

**EXHIBIT A - CONDITIONS OF APPROVAL  
SYCAMORE CROSSING**

**INITIAL/FINAL PLANNED DEVELOPMENT PLAN #FPDP 17-02  
VESTING TENTATIVE MAP #VTM 9477  
DESIGN REVIEW PERMIT #DRP 17-04, WITH MASTER SIGN PROGRAM-MSP  
CONDITIONAL USE PERMIT #CUP 17-04  
MINOR EXCEPTION #ME 19-01**

The Applicant shall comply with the following Conditions of Approval. Where a Condition refers to a building or property owner or other person or entity, the Applicant shall ensure that such other person or entity complies with such Condition. The Applicant may, in appropriate circumstances, assign responsibility for compliance with specific Conditions to a successor-in-interest (e.g., a residential or commercial property owners association or other successors-in-interest to property within the project), but such assignment shall not relieve the Applicant of the obligations to the City as set forth herein without the express, written consent of the City Manager, which consent shall not be unreasonably withheld. The Applicant shall supply to the Planning Department written statements from each agency or department having primary responsibility for the implementation of each condition, indicating that, in the reasonable discretion of such department, all applicable conditions required have been or will be met prior to issuance of building permits, installation of any improvements, or as otherwise indicated.

**LEGEND:**

DEPARTMENT with primary responsibility for implementing the listed conditions of approval:

(B) = Building	(CA) = City Attorney	(F) = Fire District
(PD) = Police Dept.	(PL) = Planning	(PR) = Parks & Recreation;
(PW) = Public Works		

1. Any changes to #FPDP 17-02 drawings as approved by City Council, shall be updated in the Exhibit C attached to this resolution and also include all necessary changes for consistency throughout the design plans, subject to City staff review and approval. (PL)
2. Initial/Final Planned Development Plan #FPDP 17-02 is contingent upon City Council approval of CEQA Determination/Initial Study #IS 17-02, General Plan Amendment #GPA 17-02 designating portions of the property as Planned Commercial–Residential (PC-R) and Public/Semi-Public–Open Space (P/SP-OS), Rezone #RZ 17-02 rezoning portions of the property as Planned Commercial–Residential (PC-R) and Public/Quasi Public Open Space (P/QP-O). (PL)
3. Approval of Vesting Tentative Map #VTM 9477 is contingent upon City Council approval of #RZ 17-02 and #FPDP 17-02. (PL)
4. Approval of Design Review Permit #DRP 17-04, with Master Sign Program, is contingent upon approval of #FPDP 17-02 and #VTM 9477. (PL)
5. Approval of Conditional Use Permit #CUP 17-02 and Minor Exemption (ME) #19-01 is contingent upon approval of FPDP #17-02 and Design Review Permit #DRP 17-04. (PL)

6. Applicant shall comply with all applicable conditions of approval for #FPDP 17-02, #VTM 9477, #DRP 17-04, #CUP 17-04 and #ME 19-01 contained herein. (PL)
7. **Minor Plan Changes.** The project shall be built substantially in compliance with the approved #FPDP 17-02 and #DRP 17-04, unless otherwise amended by action of the City Council. Minor modifications to the project may be requested by the Applicant and approved administratively by the City, in the reasonable discretion of the Planning Director, in accordance with Section 13-46 of the City of Hercules Municipal Code. The decision must be based on the standards that applied to the original project approval, and a minor change can only be approved or conditionally approved if the Planning Director determines that the minor change is consistent with the spirit and intent of the original project approval and does not change the effects of the approval on surrounding property. Under no circumstance shall a minor modification be deemed to include a change in land use, an increase in the square footage of any building, a reduction in any required setback, or a relocation of any street. Any substantial change or increase will require that the Applicant apply for and receive approval a major modification by an amended permit approved by the Planning Commission. (PL)
8. **Non-Transferability.** The project approvals listed are approved for the project and location described in the application, shown and described as the Sycamore Crossing project, and shall not be transferable to other property. (PL)
9. **Approval Period.** These approvals referred to herein (which do not include the General Plan and Re-Zone Amendments) are each valid for two years from the City Council Re-Zone Ordinance for #RZ 17-02 being effective (the "Approval Period"). If site grading or relocation of on-site utilities has not commenced by that time, these approvals shall expire. The Approval Period may be extended for one (1) additional year by submitting to the Planning Department a written request and paying the applicable fee for extension prior to the expiration date, however, no extension may be granted unless and until the Planning Director determines, in writing, that (a) the applicant has diligently pursued development of the proposed project, and (b) these initial conditions of approval remain adequate to assure that the stated findings required for each approval remain valid. If the Planning Director or his/her designee determines that the initial conditions of approval are no longer adequate to assure that the stated findings remain valid, he/she may grant the requested extension subject to such reasonable additional conditions of approval as are necessary to assure that the stated findings required for each approval will remain valid. If site grading or relocation of on-site utilities has commenced prior to the expiration of the Approval Period, this Condition No. 9 shall have no further force or effect. (PL)
10. **Acceptance of Conditions; Waiver of Objections.** The development or use by the Applicant/Grantee of any activity or structure authorized by this permit shall constitute acceptance of all of the conditions and obligations imposed by the City on this permit. The Applicant/Grantee by said acceptance waives any challenges as to the validity of these conditions. (CA)
11. **Indemnification.** Applicant/Grantee agrees to indemnify and defend the City, its agents, officers, and employees, at Applicant/Grantee's own expense, against and from any claim, action or proceeding ("Claims") brought by any third party arising from or relating

