

Exhibit B
Findings and Conditions of Approval
PLN2016-00397 – Maple Commons Mixed Use
Conditional Use Permit, Discretionary Design Review Permit, and
Modification of Zoning Standards
Unaddressed site on the northeast side of Maple Street between Thornton
Avenue and Bonde Way in the Centerville Community Plan Area; APN: 501-
0499-074-00 and 501-0499-073-00

FINDINGS

The findings below are made on the basis of information presented at the public hearing and contained in the staff report to the Planning Commission dated July 27th, 2017, incorporated hereby.

Conditional Use Permit Findings

Pursuant to FMC Section 18.230.060, the following findings must be made by the Planning Commission in order to approve a Conditional Use Permit for a mixed-use project:

- (a) The proposed use is consistent with the general plan and any applicable community or specific plan.

Analysis: The proposed mixed-use project would conform to the Fremont General Plan policies and goals as enumerated in this staff report.

- (b) The site is physically suitable for the type and density or intensity, as applicable, of the proposed use.

Analysis: The project site provides sufficient space to meet common and private open space requirements. Proposed parking would be sufficient for the residential and commercial components of the project and the location along Maple Street would provide adequate vehicular and pedestrian access to the site. In addition, the site is situated in close proximity to the Centerville Train Station, Altamont Commuter Express routes and AC Transit bus routes.

- (c) The design, location, size, and operating characteristics of the proposed use are compatible with development in the vicinity and in the zoning district.

Analysis: The uses immediately adjacent to the site are currently residential including a single family homes to the west and south. The project design and site layout would integrate into the existing neighborhood and create a human scale by reducing the height of the front of the building to a single story, locating the building massing at the rear of the site, which is compatible with surrounding residential and office uses on Maple Street and the commercial uses on Fremont Boulevard.

- (d) The proposed use would not be detrimental to the public health, safety, or welfare of persons or property in the vicinity or the zoning district in which the use would be located.

Analysis: The proposed project would not be detrimental to the public health, safety, or welfare in that the proposed project would be relatively small in scale and would provide residential uses compatible with the existing residential developments in the area while providing the commercial component to create a mixed-use project in a TOD Overlay.

Discretionary Design Review Permit Findings

Pursuant to FMC Section 18.235.060, the following findings must be made by the Planning Commission in order to approve a Discretionary Design Review Permit:

- (a) The proposed project is consistent with the general plan, any applicable community or specific plan, planning and zoning regulations, and any adopted design rules and guidelines.

Analysis: The proposed mixed-use project would conform to the Fremont General Plan policies and goals, and development standards of the TC-P zoning district and TOD Overlay as enumerated in the staff report. The project would also meet or exceed the design rules contained within the Multifamily Design Guidelines and the Citywide Design Guidelines including but not limited to site and building design, open space and landscape and context sensitive design.

- (b) The project’s architectural, site, and landscape design will not unreasonably interfere with the use and enjoyment of adjacent development nor be detrimental to the public health, safety, or welfare.

Analysis: The area surrounding the project site along Fremont Boulevard and Maple Street are zoned TC-P and located within the TOD Overlay. The proposed project would not interfere with the use and enjoyment of adjacent developments, nor would it be detrimental to the public health, safety, or welfare in that the proposed project would be compatible in scale, would encourage neighborhood compatibility by including a single story element at the front of the building and locating building mass at the rear of the site away from the existing single-family homes across Maple Street. Furthermore, the project would provide residential uses compatible with the existing residential neighborhood, while providing the commercial component required by the TC-P zoning district and TOD Overlay.

- (c) Where HARB review is required, the proposed project is consistent with the applicable standards and findings required in Chapters 18.135 and 18.175.

Analysis: Not applicable.

Mixed-Use Development Findings

Pursuant to FMC Section 18.45.040(d) (Mixed-use development requirements), the following findings must be made prior to approving a mixed-use project:

- (a) The development's site layout, building(s), and land uses integrate into the existing community, the layout and buildings create an appropriate human scale and an efficiently functioning infrastructure, and the amenities serving the residents of the development function better as a whole than what could be provided in a non-mixed-use project.
- (b) The development complies with the General Plan and Citywide Design Guidelines with regard to pedestrian orientation, provision of open space, and appropriate provision of parking.

