestos-containing materials are determined to be present, the materials shall be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the Bay Area Air Quality Management District. If lead-based paints are identified, then federal and State construction worker health and safety regulations shall be followed during demolition activities. If loose or peeling lead-based paint are identified, they shall be removed by a qualified lead abatement contractor and disposed of in accordance with existing hazardous waste regulations.
173. The Applicant/Developer shall implement a dust control plan. Submit the plan to Engineering & Transportation Department for review and approval prior to issuance of a Grading Permit.
174. The Applicant/Developer shall implement the following measures during construction:
  - a. Gather all construction debris on a regular basis and place them in a dumpster or other container that is emptied or removed on an as-needed basis to avoid overflow of debris. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution.

- b. Remove all dirt, gravel, rubbish, refuse, and green waste from the street pavement, and storm drains adjoining the project site. During wet weather, avoid driving vehicles on paved areas.
  - c. Broom sweep the public street pavement adjoining the project site on an as-needed basis during active construction. Caked-on mud or dirt shall be scraped from these areas before sweeping.
  - d. Install filter materials (e.g., sandbags and filter fabric) at the storm drain inlet nearest the downstream side of the site in order to preclude any debris or dirt from flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and to prevent street flooding. Dispose of filter particles in an approved trash receptacle.
  - e. Create a contained and covered area on the site for the storage of bags, cement, paints, flammable, oils, fertilizers, pesticides, or any other materials used on the site that have the potential for being discharged to the storm drain system by being windblown or in the event of a material spill.
  - f. Never clean items such as machinery, tools, and brushes or rinse containers in a street gutter, or storm drain.
  - g. Ensure that concrete, gunite, plaster, or similar supply trucks do not discharge wash water into street gutters or drains.
175. The Applicant/Developer shall ensure that no debris or construction scrap material is placed on any adjoining lot, open space area, or street, and that any such material stored on an adjoining site shall be completely removed and the site cleaned, prior to issuance of the first Certificate of Occupancy.
176. Prior to issuance of a building permit, plans for any temporary construction trailer shall be submitted for review to the Building Division.
177. At no time shall campers, trailers, motor homes, or any other vehicle be used as living or sleeping quarters on the construction site unless authorized for site security.
178. There shall be no parking of construction equipment or construction workers' vehicles on existing offsite residential streets not within the Project at any time; all vehicles shall be maintained on-site.
179. Portable toilets used during construction shall be kept as far as possible from adjacent properties and shall be emptied on a regular basis as necessary to prevent odor.
180. The Applicant/Developer shall identify truck routes for the import or export of cut/fill material and/or construction debris for review and approval by the City Engineer prior to the issuance of permits, if applicable. Repair any damage to City streets (private and public) caused by activity associated with this project.
181. In the event of the encounter of subsurface materials suspected to be of an archaeological or paleontological in nature, all grading and/or excavation shall cease, the find shall be left untouched, and the Planning Division shall be immediately notified. This requirement shall be noted on the Grading Plans, prior to issuance of permits.
182. In the above event, retain a qualified professional archaeologist certified by the Register of Professional Archaeologists or paleontologist with a degree(s) in paleontology or geology, to evaluate and make recommendations as to disposition, mitigation and/or salvage. The

recommendation shall be implemented before work may proceed. The City shall not be responsible for any costs associated with the professional investigation, implementation, remediation or restoration of findings.

183. The improvement plans shall include facilities and improvements to ensure that utility services are maintained for existing users throughout the construction process and the access to such service for maintenance purposes is preserved throughout the construction process for new utilities.