to the City's processing of Applicant/Grantee's development applications and the City's issuance of any of the approvals described in these conditions, including but not limited to any Claims brought to attack, set aside, void or annul any of the City approvals described in these conditions, and any Claims brought against the City arising from or relating to Applicant/Grantee's development and operation of the project that is the subject of such City approvals. City shall promptly notify Applicant/Grantee of any such Claim of which City receives notice, and City will fully cooperate with Applicant/Grantee in the defense thereof. Applicant/Grantee's obligations under this condition shall extend to and include the obligation to reimburse the City for any court costs, reasonable attorney's fees, and damage awards which the City may be required to pay as a result of any such Claim. City may, in its sole discretion, participate in the defense of any such Claim and may elect to be represented by counsel of the City's choosing at Applicant/Grantees' expense, and such participation shall not relieve the Applicant/Grantee of any of the obligations of this condition. This indemnity shall not apply to Claims arising from (i) the negligence or willful misconduct of the City, or (ii) the ownership and/or maintenance of any public lands, public facilities or public improvements in the project that have been dedicated to and accepted by the City and for which any applicable warranty period has expired. (CA)

12. **Conditional Use Permit:** Outdoor seasonal or other temporary sales are subject to provisions of Section 13-35.290 of the City's Municipal Code for Outdoor Retail Sales and shall require City approval as needed for temporary use permits.
13. **Site Plan, Elevations, Exterior Materials, and Design Elements:** The location and elevations of all buildings and structures and the colors and materials shall be in substantial conformance, as determined by the Planning Director in his or her reasonable discretion, with the City Council approved #FPDP 17-02 (including submitted color/material boards), #VTM 9477, and #DRP 17-04 and the Governing Ordinances set forth therein. Any request for a minor modification shall be accompanied by three copies of any plans reflecting the requested modification. (PL)
14. **Development Milestones.** No residential building permits shall be issued until (i) the hotel developer has submitted a complete set of detailed site improvement plans and building plans required by the City for construction of the hotel project, with plan check completed and building permits ready to be pulled, and (ii) commenced actual grading of the hotel site pursuant to such site improvement and building plans, or (iii) the City has (in its sole discretion) otherwise provided a written determination that substantial progress toward construction of the hotel has occurred such that this condition would be deemed satisfied. (PL)
15. **Conditions, Covenants, and Restrictions (CC&Rs).** Prior to recordation of the Final Map, the Applicant shall provide the City with copies of the draft CC&Rs for the proposed development, including separate CC&Rs for the residential area (excluding the hotel) and the retail area (excluding the hotel) for review and approval by the City Attorney, Community Development Director, City Engineer, and Chief of Police. All CC&Rs shall be consistent, in the exercise of the reasonable discretion of the applicable City reviewer, with the terms of these approvals and the Hercules City Code, Final Development Plan, and all other applicable City laws and regulations. Where a conflict exists between the CC&Rs and City regulations, City regulations shall prevail. (PL)

16. **Color, materials, and windows.** Building plans and permit application will be subject to these Project Conditions of Approval and standard City building permit submittal criteria. (PL)
17. **Graffiti Control.** The site shall be maintained free of graffiti. Graffiti applied to any surface of the subject property shall be removed within forty-eight (48) hours of the Applicant being notified by the City. The City may remove the graffiti if the Applicant fails to remove the graffiti within forty-eight (48) hours of notification; the Applicant shall reimburse the City for the graffiti-removal work. (PW)
18. **Street Addresses.** Prior to issuance of a building permit, the applicant shall obtain City Planning Department approval in coordination with the Police Department and Fire District of a plan for addressing and identifying project buildings. Such a plan shall include directional signs and markings, as may be required by the City or the Fire District. Residential address numbers shall be clearly visible and readable from the front to responding Police and Fire personnel; additionally, the address with street name shall be viewable on the garage side of each residential unit. All unit numbers shall be externally illuminated. (PL)
19. **Utility Boxes.** All utility meters, transformers, irrigation control boxes, valves, and similar devices shall be painted and landscaped in a manner which is reasonably consistent with the site landscaping and building design, or hidden to blend with the surrounding environment to the extent practical. (PL)
20. **Public Art and Interpretive Signage.** Applicant shall submit for Planning Director review and approval detailed location and design plans for public art and interpretative signage (as shown on Sheet L-1.2) to be installed: at the corner of Tsushima Street and Sycamore Avenue; at the corner of Sycamore Avenue and San Pablo Avenue; at the hotel plaza; and near storm water treatment areas, wetlands, and open space areas. (PL)
21. **Parking:** On-site compact parking spaces shall be limited to no more than 40% of total retail/hotel project parking calculations as defined by the project approvals. Parking configuration and striping will be subject to project approvals and applicable city codes. Handicapped and compact parking spaces shall be appropriately identified on the pavement to meet ADA standards. Parking adjacent to public streets shall be screened with landscaping, hardscape and/or grade separation. The Applicant shall provide a minimum of 1-foot wide step-out curb or equivalent on landscape fingers and islands adjacent to parking stalls. All landscape planters within the parking area shall maintain a twenty (20) foot curb radius for major aisle intersections and ten (10) foot curb radius for minor aisle intersections, unless otherwise allowed by the Public Works Director. (PL, PW)
22. **Electric Vehicle (EV) Parking and Recharge Stations:** The number of EV parking spaces in the project shall be as required by the CALGreen Code in effect at the time of building permits submittal (currently required to be a minimum of 3% of the residential parking spaces and 5% of non-residential spaces). EV parking spaces shall be shown on drawings included with the Building Permit submittal. (PL)

