

**EXHIBIT A  
DRAFT CONDITIONS OF APPROVAL**

**Vesting Tentative Subdivision Map 8159  
4202 Stanley Boulevard**

**NOVEMBER 13, 2013**

**PROJECT SPECIFIC CONDITIONS**

**Engineering Division**

1. The applicant shall pay its pro-rata share of the City's Capital Improvement Project (CIP) to reconstruct Stanley Boulevard along the project frontage at the rate of \$838.07 per linear foot. The project frontage is defined as the farthest northeastern point of Parcel 1 extending to the farthest northwestern point of Parcel 2 of Parcel Map 10180,. Based upon the linear feet of project frontage, the total amount due is \$167,614. If the applicant can demonstrate to the satisfaction of the City Engineer that public improvements constructed as part of the development project can be incorporated into the street improvement project, credit for those improvements will be allowed based upon their value - as determined by the City Engineer. The applicant shall be responsible for paying the pro-rata share prior to the recording of Final Map 8159.
2. The applicant shall pay its pro-rata share of a City project to underground the overhead utility lines within Stanley Boulevard along the project frontage at the rate of \$1,065.34 per linear foot. The project frontage is defined as the farthest northeastern point of Parcel 1 extending the farthest northwestern point of Parcel 2 of Parcel Map 10180. Based upon the linear feet of project frontage, the amount due is \$213,068. If the applicant can demonstrate to the satisfaction of the City Engineer that public improvements constructed as part of the development project can be incorporated into the utility undergrounding project, credit for those improvements will be allowed based upon their value - as determined by the City Engineer. The applicant shall be responsible for paying the pro-rata share prior to the recording of Final Map 8159.

**STANDARD CONDITIONS**

**Planning**

3. Vesting Tentative Map 8159 shall be in substantial conformance to Exhibit B, dated "Received October 18, 2013" on file with the Planning Division, except as modified by the following conditions. Minor changes to the plans may be allowed subject to the approval of the Director of Community Development.
4. Vesting Tentative Subdivision Map 8159 shall lapse two years from the effective date of this approval unless a final subdivision map is recorded or an extension is approved by the City.

5. Vesting Tentative Subdivision Map 8159 shall incorporate by reference all applicable conditions and requirements of PUD-97, the PUD Development Plan covering this subdivision, as approved by the City Council.
6. Planning Division approval is required before any changes are implemented in the design, grading, drainage, etc., of the subdivision map.
7. The Final Subdivision Map plan check package will be accepted for submittal only after completion of the 15-day appeal period, measured from the date of the resolution unless the project developer submits a signed statement acknowledging that the plan check fees may be forfeited in the event that the approval is overturned on appeal, or that the design is significantly changed as a result of the appeal.
8. To the extent permitted by law, the project applicant shall defend (with counsel reasonably acceptable to the City), indemnify and hold harmless the City, its City Council, its officers, boards, commissions, employees and agents from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void the approval of the project or any permit authorized hereby for the project, including (without limitation) reimbursing the City its attorneys fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.

## **STANDARD CONDITIONS**

### **Engineering**

9. A "Conditions of Approval" checklist shall be completed and attached to all plan checks submitted for approval indicating that all conditions have been satisfied.
10. The tentative map shall contain a brief legal description of any parcel being subdivided, a statement of lot and total acreage, and a statement referencing any separate documents required to be recorded with the map.
11. A final map shall be required to subdivide the property into 12 lots. With the map, the project developer shall set forth the maintenance areas of the proposed development and maintenance responsibilities. The project developer shall record CC&R's at the time of recordation of the map which shall create a Homeowners Association for the development. The CC&R's shall be subject to the review and approval of the City Attorney, Director of Community Development and the Utility Engineer prior to recordation of the map. The Homeowners Association shall be responsible for the maintenance of the private street, private utilities, storm water treatment areas within the tract boundary and the storm water treatment area within the PSDE (Private Storm Drain Easement) on the adjacent property (Parcel 2 of Parcel Map 10180), and other common

areas not within the area of a dedicated public street and facilities on the site. The project CC&R's shall include an exhibit showing the location of all the common private improvements to be maintained by the Homeowners Association. The City shall be granted the rights and remedies of the association, but not the obligation, to enforce the maintenance responsibilities of the property owners association.

12. The project developer shall create private storm drainage easements, as necessary, across the project for the benefit of the individual lots, subject to the review and approval of the City Engineer.
13. The applicant shall post with the City, prior to approval of the final map, a separate labor and material bond, performance bond and maintenance bond for the full value of all subdivision improvements. This bond shall be in a standard form approved by the City Attorney and shall be in an amount satisfactory to the City Engineer.
14. Any dedications, open offers of dedication, or grants of easements to the city may be dedicated and accepted on the face of the map. Agreement or other required items shall be recorded as separate documents concurrently after recordation of the Final Map.
15. The in-lieu park dedication fees shall be paid to the City prior to approval of the map, at the rate then in effect, for the total number of buildable lots on the map, unless this requirement has been otherwise satisfied.
16. Prior to approval of the Final Map, the applicant developer shall comply with all applicable conditions of outside agencies having jurisdiction.
17. Prior to the first plan check, the applicant's engineer/surveyor shall submit a preliminary copy of the Final Map along with a preliminary copy of the title report and a copy of the adjoining deeds and/or recorded maps to the City. The City will forward these documents to its consultant who will estimate the cost for examining the map and certifying that the map is technically correct and in accordance with Section 66442 of the California Subdivision Map Act. After the consultant has provided a cost estimate, the applicant's engineer/surveyor may submit the first plan check along with a deposit for these costs along with all other standard plan check fees. Any unused portion of the estimate will be returned to the applicant after the map is recorded. Similarly, if the applicant withdraws their application in writing prior to the consultant having performed the work, any unused portion of the deposit will be returned to the applicant. Conversely, should consultant's estimate be insufficient to cover all of the consultant's time, the applicant will be required to pay the City the difference between the estimate and the actual cost prior to submittal of the map for the City Engineer's approval.

18. At the time the applicant/responsible party submits the fee for the City's consultant map review, the applicant/responsible party shall also submit the following information to the City Engineer for review and approval:
  - a. Two prints of the Final Map.
  - b. One copy of the preliminary title report.
  - c. One set of the computer closures.
  - d. One legible copy of the latest recorded deed for the property being subdivided.
  - e. One legible copy of the recorded deeds for each of the adjacent properties unless those properties are part of a recorded map which has been recorded within the last seven years; and
  - f. One legible copy of the Recorded Final map, Parcel Map, or Record of Survey used to prepare this Parcel Map.
19. When the map is submitted for the City Engineer's signature, the applicant shall provide the City with an electronic copy of the Final Map in AutoCAD format.
20. The developer's title company shall record the Final Map with the Alameda County Recorder's Office. The project developer shall provide the City with a bond copy of the recorded map with all recording data shown.
21. The developer's title company shall record the CC&R's, Homeowner Association Maintenance Agreement, any grant deeds or easements, and any other required documents concurrently after recordation of the Final Map with the Alameda County Recorder's Office. After the recording of these documents the City shall be provided with a legible recorded copy.
22. This approval does not guarantee the availability of sufficient water and/or sewer capacity to serve the project.
23. All utility lines shall be installed in conduit. Only PG&E switch enclosures or capacity banks can be installed above ground, facing private street, provided the units are screened with landscaping to the satisfaction of the Director of Community Development.

**END**