#### **CONSTRUCTION PLAN REVIEW/PRE-PERMIT REQUIREMENTS**

184. The Applicant/Developer shall submit two copies of Preliminary Title Report, prepared within three months prior to the first plan submittal.
185. The Applicant/Developer shall submit Improvement Plans that show plan and profile of all proposed street, drainage, water, and sewer improvements and details for curb, gutter, sidewalk, wheelchair ramps, and driveway construction prior to issuance of permits for on-site work.
186. The Applicant/Developer shall design improvements in accordance with the City Standards for sight distance, sidewalk, fencing, geometrics at intersection and corner setback requirements, prior to approval of Improvement Plan. Plans shall be subject to review and approval by Engineering & Transportation Department.
187. The Applicant/Developer shall design interior private roads in accordance with the City of San Leandro standards.
188. The Applicant/Developer shall designate alleyways as required fire access lanes thereby always prohibiting parking on both sides of the streets. Signs and/or curb striping shall be installed according to the regulations established by the Alameda County Fire Department, San Leandro Police Department, and Public Works Department. If signs are installed, they shall include the Police Department telephone number and a notification that a citation may be issued for the violation with vehicle towed at owner's expense.
189. The Applicant/Developer shall obtain an Encroachment Permit from the City prior to performing any work within the public right-of-way or public easements.

#### **SUBDIVISION/SITE DEVELOPMENT PLANS**

190. Once public/subdivision improvements are accepted by the City as public rights-of-way, they shall not to be used for staging building construction activities, including but not limited to, storage of construction material and equipment. The street and sidewalks shall be kept free of construction debris, mud and other obstacles and shall always remain open to traffic. The Applicant/Developer shall bear the entire cost of replacement or repair to any damage to improvements caused by its use, or its contractors' and subcontractors' use, of the improvements after acceptance by the City and agrees to indemnify the City.
191. The City has the authority and final discretion to postpone placement of the final lift of asphalt concrete on any public roadway to a time they deem appropriate.

192. Applicant/Developer hereby agrees to form a homeowner association (“HOA”) to own, maintain, repair and manage streets, storm drains (including any Municipal Regional Stormwater Permit compliance features), sanitary sewer systems, utilities, landscaping, common areas and other improvements within the Single-Family Parcel as a common interest development under the Davis-Stirling Common Interest Development Act. The purpose of the HOA will be to enforce the rules and regulations adopted from time to time by its board of directors, enhance and protect the value, desirability, and attractiveness of the community, and discharge such other lawful duties and responsibilities as may be required pursuant to its bylaws and the declaration of covenants, conditions and restrictions (“CC&Rs”) to be recorded in the Office of the Recorder of Alameda County. , Applicant/Developer agrees to provide City a reasonable opportunity to review and comment on the provisions of the CC&Rs to ensure consistency and compliance with the requirements of this Agreement and any other applicable law. City shall not unreasonably withhold its approval of the CC&Rs.
193. Prior to Final Map approval for the further subdivision of the Single-Family Element Parcel, the Applicant/Developer shall submit three copies of a conditions, covenants and restrictions document (CC&Rs) for review and approval by the Community Development Department and Engineering & Transportation Department. Said CC&Rs shall apply to the entire Single-Family Element. The CC&Rs shall include provisions for creation of a Homeowners Association (HOA) comprising representatives of each product type at a minimum with the responsibility to provide for, at minimum:
- a. A Homeowners’ Association (HOA) shall be formed and shall be responsible in perpetuity, for the ownership, maintenance, repair, restoration, replacement, and management of:
    - i. All parcels held in common, open space and common area improvements including building exteriors, private driveways, private alleys, access easements, pedestrian paths and walkways, fencing, masonry walls, retaining walls, sound walls, signage and hardware, and trash and recycling areas;
    - ii. Common area and front yard/street side yard landscaping and irrigation systems, streets, sanitary sewer systems, and utilities including all privately-owned permanent stormwater management facilities included in the approved Stormwater Control Plan and the approved Stormwater Control Operations and Maintenance Plan.
    - iii. Enforcement of the CC&Rs and providing written notice of any violation to the property owners.
  - b. Reciprocal easements over all common parcels for maintenance purposes;
  - c. Restrictions on parking consistent with the project approvals and a process to enforce parking restrictions;
  - d. General maintenance schedules for painting, roofing, parking lot repaving, and the like;
  - e. Maintenance of landscaping, including replacement of any dead or dying plants for the life of the development;
  - f. Waste management best practices;
  - g. Responsibility for ongoing pavement maintenance needs to ensure that the interior private paved areas are maintained properly by paving and slurry sealing on a periodic basis to keep them safe and well-maintained in the long term;
  - h. Contain a statement that in the event these areas or facilities are not properly maintained, repaired, restored, replaced or managed according to the approved plans, each property owner shall be responsible for their proportionate share of these costs, secured by a lien on the property in favor of the HOA, in accordance with the HOA procedures;