23. **Preferential Parking District.** Sycamore Avenue shall incorporate aesthetical enhancements that blend with the adjacent Bayside neighborhood as determined by the Planning Director in coordination with the City Engineer.
- The Applicant shall initiate the formation of a new Parking District, separate from the Aventine Preferential Parking District, to encompass the residential and hotel uses. The District shall include language to prepare and implement a Preferential Parking Program (as provided in Title 3, Chapter 4, Article 17 of the Hercules Municipal Code) for the hotel and residential areas to better accommodate the maximum peak occupancy and associated parking demand on the proposed new Ohlone Creek Place and a portion of Tsushima Street. The Plan shall identify specific measures to accommodate all hotel guests (e.g., use of a valet parking service, satellite parking lots, and similar features). The costs to process changes to the existing district and formation of a new Parking District shall be borne by the Applicant.
24. **Bicycle Parking.** The Applicant shall install a minimum number of bicycle lockers and bike racks, currently equal to 5 percent of vehicle parking spaces (per 2016 CALGreen Standards) near commercial building entrances, in general proximity of the approved Site Plan and to the reasonable satisfaction of the Planning Director. (PL, PW)
25. **Signage:** Individual sign permits to be issued under the approved Master Sign Program (MSP), included as part of DRP #17-04, are subject to approval by the Planning Director. Individual sign permit review and consideration will be subject to general conformance to the approved MSP. Final location of any monument signs shall be coordinated with the Director of Public Works to assure unobstructed traffic visibility, prior to the issuance of a building permit, in substantial conformity with the approved Final MSP and in accordance with the provisions of Section 13-34.800 of the Municipal Code, “Examples of Signs Permitted and Prohibited.” Signs shall be placed within the shopping center portion of the Project to direct delivery trucks to the loading dock areas. (PL, PW)
26. **Shopping Carts:** Any proposed cart corral areas within the parking lot of the retail center shall be shown on the improvement/building plans. Cart collection areas shall not displace any landscaped areas or reduce the total number of parking spaces below the overall Project site requirement. Wheel locks shall be required on all shopping carts to ensure carts stay on the retail premises. Discarded carts within the shopping center shall be retrieved from cart storage areas within the parking area on a sufficiently regular and timely basis to prevent overflow from the cart storage areas. As identified on Sheet L-1.4 – Fencing Plan of the Design Plan Set, the natural channel shall be fenced off to prevent access. Property owners shall recover all shopping carts from the natural drainage area and any offsite location within 24 hours after being discovered. (PL, B, PW)
27. **Landscape & Fencing:** The final landscape plan and irrigation plan with planting materials and planting plans shall be submitted to the Planning Director for review and approval concurrent and consistent with the submission of the final improvement plans for each component of the project (i.e., hotel, retail, residential). Irrigation and landscape plans shall comply with the City’s Water Efficient Landscape Regulations, and provisions of Section 13-30.700.2 of the City’s Municipal Code, “Landscaped Areas.” The Landscape Plan shall use native, drought-resistant, and low maintenance species of plants, trees, and shrubs to reduce the demand for water and gas-powered landscape

maintenance equipment. A tree replacement plan shall be incorporated as part of an environmental mitigation program and the landscape construction drawings. The final landscape plan shall indicate the type, location, and size of all plants, trees, shrubs, and groundcover materials. All trees planted at the site shall be at least 15 gallon; all shrubs shall be a minimum of 5 gallon, except that ornamental shrubs along pathways may be 1 gallon. Landscaping and irrigation shall be incorporated with the site development permit plan set and installed per plans, as approved by the City, prior to issuance of a Certificate of Occupancy. Any landscaping and fencing proposed within the jurisdictional wetland boundary is subject to regulatory approval by the appropriate state and/or federal agencies. In the event of any conflict between City's Conditions of Approval regarding landscaping and regulatory agency permitting criteria, regulatory agencies' specifications shall prevail. (PL, PW, B)