Analysis: The proposed project would locate residential and commercial development in a TOD area with convenient access to the Centerville Train Station, Altamont Commuter Express routes, AC Transit bus routes and surrounding neighborhood commercial uses. The project design and site layout would integrate into the existing neighborhood and create a human scale by reducing the height of the front of the building to a single story, locating the building massing at the rear of the site, which is compatible with surrounding residential and office uses on Maple Street and the commercial uses on Fremont Boulevard. The project would include 1,086 square feet of common open space on a second floor terrace located in the northeast corner of the building. The project would provide 26 total bicycle parking spaces for residential uses and non-residential uses in various locations around the site. Vehicle parking would be provided in a first floor garage at the rear of the site, which allows for the building to be oriented towards the street and encourage pedestrian activity. Pedestrian paths would be provided between the public right-of-way and the commercial space, parking areas and residential units.

Modification of Zoning Standards Finding

Pursuant to FMC Section 18.45.020 (note 4) and 18.250.070 (Modifications of Zoning Standards), the following findings must be made prior to allowing a modification to a side yard setback adjacent to a lot that is residentially developed:

- (a) The proposed modification is consistent with the general plan and any applicable community or specific plan.

Analysis: The proposed mixed-use project would conform to the Fremont General Plan policies and goals, and development standards of the TC-P zoning district and TOD Overlay as enumerated in the staff report. The reduced side yard setback would allow for a development intensity and density that is consistent with applicable General Plan land use policies and the TOD Overlay.

- (b) No significant impact on the adjacent residential use will occur.

Analysis: The site to the west of the project site (37054 Maple Street) is developed with a single-family home; however, the site is zoned TC-P and is within the TOD Overlay. As such, the site could be redeveloped with a commercial or mixed-use project in the future. There is an approximately 10-foot-wide driveway located on the eastern edge of the adjacent property. The side yard setback along the west property line would vary between approximately 40 feet and 5.5 feet. At the narrowest point there would be a total separation of approximately 15 feet between the existing home and the proposed mixed-use building. In addition, the applicant redesigned the site to locate the proposed building closer to the east property line on the project site and away from the home to the west. As currently proposed, the majority of the building would be setback more than 30 feet from the west property line and more than 40 feet from the home. The setback at the rear half of the lot is where the setback would be as close as 5.5 feet. The proposed design would locate the greatest area of building massing at the rear of the site and away from the existing home. In addition, a six-foot-tall wood fence would be construction along the property line. Three new 36-inch box thornless honey locust trees would be planted along the west property line, which would provide a screen between the proposed building and the adjacent residence. For these reasons, the project would not significantly impact the adjacent residential use to the west.

CONDITIONS OF APPROVAL

General Conditions:

- A-1. ***Exhibits.*** The project shall substantially conform to Exhibit "A" (Development Plans) and all conditions of approval set forth herein.
- A-2. ***Minor Modifications to Approved Plans.*** Minor modifications to the approved development plan are subject to review and approval of the Planning Manager and City Engineer. The Planning Manager and City Engineer shall retain the authority to determine the level of review required for revisions other than minor modifications (i.e., depending on the severity or location of the modification, the project may be referred to the Planning Commission or City Council for public comment, review and approval).
- A-3. ***Building Permit Reviews.*** The applicant shall submit plans to the Community Development and Public Works Departments for building permit review and approval, respectively, to ensure conformance with the conditions herein, as well as with all relevant codes, policies, and other requirements of the Fremont Municipal Code, State and federal laws.
- A-4. ***Final Colors and Materials Approval.*** The final colors and materials palette for the project shall be subject to review and approval of the Community Development Department as part of the building permit application submittal.
- A-5. ***Addressing.*** An application shall be submitted to the City's GIS Division for approval of the addressing for the development prior to building permit

issuance. Building addresses shall be plainly legible and visible from the public street. These numbers shall contrast with their background.