- i. No boats, trailers or recreational vehicles shall be allowed on site or in the driveways for more than 48 hours at a time. These restrictions shall be inserted into the CC&R's;
- j. All units shall have and maintain automatic garage door openers;
- k. Include a disclosure regarding the property's location within an Airport Influence Area subject to routine overflights by aircraft;
- l. Include a disclosure regarding the public nature and intended public use of the park areas in the vicinity of the project site;
- m. Include a disclosure that anticipated ongoing construction activity associated with the phased development will create the potential for associated issues such as noise, vibration, construction traffic and dust, etc. during the allowed Construction Hours per the San Leandro Municipal Code;
- n. Require coordination with the operation of the City's Marina Golf Course, maintenance of borders and access between the Single-Family Element and the Marina Golf Course, and communications between the occupants of the Single-Family Element and the operator of the Marina Golf Course;
- o. Any requirements from the Mitigation Measures that specify they are to be included in the CC&Rs;
- p. Prohibit the modification of any provision affecting City or City obligations therein without City's express, written consent to amendment;
- q. Any other provisions required by the Development Agreement and/or Disposition and Development Agreement by and between the City of San Leandro and Cal Coast Companies LLC, Inc.;
- r. The HOA shall provide the Planning Division with the name, address, and phone number of the current HOA representative;

194. The Applicant/Developer shall submit a Mylar copy and CAD file of any Map prior to City Council approval of the Map.

**GRADING/EROSION CONTROL/GEOTECHNICAL**

195. The Applicant/Developer shall submit a Geotechnical Report with the Grading Plans which provides recommendation for grading and drainage. The Applicant/Developer shall submit a Geotechnical Report with Building Plans that addresses and provides recommendations for walls, building foundations, and pavement structural sections.

196. All grading shall require a Grading and Drainage Plan prepared by a Registered Civil Engineer, a Soils Report prepared by a Registered Geotechnical Engineer and receipt of a Grading Permit approved by the City Engineer. The Grading Plans and Soils Report shall require review by the City's Geotechnical consultant with all costs to be borne by the Applicant/Developer.

197. Prior to building permit issuance or acceptance of grading, whichever is first, compaction test results and pad certification letter from the project soils engineer and project civil engineer confirming that the grading is in conformance with the approved plans shall be submitted to Engineering & Transportation Department for review and approval. Test values shall meet minimum relative compaction recommended by the soils engineer.

198. During grading operations, the project geologist or soils engineer shall inspect the work in progress and perform tests as may be necessary as frequently as determined by the Civil Engineer(s) in

Charge per San Leandro Municipal Code Section 7-12-245 and the City Engineer. In the absence of the soils engineer or his representative on site, the Engineering & Transportation Department will shut down the grading operation.