28. **Landscape Easement and Maintenance.** A landscape easement shall be recorded with the Final Map allowing for the Applicant's maintenance of the landscape parkways within the City right-of-way along the project's full frontage. (PL)
29. **Landscape Installation.** Prior to issuance of a Certificate of Occupancy, the project landscape architect shall verify in writing that the landscaping has been installed in accordance with the approved final landscape plan in all respects, including with respect to size, number, and species of plants. (PL)
30. **Watering Schedule.** The landscape contractor shall provide a watering schedule to the building owner or manager prior to issuance of a Certificate of Occupancy. The watering system shall include automatic rain shut-off devices, and the watering schedule shall include instructions on how to override the system during rainy periods or for other reasons (e.g., drought requirements). (PL)
31. **Walkway Requirements.** All on-site sidewalks and paths shall be at least four (4) feet wide and designated "accessible paths" (as generally indicated on Exhibit C-3.0) shall comply with accessibility standards for individuals with disabilities under the Americans with Disabilities Act (ADA).
32. **Final Plans.** The final building plans and corresponding building permit applications shall clearly indicate all building elevations, materials, and colors to be used in construction. (PL/B)
33. **Fence/Wall Installation.** Prior to construction of any permanent fencing, the project applicant shall secure approval by the Public Works Director of a plan for fencing, in substantial compliance with Sheet L-1.4. Fencing shall not exceed 42 inches in height above the highest adjacent grade. The Plan shall include, at minimum, exact location, height, materials, and colors of all fencing for the wetland area and any other areas anticipated for retaining walls, handrails, private patio areas, and the like. (PL)
34. **Refuse/Trash Collection and Construction Debris:** A refuse collection plan shall be formulated, working with the refuse collection provider, Republic Services (or its successor), to provide for efficient and effective trash/refuse collection system. The refuse collection plan shall be subject to Public Works Director review and approval. All solid waste enclosures within the hotel and retail areas shall substantially conform with Exhibit AC-7.3. Republic Services (a.k.a., Richmond Sanitary Service) is the exclusive

franchised solid waste hauler for the City of Hercules. Republic Service's exclusive collection rights include collection of all solid waste in the City, including construction and demolition (C&D) waste from construction and demolition projects in the City. Removal of construction and demolition (C&D) waste from the construction must be arranged with Republic Services (or its successor) prior to commencement of construction, or in another manner consistent with the Franchise Agreement or State Law. (PL, PW)

35. **Materials Storage.** The storage of materials is not allowed in the parking lot of the retail center or hotel. This prohibition includes materials in trucks and storage containers and pallets, but shall not apply to construction-related activities. All construction material/equipment shall be staged outside the City's rights-of-way. (PL)
36. **Building Plan.** To the extent required by the building code then in effect in Hercules, a building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this approval. Prior to the issuance of a building permit, a reproduction of all applicable conditions of this approval as adopted by resolution of the City Council shall be part of, and incorporated into, all sets of the construction documents and specifications for that portion of the project. (B)
37. **Roof Equipment.** All roof-mounted mechanical equipment, including but not limited to heating, ventilation, and air conditioning equipment, shall be recessed, grouped, and/or screened from view on adjoining property and public streets subject to reasonable approval of the Planning Director. It is realized that not all roof-mounted equipment may be fully screened from higher elevations. Plumbing vents, ducts, and other appurtenances protruding from the roof shall be integrated in such a manner that they will not be viewed from the front of the property or other highly visible vantage points from public streets. All vents, gutters, downspouts, flashings, conduits, etc. that are visible from outside the building shall be painted the color of the adjacent surface. Gutters shall be installed at the lower edge of all sloping roofs. Rainfall carried in such gutters shall be carried in downspouts to sub-grade storm drains. A note shall be included on construction plumbing drawings of exterior elevations to indicate to contractors that roof features shall be grouped and located in the described manner. Roof vents shall be shown on construction drawings and painted to match roof material color. (PL, B)
38. **On-Site Maintenance:** The property owner, homeowners association(s), and business association(s) shall be responsible for the operation, maintenance, servicing, and capital replacement of all areas not operated and/or maintained by individual property owners, including all parking area (except those in public streets), landscaping, open space (including the natural channel and wetlands area), private streetlights, alleys, private streets, pedestrian paseos, and non-public areas held in common by the association(s). The association(s) shall also be responsible for enforcement of any recorded Covenants, Conditions, and Restrictions (CC&R) related to property maintenance. (PW)
39. **Payment of Fees.** Applicant shall secure all applicable permits and/or pay all third-party fees from other public regulatory agencies such as, but not limited to, Rodeo-Hercules Fire District, East Bay Municipal Utility District, PG&E, School District, West County Sub-regional Transportation Mitigation Fees (STMP), City sewer connection, water boards, etc. (PL)

40. **City Fees.** Applicant shall pay all applicable City Development Impact Fees, all other applicable fees imposed by the City in the Master User Fee list, and other applicable public and regulatory agency fees, and all applicable processing charges, prior to the issuance of building permits (or when otherwise due) that are in effect at the time of permit submittal. Required City fees shall include, but are not limited to, Planning fees, Building permit fees, General Public Facilities, Police Facilities, Transportation Facilities Fee, Sewer Facilities, Community Development Tax, Park and Recreation Facilities, General Plan update fee, and Building Training Fund.