- A-6. **Development Impact Fees.** The project shall be subject to Citywide Development Impact Fees. These fees include fees for fire protection services, capital facilities, park facilities and parkland, and traffic facilities. The fees shall be calculated at the rate in effect at the time of building permit issuance.
- A-7. **Affordable Housing.** The project shall comply with all applicable provisions of the Affordable Housing Ordinance (FMC Chapter 18.155).
- A-8. **Maintenance.** The following conditions must be satisfied on an on-going basis:
- a. No exterior additions to the residential structures shall be permitted after completion and final building occupancy has been granted.
 - b. The property owner shall be responsible for the maintenance of all facilities that are not maintained by the public utility agency.
 - c. All facilities shall be well-maintained in a good condition.
 - d. The exterior parking of boats, campers, and trailers on the site shall be prohibited. No power equipment, hobby shops, car maintenance (other than emergency work) shall be permitted within the parking areas where such activities would displace normal use of parking.
 - e. Residents shall be informed that, in the interest of aesthetics, uniformity in appearance, safety and security, balconies and patios shall be kept clear of laundry, storage, and mechanical equipment such that no such items or materials may be seen from the public right of way or walkways within the project site.
 - f. Landscaping shall be designed with an efficient irrigation system to reduce runoff and promote surface filtration and to minimize the use of fertilizers, herbicides, and pesticides which can contribute to urban runoff pollution.
 - g. The property owner shall periodically provide educational materials on stormwater pollution prevention (as furnished by the City) to all occupants, including occupants of the apartment building.
 - h. All roof-mounted and other mechanical equipment shall be screened from view from adjacent public rights-of-way and internal private streets. Satellite dishes are exempt from this condition as more particularly described under federal law.
 - i. Garbage, trash or recycling containers shall be suitably concealed in a dedicated area in accordance with the Fremont Municipal Code (FMC), except such containers may be placed at curbside on the designated garbage pick-up day.

- A-9. **City Indemnification.** The applicant shall defend, indemnify, and hold harmless the City or any of its boards, commissions, agents, officers, and employees (collectively "City") from any claim, action or proceeding against the City to attack, set aside, void, or annul, the approval of the project. The City shall promptly notify the applicant of any such claim, action or proceeding and shall cooperate fully in the defense. Nothing contained in this condition shall prohibit the City from participating in a defense of any claim, action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith.
- A-10. **Standard Development Requirements.** Pursuant to FMC Section 18.218.040, the project shall be subject to the following standard development requirements:
- a. Burrowing Owl. New development projects with the potential to impact burrowing owl habitat through grading, demolition, and/or new construction shall implement the following measures prior to grading or ground disturbing activities:
 1. Preconstruction Surveys. Preconstruction surveys for burrowing owls shall be conducted prior to the initiation of all project activities within potential burrowing owl nesting and roosting habitat (i.e., agricultural habitat with burrows of California ground squirrels) to determine if suitable burrowing owl habitat is present. Surveys shall be conducted by a qualified biologist in conformance with the most recent requirements and guidelines of the California Department of Fish and Wildlife (CDFW). The biologist shall determine the number and time frame (prior to construction) of surveys to be conducted.
 2. Implement Buffer Zones. Areas currently occupied by burrowing owls shall be avoided for the duration of residing on site and/or the nesting period (February 1st through August 31st). The biologist will recommend a suitable buffer zone distance for avoidance of nesting or roosting habitat.
 3. Passive Relocation. If burrowing owls cannot be avoided by the proposed project, then additional measures, such as passive relocation during the nonbreeding season, may be utilized to reduce any potential impacts. Measures for successful

relocation shall be recommended by a qualified biologist in conformance with CDFW requirements and guidelines.

4. Initiation of Construction Activities. When a qualified biologist is able to determine that burrowing owls are no longer occupying the site and passive relocation is deemed successful, construction activities may continue. The applicant shall submit the determination of the biologist to the planning manager for authorization to continue.

- b. Nesting Birds. New development projects with the potential to impact nesting birds through tree or shrub removal shall implement the following measures prior to removal of any trees/shrubs, grading, or ground disturbing activities:

1. Avoidance. Proposed projects shall avoid construction activities during the bird nesting season (February 1st through August 31st).
2. Preconstruction Surveys. If construction activities are scheduled during the nesting season, a qualified biologist shall conduct a preconstruction survey to identify any potential nesting activity. The biologist shall determine the number and time frame (prior to construction) of surveys to be conducted.
3. Protective Buffer Zone(s). If the survey indicates the presence of nesting birds, protective buffer zones shall be established around the nests. The size of the buffer zone shall be recommended by the biologist in consultation with the CDFW depending on the species of nesting bird and level of potential disturbance.
4. Initiation of Construction Activities. The buffer zones shall remain in place until the young have fledged and are foraging independently. A qualified biologist shall monitor the nests closely until it is determined the nests are no longer active, at which time construction activities may commence within the buffer area.

