

SUBDIVISION CONDITIONS
APPLICATION NO.: PL-2019-211
1919, 1926, 1933, 1938, and 1945, GAMEL WAY, 574 ESCUELA AVENUE,
AND 1970 LATHAM STREET

1. **MAP SUBMITTAL:** File a final map for approval and recordation in accordance with the City Code and the California Subdivision Map Act prior to the issuance of any building permit for the property within the subdivision. All existing and proposed easements are to be shown on the map. Submit two black-line copies of the map to the Public Works Department for review together with all items on the Map Checklist concurrent with the Off-Site Improvement Plans.
2. **MAP DOCUMENTS:** Prior to the approval and recordation of the map, submit a subdivision guarantee, County Tax Collector's letter regarding unpaid taxes or assessments, and subdivision security if there are unpaid taxes or special assessments.
3. **SOILS REPORT:** Soils and geotechnical reports prepared for the subdivision shall be indicated on the final map. Submit a copy of the report with the first submittal of the final map.
 - a. As required by the State Seismic Hazards Mapping Act, a project site-specific geotechnical investigation shall be conducted by a registered soils/geologist identifying any seismic hazards and recommending mitigation measures to be taken by the project. The applicant, through its registered soils engineer/geologist, shall certify the project complies with the requirements of the State Seismic Hazards Mapping Act. Indicate the location (page number) within the geotechnical report of where this certification is located, or provide a separate letter stating such.
4. **FINAL MAP APPROVAL:** The final map shall be signed and notarized by the owner and engineer/surveyor and submitted to the Public Works Department with an 8.5"x11" reduction of the map. In order to place the approval of the final map on the agenda for the City Council, all related materials and agreements must be completed, signed, and received by the Public Works Department 40 calendar days prior to the Council meeting. After City Council approval, the City will sign the map and provide a Xerox Mylar copy. The applicant's title company shall have the County Recorder's Office record the original and endorse the Xerox Mylar copy. The endorsed Xerox Mylar copy and PDF shall be returned to the Public Works Department within one week after recording the map.
5. **SUBDIVISION FEES:** Pay all subdivision fees due in accordance with the rates in effect at the time of payment prior to the approval of the final map.
6. **MAP PLAN CHECK FEE:** Prior to issuance of any building permits and prior to approval of the final map, as applicable, the applicant shall pay the map plan check fee in accordance with Sections 28.27.b and 28.19.b of the City Code per the rates in effect at time of payment.

An initial map plan check fee based on the Public Works adopted fee schedule shall be paid at the time of initial map plan check submittal.

7. **PLAN CHECK AND INSPECTION FEE:** Prior to issuance of any building permits and prior to approval of the final map, the applicant shall pay the plan check and inspection fee in accordance with Sections 27.60 and 28.36 of the City Code per the adopted rates in effect at time of payment.

An initial plan check fee based on the Public Works adopted fee schedule shall be paid at the time of initial improvement plan check submittal based on the initial cost estimate for constructing street improvements and other

public facilities; public and private utilities and structures located within the public right-of-way; and utility, grading, and driveway improvements for common green and townhouse-type condominiums.

Once the plans have been approved, the approved cost estimate will be used to determine the final bond amounts, plan check fees, and inspection fees. Any paid initial plan check fee will be deducted from the approved final plan check fee.