199. Contour grading techniques shall be implemented throughout the project to achieve a more natural appearance and shall be in substantial conformance with the approved Vesting Tentative Map. Tops of cuts or toes of fills adjacent to existing public rights-of-way or easements shall be set back a minimum of two feet from said rights-of-way and easements where feasible. All cut and fill slopes more than five (5) feet in height shall be rounded both horizontally and vertically where feasible.
200. Grading on adjacent properties shall require written approval from the affected property owners.
201. Open space parcels shall not be used as borrow or disposal areas for any material. No grading shall take place on these parcels unless shown on the Vesting Tentative Map, or specifically approved by the City Engineer.
202. On-site finish grading work shall require drainage to be directed away from all building foundations at a minimum slope of 2 percent and a maximum slope of 20 percent toward approved drainage facilities or swales. Non-paved drainage swales shall have a minimum slope of 1 percent along the flowline of the swale.
203. The Applicant/Developer's project engineer shall inspect the finished grading and certify that it conforms to the compaction and elevations shown on the Grading Plan and Soils Report prior to issuance of a building permit.
204. If any lot is to be re-graded after mass and finish grading is completed, a new grading permit is required. Review of the proposed grading by soils engineer and field testing of the grading shall be required.
205. At all times seasonally appropriate erosion control measures shall be implemented per plans approved by the City Engineer for all grading work. Wet season measures shall be in place October through April at a minimum and when there is rain forecast. At the time of approval of the Improvement and/or Grading Plans, an approved Erosion Control Plan prepared by a Registered Civil Engineer shall be filed with the City Engineer.
206. The Applicant/Developer shall prepare and implement the required Storm Water Pollution Prevention Plan (SWPPP) to address the potential impacts of hazardous materials releases during construction.
207. All graded slopes and stockpiles of loose soil shall be hydromulched/hydroseeded by October of any given year in compliance with Best Management Practices (BMPs) and State requirements. During grading work between October and April, if there is a rain forecast, stop all grading work two days before the rain forecast and implement BMPs to ensure that the site is protected from erosion.
208. The Applicant/Developer shall incorporate construction-related erosion and sedimentation control measures into a comprehensive erosion control plan to be reviewed and approved by the City prior to the issuance of a grading permit pursuant to Mitigation Measure GEO-2A. The erosion control plan shall conform to the guidelines of the Clean Water Program and Utilize BMP's detailed under

section "C6 CASQA - BMPs Erosion Control" of the Program Resources. The following measures shall be considered and incorporated into the erosion control plan as necessary to decrease erosion and sedimentation:

- a. Before grading is concluded, a positive gradient away from the slopes must be established to carry the runoff away from the slopes to areas where erosion and sedimentation can be controlled.
- b. Grading activities shall be scheduled to avoid soil disturbance during the rainy season.
- c. Improvements (e.g., structures, roadways, and storm runoff conveyance features) shall be designed to divert excess runoff water from on-site slopes.
- d. Interim controls, such as water bars, mulching of exposed slopes, installation of temporary culverts, rock slope protection, sediment traps, silt fences and/or straw wattles consistent with the Association of Bay Area Governments *Manual of Standards for Erosion and Sedimentation Control Measures* or the San Francisco Bay Region Regional Water Quality Control Board *Erosion and Sediment Control Field Manual* shall be implemented.

209. Grading of the site in phases shall require that the Applicant/Developer submit a grading plan for review by the City Engineer for that phase conforming to the existing topography. Subsequent submittal of grading plans for the remaining phases shall reflect an updated topography to show the current conditions of the project site.

#### **UTILITIES/SEWER/DOMESTIC & RECYCLED WATER**

210. The Applicant/Developer shall upgrade the recycled water facility to provide adequate treatment for irrigation to existing areas as well as the proposed residential development located at the Marina Golf Course and the proposed development located east of Monarch Bay Drive.

211. The Applicant/Developer shall submit joint trench plans for the underground electrical, gas, telephone, cable television and communications conduits. Said plan shall show cables including the size, location and details of all trenches, location of all building utility service stubs and meters and placement or arrangements of junction structures as a part of the improvement plans and shall be signed by a California Registered Civil Engineer.

212. The Applicant/Developer shall provide a fiber optic system throughout the neighborhood and to each residence capable of transmitting internet service at speeds of at least 1 GB/s or the industry standard at the time of construction, whichever is higher, to each residence simultaneously. The system shall be owned and maintained by the property owners, the HOA, a communications company, and/or a combination of these entities. This system shall extend to the public right-of-way and shall include a conduit or pathway that connects to either a communication utility company facility or a structure/manhole on the City's fiber optic backbone/transmission system. The City does not provide internet service but private companies may lease fiber on the City's backbone to provide data transmission.

213. The Applicant/Developer shall provide for the screening of all mechanical equipment and utility meters in a manner approved by the Planning Division and shown on the final landscape plans. Electrical transformers shall be screened from view or placed underground. No air conditioning unit shall be located in any side yard.