- c. Accidental Discovery of Cultural Resources. The following requirements shall be met to address the potential for accidental discovery of cultural resources during ground disturbing excavation:

1. The project proponent shall include a note on any plans that require ground disturbing excavation that there is a potential for exposing buried cultural resources.
2. The project proponent shall retain a professional archaeologist to provide a preconstruction briefing to supervisory personnel of any excavation contractor to alert them to the possibility of exposing buried cultural resources, including significant prehistoric archaeological resources. The briefing shall discuss any cultural resources, including archaeological objects, that could be exposed, the need to stop excavation at the discovery, and the procedures to follow regarding discovery protection and notification of the project proponent and archaeological team.
3. In the event that any human remains or historical, archaeological or paleontological resources are discovered during ground disturbing excavation, the provisions of CEQA Guidelines Sections 15064(e) and (f) requiring cessation of work, notification, and immediate evaluation shall be followed.

d. Air Quality.

1. Construction Related Emissions. The following construction measures, as periodically amended by BAAQMD, are required for all proposed development projects to reduce construction-related fugitive dust and exhaust emissions:
 - All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times daily.
 - All haul trucks transporting soil, sand, or other loose material off site shall be covered.
 - All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum streetsweepers at least once per day. The use of dry power sweeping is prohibited.
 - All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
 - All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations (CCR)). Clear signage

shall be provided for construction workers at all access points.

- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- A publicly visible sign shall be posted with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours. BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

Special Project Conditions

Planning:

- B-1. ***Transportation Demand Management.*** Prior to occupancy, the project shall include one transportation demand management (TDM) measure to promote the use of alternatives to automobile travel, and reduce total vehicle trips and vehicle trips during peak hours through site design measures. The project shall maintain participation in a transportation demand management association supporting programs for enhanced transit ridership, biking, and walking, to the satisfaction of the Planning Manager or designee.
- B-2. ***Noise.*** Indoor noise levels shall not exceed an Ldn of 45 dB(A) in new housing units. Prior to issuance of a building permit, a noise insulation study conforming to the methodology of the State Building Code shall be prepared and submitted for review and approval of the Planning Manager or designee.

Fire Safety:

- C-1. ***Fire Department Access Roadway.*** The Fire Department access roadway shall meet Fire Department standards for surface type - all weather; weight loads - 75,000 lb. minimum; turn radius - radii of 22.5 feet inside and 37.5 feet outside measured from the same point; and vertical clearance - 13.5 feet minimum. The access roadway shall be recorded as an Emergency Vehicle Access Easement to the satisfaction of the Fire Marshall or designee.
- C-2. ***Elevator.*** Elevator size must be determined to meet the footprint of the building. The elevator car shall be of such a size and arrangement to accommodate a 24-inch by 84-inch ambulance gurney or stretcher with no less than 5-inch radius corners, in the horizontal, open position, shall be provided with a minimum clear distance of not less than 80 inches by 54 inches and with a 42 inch side slide door to the satisfaction of the Fire Marshall or designee.
- C-3. ***Code Requirements.*** The applicant shall meet all requirements of the

currently adopted edition of the California Building, Fire and City of Fremont Municipal Codes in effect at the time of building permit to the satisfaction of the Fire Marshall or designee.

Transportation:

- D-1. **Landscape Height.** The 25-foot opening inside the garage adjacent to parking stalls 1, 8 and 9 shall be clear of any landscaping larger than six inches. Vehicles parked in said stalls need at least three feet between the property line and garage wall in order to safely and comfortably navigate out of the stall to the satisfaction of the City Engineer or designee.
- D-2. **Signing and Striping Plan.** Plans submitted for a building shall include an on-site and off-site signing and striping plan for review and approval of the City Engineer or designee.

Landscape:

- E-1. **Location of Utilities.** The design team shall coordinate the placement of utilities to:
 - a. Locate and screen above-ground utilities (backflow preventers, irrigation controllers, gas/electrical meters, cable boxes, transformers, etc.) from view;
 - b. Maximize the space available for trees where possible;
 - c. All tree planting areas shall be free of all utility structures and other built features, consistent with the spacing requirements defined in Landscape Standard Details (LSD) 5 and 6.
- E-2. **Street Trees.** All street trees shall be a minimum 24-inch box size with the final tree selection approved by the City Landscape Architect or designee. City of Fremont Standard Detail for street tree planting (LSD-1) shall be included in the plan set.
- E-3. **Tree Protection.** The health and well-being of off-site trees and trees which straddle property lines shall not be affected by construction activities. All off-site or neighboring trees in danger of damage from construction activities shall be protected per the City of Fremont standard details for Tree Protection, LSD-9 and (where approved) LSD-10. The developer shall be responsible for any damage to neighboring trees, including decline.
- E-4. **Lighting Plan.** A lighting plan, submitted in conjunction with a photometric plan, shall be subject to City review and approval during the Improvement Plan review process. All lighting shall be consistent with the architectural design of the buildings. In compliance with the Fremont Municipal Code, lighting will be reviewed to avoid substantial light or glare that may have an impact on day or nighttime views in the area. All wall lighting fixtures or sconces shall be of high quality, decorative lighting fixtures with concealed lighting elements. Sufficient security lighting shall be installed within commons areas, and walkways and subject to the review and approval of the

Community Development Department staff.