8. **TRANSPORTATION IMPACT FEE:** Prior to issuance of any building permits and prior to approval of the final map, as applicable, the applicant shall pay the transportation impact fee for the development. Residential category fees are based on the number of units. Retail, Service, Office, R&D, and Industrial category fees are based on the square footage of the development. Credit is given for the existing site use(s), as applicable.
9. **WATER AND SEWER CAPACITY CHARGES:** The water and sewer capacity charges for residential connections are based on the number and type of dwelling units. There are separate charges for different types of residential categories so that the capacity charges reasonably reflect the estimated demand of each type of connection. The water and sewer capacity charges for nonresidential connections are based on the water meter size, and the building area and building use, respectively. Credit is given for the demand of the improvements that previously existed on the site. Fees need to be paid per the Public Works Fee Schedule prior to Public Works approving the final map.
10. **PARK LAND DEDICATION FEE:** Prior to issuance of any building permits and prior to approval of the final map, as applicable, the applicant shall pay the Park Land Dedication Fee (approximately \$48,000 per unit, for a total of \$3,024,000, the final amount to be determined by the Real Property Program Administrator) for each new residential unit in accordance with Chapter 41 of the City Code prior to the issuance of the building permit. No credits against the Park Land Dedication Fee will be allowed for the private open space and recreational facilities.
11. **STORM DRAINAGE FEE:** Prior to issuance of any building permits and prior to approval of the final map, the applicant shall pay the off-site storm drainage fee per Section 28.51(b) and with the rates in effect at time of payment.
12. **PUBLIC ACCESS EASEMENT, COVENANTS, AND DEED RESTRICTIONS (CONNECTIONS THROUGH SITES):** Prior to issuance of any building permits and prior to approval of the final map, the owner shall dedicate a 4' wide public access easement (PAE), covenants, agreements, and deed restrictions on private property adjacent to the private driveway from Gamel Way to 1970 Latham Street. The dedication shall indicate that:
 - a. Public access shall be granted for nonautomotive use;
 - b. The owner shall maintain, inspect, and monitor the PAE improvements in good order, condition, and repair and in compliance with the Americans with Disabilities Act (ADA);
 - c. The PAE shall run with the land and be binding upon any successors;
 - d. If the owner shall fail to abide by PAE, the owner agrees to pay all reasonable costs and expenses incurred by the City in enforcing the performance of such obligations.
 - e. The owner agrees to defend and hold the City and the City's officers, employees, agents, and volunteers harmless from any liability for damage or claims for damage for personal injury, including, but not limited to, death and/or property damage caused by negligent acts, errors, or omissions in performance of services or operations under the Dedication, including maintenance operations performed on the PAE by the owner or the owner's contractors, subcontractors, agents, or employees.

A legal description (metes and bounds) and plat map (drawing) of: (1) the owner's property; and (2) the PAE area shall be prepared by the owner in accordance with the City's Legal Description and Plat Requirements and submitted

to the Public Works Department for review and approval. The legal description and plat must be prepared and stamped by a California-registered civil engineer or land surveyor.

Associated improvements within the PAE (PAE Improvements) shall be constructed by the owner and approved by the City.

13. **FRONTAGE PUBLIC UTILITY EASEMENT DEDICATION:** Dedicate an 8' wide public utility easement (PUE) along project street frontage(s) on the face of the map for such use as sanitary sewer, water, storm drains, and other public utilities, including gas, electric, communication, and cable television facilities, as required by the Public Works Director. The property owner or homeowners association shall maintain the surface improvements over the easement and must not modify or obstruct the easement area in a manner contrary to the intent of the easement. The dedication statement shall specify the PUE shall be kept free and clear of buildings and other permanent structures/facilities, including, but not limited to, the following:

- Garages, sheds, carports, and storage structures;
- Balconies and porches;
- Retaining walls;
- C.3 bioretention systems; and
- Private utility lines running longitudinally within the PUE.

Exceptions to these PUE requirements may be considered by the Public Works Director in conjunction with the review and approval of the off-site improvement plans and building permit plans for the project.

14. **PUBLIC UTILITY EASEMENT:** Dedicate a public utility easement for the proposed gas service on the face of the map, as required by the Public Works Director. The easement shall have a minimum width of 20' and shall have a hard, drivable surface such as Grasscrete or asphalt concrete. The dedication statement shall specify that the easement shall be kept clear of trees, shrubs, and structures and that the property owner shall maintain the vehicle surfacing over the easement.
15. **INGRESS/EGRESS EASEMENT:** Dedicate a private ingress/egress easement along the new driveway in favor of 1970 Latham Street.
16. **EMERGENCY VEHICULAR ACCESS EASEMENT:** Provide an Emergency Vehicular Access Easement on 1970 Latham Street to allow emergency vehicles through the site.
17. **PUBLIC SERVICE EASEMENT:** Dedicate a public service easement (PSE) on the face of the map to the utility company(ies) for the proposed electric, gas, and telecommunication conduits and vaults serving the project.
18. **UTILITY EASEMENT AND APPROVALS:** Dedicate utility easements, as required by the utility companies and as approved by the Public Works Director. All street and public service easement dedications are to be shown on the final map. The subdivider shall submit two copies of the map to PG&E, AT&T (SBC), and Comcast for their review and determination of easement needs. The public service easement dedications must be approved by the utility companies prior to the approval of the final map.
19. **PUBLIC IMPROVEMENTS:** Install or reconstruct standard public improvements that are required for the subdivision and as required by Chapters 27 and 28 of the City Code. These improvements include, but are not limited to:
 - For 1920 Gamel Way: Domestic, irrigation, and fire water services, meters, and appurtenances; fire hydrant; sewer service; storm connection; undergrounding of existing overhead electric and communication lines; new curb, gutter, and sidewalk along Escuela Avenue; and bulb-out at the northwest corner of Latham Street and Escuela Avenue.