214. No above ground utility facilities/structures shall be located between the face of curb and back of sidewalk in the public right-of-way. Meters, hydrants, poles, etc. shall be located clear of the sidewalk and driveways or as determined by the City Engineer. Final locations and number of such facilities shall be determined at the time the improvement plans are reviewed.
215. All abandoned underground and abandoned aboveground utility structures, and appurtenances within the project development site shall be entirely removed unless the City Engineer allows them to be left in place. All existing utility laterals not being used by the development shall be capped at an active main lines. This includes but not limited to: storm drain pipes, inlets, catch basins, storm drain manholes, sewer manholes, sanitary sewer lines (gravity and force main lines), valves, water meters, vaults, electrical panels, conduits, pull boxes, gas and electrical lines, slab, foundations, walls, poles, railings, fences, bollards, etc.
216. The Applicant/Developer shall install streetlights along the frontages on Monarch Bay Drive, Mulford Point Drive, and Pescador Point Drive and shall submit streetlight plans in accordance with the City Standard Specifications showing pole type, luminaires type, conductor and wiring schedule, connection points, lamp wattage and pull box locations, at the time of submittal of improvement plans. Streetlights shall be completely installed and operational prior to issuance of the first Certificate of Occupancy.
217. All new utilities shall be constructed underground prior to issuance of the first Certificate of Occupancy.

#### **DRAINAGE/STORMWATER C.3/FEMA/BCDC/SLR**

218. The Applicant/Developer shall submit a Stormwater Control Plan (SWCP) for review and approval by the Engineering & Transportation Department prior to issuance of any permit including all appropriate pollution prevention source control measures, permanent low impact development (LID) measures, storm water treatment controls and/or design techniques to manage the quantity and quality of storm water runoff from the project site to prevent and minimize impacts to water quality. The SWCP shall be accompanied by a memorandum which includes a narrative description of the overall stormwater treatment approach for the entire project. The memorandum should include details of the proposed stormwater treatment and detention (if any) systems and a summary of any necessary upgrades and/or modifications to the stormwater system that will be made at the Applicant's/Developer's responsibility. The SWCP and memorandum shall be prepared and certified by a Registered Civil Engineer, registered in the State of California, demonstrating an understanding of the design of treatment measures for water quality and groundwater protection principles applicable to the project site.
219. Prior to issuance of permits for building, site improvements, or landscaping, the Applicant/Developer shall submit a permit application consistent with the applicant's approved Stormwater Control Plan (SWCP), and include drawings and specifications necessary for construction of site design features, measures to limit directly connected impervious area, pervious pavements, self-retaining areas, treatment Best Management Practices (BMPs), permanent source control BMPs, and other features that control stormwater flow and potential stormwater pollutants.