- E-5. **Construction Documents.** Landscape construction documents shall be submitted for review and approval, indicating full details regarding: (1) paving materials and textures of walkways and paved pedestrian areas; (2) lighting of walkways and pedestrian areas with low intensity nonglare-type fixtures; and (3) landscaping of site and open areas. As part of the landscape plans, the applicant shall submit:
- A Layout Plan to illustrate the design of all hardscape elements including walls, fences, gates, landscape structural elements, decorative landscape features, light locations, at grade or above grade utility boxes and vaults, walkways and decorative pavement.
 - All shrubs, groundcover, and vines are required to be minimum one gallon size, with a minimum of 40 percent of all shrubs and groundcover to be five gallon or larger in size.
 - Irrigation Plan utilizing low flow, durable, approved irrigation equipment that complies with the Water Efficient Landscape Ordinance (WELo) requirements.
 - Construction details of raised planters, walkways, paths, benches, walls, fences, planting details, irrigation details, and other architectural or landscape structural features as appropriate to the project.
 - Sheet L1 "Preliminary Landscape Plan" proposed vertical /screen plant material (Juniperus scopulorum 'Skyrocket') is a good choice to install along the west, north, and east side of the building with such a limited space. The applicant shall consider adjusting quantities and layout/pattern to break up continuous screen, but provide a spacing/massing to be more compatible with the architecture and elevations of the building and to serve as both aesthetic and a functional "screen" element with more variety and interest. In addition, in order to more quickly achieve a screen effect, the minimum plant size shall be 15-gallon.
- E-6. **Coordinate Plans.** Plans shall be coordinated between all team member disciplines to utilize matching project plan orientation and layout, north orientation, and scales to the greatest extent possible. The design team shall coordinate the placement of utilities to:
- Locate and screen above-ground utilities (backflow preventers, irrigation controllers, gas/electrical meters, cable boxes, transformers, etc.) from view;
 - Maximize the space available for trees where possible.
 - All above-ground utilities, including irrigation backflow preventers, irrigation controllers, fire service backflow preventers, cable or other service boxes, etc. shall be screened with a continuous evergreen (non-seasonal) hedge, minimum 5 gallon size, and 3' minimum height. Fire backflow preventers shall be painted black or olive green.
 - Utility lines and boxes shall be coordinated and located so as to not prohibit the placement of trees as shown on the Entitlement Plans. Conflicting proposed utility lines shall be relocated to allow for tree placement per the Entitlement Plans.
- E-7. **Tree Location and Spacing.** All tree planting areas shall be free of all utility structures and other built features, consistent with the spacing requirements defined in Landscape Standard Details (LSDs) 5 and 6.

- E-8. **Design Details.** The final design, material selection, and color and finish treatment of plazas, project walls, fencing, mailboxes, site furniture, trellises, bollard lights, pedestrian pole lights, and other site elements shall be subject to the review and approval of the Community Development Department staff during the preparation of the construction documents. The design team shall work with staff to refine the landscape design to further enhance the building interface with the landscape experience for the residents and surrounding community.
- E-9. **Certification Letter.** Upon completion of all landscape work, the project landscape architect shall submit a letter to the Planning Division certifying that the on-site and streetscape landscaping have been constructed in conformance with the approved landscape and irrigation plan, subject to the review and approval of the City's Landscape Architect.

Stormwater Facilities:

- F-1. **NPDES Permit.** the project must meet the requirements of Provision C.3 in the California Regional Water Quality Control Board San Francisco Bay Region Municipal Regional Stormwater NPDES Permit, Order R2-2015-0049, NPDES Permit No. CAS612008, or any subsequent amendments or reissuances thereof if project entitlements have not been granted at the time of new/reissued permit adoption.
- F-2. **Informational.** During the building permit review process:
- a. Provide an updated Stormwater Requirements Checklist. The form may be found at <http://fremont.gov/stormwaterdevelopment>.
 - b. Provide an updated Stormwater Management Plan. Guidance for the Stormwater Management Plan can be found at: www.fremont.gov/stormwaterdevelopment.
 - c. Any changes to the proposed layout or treatment measures may trigger hydromodification (HM) requirements if the project imperviousness goes beyond the 1 acre HM threshold.
 - d. Provide Stormwater Treatment Measures Maintenance Agreement (aka O&M Agreement). Template documents and instructions for completing the O&M Agreement may be found at <http://fremont.gov/stormwaterdevelopment>. Building permits will not be issued without an approved, executed O&M Agreement.
 - e. Disturbance of area 1 acre or more will trigger requirements to file a Notice of Intent (NOI). WDID# must be provided for applicable projects prior to issuance of grading or building permits. Additional information may be found at:
http://www.swrcb.ca.gov/water_issues/programs/stormwater/construction.shtml