Applicant shall pay its fair share costs/fee for traffic mitigation fees as identified in the 2019 Fehr & Peers Traffic Assessment Report and the 2009 Redevelopment Plan EIR and may apply proportional credit for costs of signal installation at Tsushima Street and San Pablo Avenue above its fair share. Proportional cost of signal installation share includes any and all work associated with installation of traffic signals, including, but not limited to, ADA curb modifications, landscaping within curb modifications, signage relocations, and utility work. Such credits to traffic fees shall not include median island improvements necessitated by the Project, nor include abutting pavement, curb, gutter, landscape parkway, and sidewalk.

41. **City Business License.** All contractors shall obtain a City of Hercules business license before starting work. (PL)

#### **Fire District Conditions**

42. **Fire Access.** Fire Department access roads shall be provided to within 150 feet path-of-travel distance of all portions of first floor exterior walls of all structures and hazardous materials use or storage areas. Access roads shall be designed to current Fire Department standards: 20 feet wide minimum for structures two-stories or less in height, and 26 feet wide minimum (with Aerial Apparatus Access compliance) for structures more than 30 feet in height. Turning radius 25 feet inside and 45 feet outside. Dead-end private access roads more than 150 feet in length shall have an apparatus turn-around per current Fire Department standards. (FD, CFC 503)
- a. As a mitigation for reduced fire department access to the creek side of the hotel, the Applicant shall provide an on-site fire lane on the north side of the hotel via the hotel plaza. The fire lane is identified on Sheets AH-1.0 (Hotel Site Plan), C-1.0 (Final Development Plan and Vesting Tentative Map) and C-3.0 (Preliminary Grading Plan and Utility Plan: Hotel and Residential) and will be required to be provided on the project improvement and the grading plans.
  - a. An “auto-turn” analysis shall be provided for the Fire District that illustrates that the turning radii (25-feet inside, 45-feet outside) will accommodate fire equipment access to and from the development.
  - b. With respect to “height” of the buildings related to Aerial Apparatus Access requirements on Sheet AR-5.0, this project is proposed to be 2 inches less than the trigger height (29 ft. 10 inches vs 30 ft.). This is within the provisions however we caution that a minor 2-inch variation in grading, foundation, or eventual height (measured between the lowest level of fire department access and the eave of any building) would create a non-compliant condition with a difficult remedy.



43. **Fire Flow Analysis.** A Fire Flow Analysis including proposed building areas, type of construction, and calculated available fire flow at the proposed fire hydrants shall be provided to the Fire Department for review and approval concurrent with submittal of final grading plans. Minimum adjusted (50% sprinkler credit) Fire Flow for this commercial project is estimated at 2,250-2,500 gallons per minute with 20 residual psi in the water main. Applicant shall contact East Bay Municipal Utilities District to have a flow test performed for the nearest existing hydrant to be used for the hydraulic design prior to submitting the Fire Flow Analysis. (FD, CFC 507).
44. **Hydrant Spacing.** Hydrant spacing for this commercial project shall comply with current Fire District standards of CA Fire Code Chapter 9 and Appendix C, and three (3) copies of the final site plan shall be submitted for approval of hydrant locations. Location of bollards and Fire Department Connections (FDCs) for the required automatic fire sprinkler system and standpipe system are a deferred item but shall be on the front side (main entrances) of the development. (FD, CFC Appendix C).

Prior to any building construction or any construction materials being placed on site, the following exterior-located hydrants shall be installed and in service, subject to RHFD approval:

- a. Fire hydrants shall be provided along public streets adjoining Shops Building 2, Pharmacy, Pad 1, and 3-story residential occupancies facing Sycamore and Tsushima Avenues (comment from 10/25/17 & 2/25/19 review).
  - b. A hydrant is needed to cover the EVA/Fire Lane on the north side of the hotel.
  - c. A hydrant is needed near the southwest corner of the hotel.
45. **Fire Sprinklers.** The Rodeo-Hercules Fire Protection District has adopted a local ordinance which requires automatic fire sprinkler systems in certain type/size of new construction. All structures shall be protected with automatic fire sprinkler systems in accordance with CA Fire Code Chapter 9 as adopted by the Fire District. (FD, CFC 903)
46. **Hotel Fire Protection.** Hotel occupancy is required to provide a Class III standpipe system throughout. System shall be in-service prior to any construction occurring at or beyond 40 feet. Additionally, as a mitigation to reduced fire department access on the creek side of the hotel as described in Item 41(a) above, the Applicant shall provide two Class I standpipe outlets along the creek path. (FD, CFC 905 & 3313)
47. **Underground Mains.** Private Underground Fire Mains (a.k.a., on-site mains behind the detector check) require a separate Fire Department permit. Public or private fire mains may not run under buildings. (FD, CFC 507)
48. **Additional Fire Protection.** The Applicant may be required to provide additional fire protection measures as determined by the District to ensure that an acceptable level of fire safety is maintained. (FD)
49. **Exit Analysis.** An exit analysis shall be submitted with the Building permit set. Areas of Refuge or Areas of Assisted Rescue shall be identified and provided with a two-way communication system per CFC 1009. (FD, CFC 1003)

50. **Rescue Windows.** Rescue windows required by the CA Building Code shall be placed such that a ground ladder can functionally access the window sill with a 65–70-degree angle. Ladder pads shall be provided over unimproved soil. Sheet AH-1.0 shows trellises along the NE and SE side of the hotel. Verification these will not impede ladder access to rescue windows will be needed during the Building Permit review. (FD)
51. **Traffic Signal Preemption.** As mitigation for delays in response time, traffic signal preemption (Opticom or compatible) shall be provided on new traffic signals serving this development. (FD)
52. **Hazardous Materials.** In its September 19, 2016, Phase I Environmental Site Assessment (Attachment 14 of the CEQA Environmental Checklist for the Project), ENGEO made reference to lead contaminated soils in a discrete location within the eastern portion of the creek corridor, but concluded that no further action was required because the project would not affect those soils. The subject areas shall be fenced to prevent any public access to or construction in these areas, subject to the reasonable satisfaction of the Public Works Director. If any further actions are later required by DTSC, owner shall remain responsible to complete all such actions. (FD, PW)
53. **Site Address Signs.** Site address signage per current Fire Department Standards shall be established and maintained during and after any combustible construction or intensification of site use. A complex directory shall be provided at the main entrances. (FD, CFC 505)
54. **Elevator Design.** Elevators shall accommodate a medical stretcher. The fire resistive smoke assembly used for the elevator must be operable from the elevator cab (by first responders). (FD, CBC 607)
55. **Fire Lanes.** Required Fire Department access roads and the on-site fire lane described in Item 41(a) shall provide “No Parking-Fire Lane” markings per current Fire Department standards and the CA Vehicle Code. (FD, CFC 503).
56. **Access Roads.** Required Fire Department access roads and the on-site fire lane described in Item 41(a) shall provide “No Parking—Fire Lane” markings per current Fire Department standards and the CA Vehicle Code. (FD, CFC 503)
57. **Approval of Traffic Calming.** Traffic calming measures or controls (speed bumps, humps, undulations, gates, etc.) are not approved as a part of this review and require specific approval from the Fire Department. (FD, CFC 503.4)
58. **Knox Lock.** Structures and lockable gates limiting vehicle access to commercial facilities shall be equipped with a Fire Department-approved locking device or Fire Department-approved key system (“Knox” lock or “Knox” keyed lock). (FD, CFC 506)
59. **Radio System.** A bi-directional public safety emergency responder radio system, designed and installed per current Fire Department standards, is required in all new commercial structures. System can be building-specific or a campus-wide system can be provided. (FD, CFC 510)
60. **Solar Systems.** Rooftop Solar Photovoltaic Systems shall comply with the CA Fire Code and CA State Fire Marshal Photovoltaic Guideline. Illustrations of rooftop solar potential on Sheets AR-2.3, 3.3 and 4.3 are more generous than the standard would allow. (FD, CFC 6050).

61. **Fee Deferral.** Required Fire Department permits that are eligible for deferred submittal: **Construction:** Underground Fire Main, Automatic Fire Sprinkler System, Fire Standpipe System, Fire Alarm System, Sprinkler Alarm Supervisory Service (water-flow monitoring), Fixed Extinguishing System (if cooking facilities), High Pile Combustible Storage (if >8 feet in retail or 12 feet in storage), Fire pump, Generator Fuel Storage (if proposed). **Operation:** Apartment Building, Bi-Directional Repeater System. (FD, CFC 105).
62. **Fees.** The Applicant shall remit the Development Impact Fee with the Building Permit submittal. (FD)
63. **Review Fees.** The Applicant shall provide proof of payment of the Rodeo–Hercules Fire District Review Fee applicable for this planning review. (FD)
64. **Construction Plan.** The Applicant shall submit a “Fire Safety During Construction” plan to the Fire District at the time of Building Permit submittal. (FD, CFC 3308)
65. **Hazardous Materials Storage.** Storage or use of any hazardous materials at the site (such as diesel fuel for an on-site generator or sulfuric acid in batteries) will require a Hazardous Materials Business Plan be submitted to the CUPA. (FD, CFC 5001)
66. **Construction Fire Protection.** Access roads and water supplies for fire protection shall be installed and made serviceable prior to storage or construction of any combustible materials. (FD, CFC 3312)