220. Prior to issuance of the initial, temporary or first occupancy permit, whichever comes first, the Applicant/Developer shall submit a certification report (Report) prepared by a registered civil engineer, licensed in the State of California, affirming that the project site stormwater treatment measures have been constructed per the City approved SWCP and specifications. As appropriate, the Report shall include, but not be limited to, assurances that: imported materials used for the treatment measure(s) are certified by the supplier; installation of these materials is per approved plans and specifications and meets the intent of the design engineer; required on-site testing results conform with approved plans and specifications; treatment measures conform to dimensions, grades and slopes on approved plans and specifications; all structural features of the treatment measures comply with plan specifications; the irrigation system is installed and functions as designed; healthy vegetation/ground cover is installed as shown on plans. The Report shall be submitted in a form acceptable to the Engineering and Transportation Director. (ENGR)
221. Prior to the issuance of the first grading or building permit for each phase, the Improvement Plans shall indicate the storm water trash capture measure(s) being installed on the project site (or within the backbone public system) to ensure that the stormwater drainage from the project site is subject to full trash capture. Improvement plan sheets shall provide sufficient plan views and details of the full trash capture device installation(s) necessary for engineering review and approval. A full trash capture system or device is any single device or series of devices that trap all particles retained by a 5mm mesh screen and has a design treatment capacity of not less than the peak flow resulting from a one-year, one-hour storm in the sub-drainage area. Plan sheets shall include detail and cross-sectional drawings of any stormwater full trash capture device. Provide a submittal of full trash capture system or device to the Engineering and Transportation Department and Water Pollution Control Plant for review, comments and approval.
222. The Applicant/Developer shall submit a final Stormwater BMP Operation and Maintenance Plan (O&M Plan) for review and approval by the Engineering & Transportation Department, prior to issuance of Certificate of Occupancy. This O&M Plan shall incorporate City comments on the draft O&M Plan and any revisions resulting from changes made during construction. The implementation of the O&M Plan shall be the responsibility of the property owner or property manager/building owner for City-owned properties.
223. The Applicant/Developer shall execute any agreements identified in the SWCP which pertain to the transfer of ownership, right-of-entry for inspection or abatement, and/or long-term maintenance of stormwater treatment or hydrograph modification BMPs, prior to issuance of the first Certificate of Occupancy.
224. The Applicant/Developer shall prevent site drainage from sheet flow across sidewalks and driveways in a concentrated manner.
225. The Applicant/Developer shall submit a Construction Best Management Practice (BMP) Program for review and approval by Engineering & Transportation Department prior to issuance of a Building and/or Grading Permit. The general contractor and all subcontractors and suppliers of materials and equipment shall implement these BMPs. Construction site cleanup and control of construction debris shall also be addressed in this program. Failure to comply with the approved construction BMP may result in the issuance of correction notices, citations, or a project stop work order.

226. The Applicant/Developer shall ensure that the area surrounding the project such as the streets stay free and clear of construction debris such as silt, dirt, dust, and tracked mud coming in from or in any way related to project construction. Areas that are exposed for extended periods shall be watered regularly to reduce wind erosion. Paved areas and access roads shall be swept on a regular basis. All trucks carrying soil, silt, dirt, dust, debris, and other materials that may potentially become airborne during transport shall be covered.
227. The Applicant/Developer shall submit a Conditional Letter of Map Revision based on Fill (CLOMR – F) to Federal Emergency Management Agency (FEMA) for review and approval, prior to issuance of the Floodplain Development Permit. The Applicant/Developer shall subsequently, apply for a Letter of Map Revision based on Fill (LOMR-F) following construction of the site improvements prior to issuance of the first Certificate of Occupancy. The LOMR-F shall be in substantial compliance with the CLOMR-F.
228. A FEMA Elevation Certificate (most current version) based on plan drawings is required for all developments located within the FEMA 100-year floodplain (currently Zone AE) as shown on the most recent Flood Insurance Rate Map (FIRM) (current Panel Number 06001C0254H, dated December 21, 2018). The 100-year Base Flood Elevation (BFE) is currently Elevation 10 feet, NAVD88 Datum. The Applicant/Developer shall submit a second Elevation Certificate based on completed construction for each structure prior to Building Permit Final and Certificate of Occupancy for any structure.

#### **AGREEMENTS, FEES, BONDS**

229. All required faithful performance bonds and labor materials bonds in a penal amount equal to 100 percent of the approved estimates of construction costs of improvements shall be submitted to and approved by the City and other agencies having jurisdiction prior to issuance of any construction permit. A Grading Permit may be issued without the other permits in place by posting an appropriate Bond for grading.
230. The Applicant/Developer shall provide punch list items prepared by the City Construction Inspector and Grading Inspector which shall serve as the only list and must be completed and signed off by each inspector. All punch list items shall be completed prior to acceptance of improvements without any carryover items to the warranty period.
231. The Applicant/Developer shall provide "As-built" plans for grading, improvements, streetlight, and joint trench utilities prepared and certified by the subdivision engineer. All as-built plans must be reviewed and signed by the City inspectors prior to submittal. Submit a finalized and signed set of "As-built" plans electronically in PDF (Portable Document Format).
232. The Applicant/Developer shall pay all fees associated with the review and processing of all permits including all Consultant review fees.