- For 1970 Latham Street: Relocation of fire service from the end of Gamel Way to Latham Street; reconnection of gas service from the existing main in Gamel Way to the new service line the driveway; and reconnection of the overhead electric service from the end of Gamel Way.
- a. **IMPROVEMENT AGREEMENT:** The property owner must sign a Public Works Department improvement agreement for the installation of the public improvements prior to the approval of the final map.
 - b. **BONDS/SECURITIES:** Sign a Public Works Department faithful performance bond (100%) and materials/labor bond (100%) or provide a letter of credit (150%) or cash security (100%) securing the installation and warranty of the off-site improvements in a form approved by the City Attorney's Office. The surety (bond company) must be listed as an acceptable surety on the most current Department of the Treasury's Listing of Approved Sureties on Federal Bonds, Department Circular 570. This list of approved sureties is available through the internet at: www.fiscal.treasury.gov/fsreports/ref/suretyBnd/c570_a-z.htm. The bond amount must be below the underwriting limitation amount listed on the Department of the Treasury's Listing of Approved Sureties. The surety must be licensed to do business in California. Guidelines for security are available at the Public Works Department.
 - b. **INSURANCE:** Provide a Certificate of Insurance and endorsements for Commercial General Liability and Automobile Liability naming the City as an additional insured from the entity that will sign the improvement agreement prior to the approval of the final map. The insurance coverage amounts are a minimum of Two Million Dollars (\$2,000,000) Commercial General Liability, One Million Dollars (\$1,000,000) Automobile Liability, One Million Dollars (\$1,000,000) Pollution Legal Liability, and One Million Dollars (\$1,000,000) Workers' Compensation. The insurance requirements are available from the Public Works Department.
20. **OFF-SITE IMPROVEMENT PLANS:** Prepare off-site public improvement plans in accordance with Chapter 28 of the City Code, the City's Standard Design Criteria, Submittal Checklist, Plan Review Checklist, and the conditions of approval of the project. The plans are to be drawn on 24" x 36" sheets at a minimum scale of 1" = 20'. The plans shall be stamped by a California-registered civil engineer and shall show all public improvements and other applicable work within the public right-of-way. Traffic control plans for each phase of construction shall be prepared in accordance with the latest edition of the California Manual of Uniform Traffic Control Devices (CA MUTCD) and shall show, at a minimum, work areas, delineators, signs, and other traffic control measures required for work that impacts traffic on existing streets. Locations of on-site parking for construction equipment and construction workers and on-site material storage areas must be submitted for review and approval. Off-site improvement plans (10 sets), an initial plan check fee and map plan check fee based on the Public Works fee schedule, Improvement Plan Checklist, and items noted within the checklist must be submitted together as a separate package concurrent with the first submittal of the building plans. The off-site plans must be approved and signed by the Public Works Department. After the plans have been signed by the Public Works Department, 10 full-size and 2 half-size black-line sets, 1 Xerox Mylar (4 mil) set of the plans, and CD with CAD file and PDF must be submitted to the Public Works Department prior to the approval of the final map. CAD files shall meet the City's Digital Data Submission Standards.
 21. **INFRASTRUCTURE QUANTITIES:** Upon submittal of the initial building permit and improvement plans, submit a completed construction cost estimate form indicating the quantities of the street and utility improvements with the submittal of the improvement plans. The construction cost estimate is used to estimate the cost of improvements and to determine the Public Works plan check and inspection fees. The construction cost estimate is to be prepared by the civil engineer preparing the improvement plans.
 22. **UNDERGROUNDING OF OVERHEAD SERVICES:** All new and existing electric and telecommunication facilities serving the subdivision are to be placed underground (including transformers). The undergrounding of the new and existing overhead electric and telecommunication lines is to be completed prior to issuance of a Certificate of Occupancy for any new buildings within the subdivision. (If allowed by the City, aboveground transformers shall

be located so they are screened or not visible from the street or to the general public, as approved by the Community Development and Public Works Departments.)