Engineering:

- G-1. **Lot Combination.** The applicant shall apply for and obtain approval for a Lot Combination application to merge the existing parcels to a single parcel. The Lot Combination shall be recorded prior to building permit issuance.
- G-2. **Construction of Street Improvements.** The applicant shall install complete street improvements along the Maple Street project frontage in accordance with the Street Rights-of-Way and Improvements Ordinance. Improvements shall include but not limited to the following: curb and gutter, monolithic sidewalk, asphalt pavement conforms, streetlights, fire hydrants, street trees with tree grates, sewer and storm drainage facilities, joint trench facilities and signing and striping to the satisfaction of the Director of Public Works or designee.
- G-3. **Construction Agreement.** The public improvements conditioned as part of this entitlement requires execution of an Improvement Agreement that guarantees the completion of the public street improvements to the satisfaction of the Director of Public Works or designee. The Improvement Agreement shall be fully executed prior to issuance of the building permit. This agreement includes engineered plans prepared by the applicant's consultant, reviewed and approved by the City, surety (Faithful Performance, Labor and Material and Warranty) and insurance.
- G-4. **Encroachment Permit.** The applicant shall apply for and obtain an encroachment permit for all improvements within the public right-of-way. Improvement plans for the required street improvements shall be prepared in accordance with the Street Rights-of-Way and Improvements Ordinance. The encroachment permit shall be obtained concurrently with or prior to issuance of the building permit.
- G-5. **ACFC&WCD Permit.** The applicant shall apply for and obtain an ACFC&WCD encroachment permit for all improvements within their right-of-way.
- G-6. **Public Service Easement.** The applicant shall dedicate a minimum six-foot wide public service easement along the Maple Street project frontage outside of the building footprint to the satisfaction of the Director of Public Works or designee. Project entry and monument signs, bioretention areas, and walls shall not be located within the easement.
- G-7. **Erosion and Sediment Control Plan.** The project plan set must include an Erosion and Sediment Control Plan (ESCP) sheet showing the Best Management Practices (BMPs) to be implemented to minimize pollutant discharges related to construction activity. The ESCP must show the development site at the stage of maximum land disturbance. A copy of the ESCP and/or SWPPP Plan must be maintained on the project site at all times throughout the demolition/grading/construction process; the ESCP and/or SWPPP must be updated as necessary to show adequate BMPs appropriate for the current stage of the project.
- G-8. **Storm Drainage.** The applicant shall submit a hydrology map and hydraulic calculations prepared, stamped, and signed by a licensed California Civil

Engineer using a design storm of 15-year recurrence interval for primary facilities and 10-year recurrence interval for secondary facilities in accordance with the Alameda County Hydrology and Hydraulics Manual to ensure adequate conveyance of storm run-off from the project site. Off-site construction of storm drainage facilities to mitigate projected flows may be required. The project storm drain system shall be subject to review and approval of the City Engineer and the Alameda County Flood Control and Water Conservation District.

- G-9. **Undergrounding.** The applicant shall complete the underground conversion of existing overhead utilities along the project frontage on Maple Street. All new utility service connections, including electrical and communications, shall be installed underground. Electrical transformers shall be installed in underground vaults within an appropriate utility easement or public service easement to the satisfaction of the Public Works Director or designee.

END OF CONDITIONS

SUBDIVIDER/APPLICANT PLEASE NOTE:

The fees, dedications, reservations and/or other exactions imposed on this project are those listed in the foregoing conditions of approval. Any fee, dedication, reservation or other exaction is deemed imposed on the date of this approval. The applicant is hereby notified that the 90-day period in which the applicant may protest these fees, dedications, reservations and other exactions pursuant to Government Code Section 66020(a) begins on the date they are imposed. If the applicant fails to file a protest within this 90-day period complying with all the requirements of Government Code Section 66020, the applicant shall be legally barred from later challenging such actions.