#### **Police Department / Parks & Recreation Conditions**

67. **Play Equipment.** Play structures and equipment shall not provide for concealed shelter or encampment. (PD, PR)
68. **Anti-Skate Devices.** Anti-skate devices shall be installed on wall seating areas and similar areas as determined by the Parks and Recreation Department. (PD, PR)
69. **Phasing of Improvements.** Applicant shall submit for Public Works Director, Planning Director, and Fire District approval a phasing plan for all utility, landscaping, roadway, and other improvements required by the conditions of approval consistent with condition #106. Such phasing plan shall identify the improvements required to be built in order to allow construction and occupancy of each discrete component of the project (i.e., hotel, retail, and residential) and orderly sequencing of the improvements (PW, PL, FD)

#### **Public Works/Engineering Conditions**

70. **Compliance with City Engineering Standards.** Applicant shall comply with all applicable City of Hercules Public Works Standards. In the event of a conflict between the Standard Public Works Standards and these Conditions of Approval, these Conditions shall prevail. In the event that clarifications to the conditions of approval are required, the Director of Public Works or the Planning Director, as applicable, shall have the authority to clarify the intent of the conditions without going to a public hearing. (PW)
71. **Construction Issues: Trash/Debris.** Reasonable measures shall be taken to contain all construction-related trash, debris, and materials on-site until disposal off-site can be arranged. The Applicant shall keep the adjoining public streets and properties free and clean of project dirt, mud, and materials during the construction period. Construction debris boxes shall be provided during all phases of construction. The Applicant shall be

responsible for corrective measures reasonably related to its construction activities at no expense to the City of Hercules. (PW)

72. **Noise Control.** Applicant and contractors shall comply with the recommendations specified in the Environmental Noise Analyses dated June 4, 2018, and April 22, 2019, by Veneklasen Associates, Inc.
73. **Temporary Construction Fencing.** The use of any temporary construction fencing shall be subject to the review and reasonable approval of the Public Works Director, Hercules Police Department, and the Building Official. Security lighting and patrols shall be employed as necessary. The fencing shall not obstruct pedestrian access along the frontage during construction. A safe pedestrian access route shall be maintained along the frontage at all times where sidewalks exist, except for City-approved closure permits during construction. (PW)
74. **Final Geotechnical Report.** The Applicant shall retain a licensed Geotechnical Engineer to prepare a Geotechnical Investigation Report for the site and streets. The design of the underground utilities, grading, paving, retaining walls, and foundations shall be based on the recommendations outlined in said Report. The Geotechnical Engineer shall certify that the design conforms to the recommendations in the Report before the City issues a Grading/Site Development Permit. Applicant shall pave all parking lots in accordance with the Geotechnical Engineer's recommendations based on the traffic index provided by the Traffic Engineer. Pavement sections shall be approved by the City Engineer or their designee in his or her reasonable discretion. (PW)
75. **Right-of-Way Dedication along Tsushima Street frontage.** The Applicant shall irrevocably dedicate land as public right-of-way along the east side of Tsushima Street frontage from San Pablo Avenue in accordance with project approvals generally shown on Sheet C-6.1. This dedication will allow lanes to accommodate a westbound right turn lane, an eastbound left turn lane, and a northbound lane at the intersection of San Pablo Avenue that the applicant shall be responsible for appropriately striping. (PW)
76. **Public Improvements on San Pablo Avenue, Sycamore Avenue, and Tsushima Street.** The Applicant shall repair or replace all improvements to the extent damaged by its construction activities, along the San Pablo Avenue, Sycamore Avenue and Tsushima Street project frontage, within the public right-of-way, including curb, gutter, sidewalks, paving and utilities to the reasonable satisfaction of the Director of Public Works during construction activities. Any improvement constructed within the public right-of-way shall be constructed in accordance with project approvals, the City's approved standards and/or approved construction civil plans and may be constructed only after an encroachment permit has been issued by the City. Any missing street trees along the Sycamore Avenue frontage shall be replaced with 24 inch-box sized trees that match the species of existing adjacent trees. Applicant is responsible for third party damage that is directly attributable to their construction activities. (PL, PW)
77. **Transit Stops:** Applicant shall install four (4) standard bus shelters, seating, and real-time route information for new bus stops: two (2) located on eastbound and westbound Sycamore Avenue and two (2) located on northbound and eastbound San Pablo Avenue as generally shown on Revised page L-2.0, at the discretion of WestCAT staff with adequate ADA accessibility.