23. **JOINT UTILITY PLANS:** Upon submittal of the initial building permit and improvement plans, the applicant shall submit joint utility plans showing the location of the proposed electric, gas, and telecommunication conduits and associated facilities, including, but not limited to, vaults, manholes, cabinets, pedestals, etc. These plans shall be combined with and made part of the improvement plans. Joint trench intent drawings will be accepted at first improvement plan submittal. All subsequent improvement plan submittals shall include joint trench design plans. Dedicate public utility easements that are necessary for the common utility on the final map. All boxes required along the frontage shall be behind the sidewalk in the Public Utility Easement.
24. **UNDERGROUNDING OF OVERHEAD LINES:** Underground existing overhead electric and telecommunication facilities fronting the property along Escuela Avenue and/or within the division of land, unless waived by the City Council after consideration of the recommendation of the Public Works Director due to unusual or impractical circumstances. The undergrounding work shall be constructed in conjunction with any applicable off-site improvements and completed prior to issuance of a Certificate of Occupancy for any new unit. All poles fronting the property and/or within the division of land shall be removed. If the undergrounding requirement is waived, subdivider shall fulfill whatever substitute conditions the City shall impose prior to final map approval.
25. **UTILITY MAINTENANCE:** On-site water, sanitary sewer, and storm drainage facilities shall be privately maintained.
26. **SURFACE WATER RELEASE:** Provide a surface stormwater release for the lots, driveways, alleys, and private streets that prevents the residential buildings from being flooded in the event the storm drainage system becomes blocked or obstructed. Show and identify path of surface water release on the improvement plans.
27. **STORM DRAIN HOLD HARMLESS AGREEMENT:** As portions of the site are or will be lower than the adjacent public street or the surface grade over the City's storm mains, the owner shall sign an agreement to hold the City harmless against storm surcharges or blockages that may result in on-site flooding or damage prior to approval of the final map.
28. **SANITARY SEWER HOLD HARMLESS AGREEMENT:** If the sanitary sewer connection(s) inside the structure(s) is/are less than 1' above the rim elevation of the upstream sanitary sewer manhole, before approval of the building permit, the owner shall sign an agreement to hold the City harmless against sewer surcharges or blockages that may result in on-site damage prior to approval of the final map.
29. **STREET VACATION:** The applicant's title company shall have the County Recorder's Office record the City Council Resolution ordering the vacation of the public easements prior to City Council approval of the final map.
30. **LOT LINE ADJUSTMENT:** The lot line between the vacated Gamel Way and the 1970 Latham Street parcel shall be adjusted prior to the City Council approval of the final map. To adjust the lot line, submit to the Community Development Department for review by the Subdivision Committee an application and plat (8.5"x11" map prepared by a California-registered land surveyor or civil engineer showing the lot lines to be adjusted). After receiving conditions of approval from the Subdivision Committee, submit to the Public Works Department the plat, legal descriptions of the area to be transfer between the parcels and each of the two final parcels, preliminary title report, and proposed deed to transfer the land. The Public Works Department will prepare a Notice of Lot Line Adjustment Approval document that must be signed and notarized by the property owner and trustees. After the documents have been approved and signed by the Public Works Department, the applicant's title company must record the Notice of Lot Line Adjustment Approval concurrent with the deed to adjust the lot lines.

31. **CONSISTENCY WITH OTHER APPROVALS:** This map shall be consistent with all requirements of the Development Review Permit, Application No. PL-2019-211. All conditions of approval imposed under that application shall remain in full force and effect and shall be met prior to approval of the final map.
32. **APPROVAL EXPIRATION:** If the map is not completed within twenty-four (24) months from the date of this approval, this map shall expire. The map is eligible for an extension of an additional twelve (12) months, provided the request for extension is filed by the applicant prior to the expiration of the original map. Upon filing a timely application for extension, the map shall automatically be extended for sixty (60) days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first.

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