78. **Public Improvements on San Pablo Avenue.** The Applicant shall at its cost improve the public right-of-way on San Pablo Avenue along the project frontage to accommodate frontage and landscaped median channelization improvements as generally reflected on Sheets C-3.1 and C-3.0. Said improvements shall conform to the following requirements:
- a. Any utilities, trees, or other improvements within the widening area shall be removed or relocated as reasonably required by the Public Works Director, or applicable utility provider.
  - b. The pavement structural section for the widened street shall match the existing section, or shall be designed based on appropriate Traffic Index (TI) and Soil Resistance (R) values. The new asphalt concrete shall be keyed to the existing using a conform detail acceptable to the City.
  - c. The public sidewalk along the project frontage shall be generally consistent with project approvals shown on Sheet C-6.0. Said sidewalk, curb and gutter shall be constructed in accordance with City Standards. Existing asphalt concrete pavement shall be removed and replaced as necessary to accommodate frontage improvements. New asphalt concrete pavement installed to conform to existing pavement to remain shall have a minimum width of two (2) feet.
  - d. Proposed driveways shall be constructed in accordance with City Standards and shall have ADA compliant curb returns and ramps.
  - e. 24-inch-box sized street trees shall be planted in the planter strip in accordance with City Standards and the tree species shall match the adjacent streetscape.
  - f. Appropriate signs and pavement markings shall be provided within each left-turn pocket on San Pablo Avenue as approved by the Director of Public Works.
  - g. The existing medians and striping along San Pablo Avenue shall be modified within the existing right of way as reasonably required by the City Engineer to substantially conform to the new landscaped median channelization improvements, accommodate pedestrian refuge islands (which anticipates potential removal of one existing left-turn lane in the NBL movement from San Pablo Avenue to Sycamore Avenue with the intent of accommodating a wider landscaped median island for pedestrians and maintaining cumulative buildout scenario anticipated Level of Service), incorporate trees and landscape throughout the median, and accommodate for a potential future third northbound through-travel lane (see below).
  - h. Channelization improvements shall include striping modification, removal/reconstruction/extension of portions of the existing raised concrete medians along San Pablo Avenues to accommodate two separately located westbound left turn pockets, and two separately located eastbound left turn pockets with center landscape for traffic calming and include an off-site area approximately 400 feet west of Tsushima Street for left turn pocket as determined by the City Engineer. (PW)
  - i. San Pablo Avenue shall be repaved to the median (centerline) of roadway due to the extensive utility trenching within the public street.
  - j. The Applicant shall work with the City of Hercules to evaluate the feasibility of adding a third through-travel lane to the northbound approach of the San Pablo

Avenue/Sycamore Avenue intersection as outlined in the *Sycamore Crossing Transportation Impact Assessment* report. If improvements are deemed necessary, Applicant shall be credited Transportation Facilities Impact Fee credits consistent with the 2019 Hercules Transportation Impact Fee Nexus Study to make the improvements. (PW)

79. **Public Improvements on Tsushima Street.** The Applicant shall modify the Tsushima Street along the project frontage in accordance with project approval sheets C-6.1 and C-1.0. (PW)
80. **Public Improvements on Sycamore Avenue.** The Applicant shall modify the south side of Sycamore Avenue in accordance with project approvals as indicated on Sheet C-3.0 (PW)
  - a. **Westbound Turn Lane.** The Applicant shall provide a 100-foot minimum turn lane for westbound left-turn movement at the Sycamore Avenue/East Parcel Project Driveway intersection.
81. **Traffic Signals on San Pablo Avenue.** The Applicant shall install two (2) new coordinated traffic signals on San Pablo Avenue, one at Tsushima Street and one at the commercial entry driveway that ties into the existing “Hercules Retail Center” (on the opposite side of San Pablo Avenue), as generally indicated on Sheets C-3.0 and C-1.0, in accordance with project approvals. Traffic signal improvements shall include traffic controllers, traffic signal poles, detector loops, signs, lighting, Opticom devices, and pavement markings and appropriate adjustments to the raised center median. Pedestrian countdown signals shall be installed at all new traffic signals. Internally illuminated hanging street signage shall be incorporated into each signal.

The final design of the new signal serving the project and the “Hercules Retail Center” shall be approved by the City Engineer. The design shall accommodate the anticipated turning movements of each leg of the proposed intersection as indicated on sheet C-7.0.)

The applicant shall be responsible for all costs associated with the design and construction of the above two traffic signals with a fair share credit being applied towards Transportation Facilities Impact Fees only for the Tsushima at San Pablo signal. (PW)
82. **Signal Timing:** Signalized timing along the San Pablo Avenue corridor shall be coordinated with and approved by the City of Hercules at the Applicant’s expense. (PW)
83. **Public Sidewalk Easements.** The Applicant shall irrevocably dedicate appropriate sidewalk easements for any public sidewalk, access ramp, cross walk, or portion thereof, that extends outside of the public right-of-way directly adjacent to the Sycamore Avenue, San Pablo Avenue, or Tsushima Street. The intent of this Condition is to provide unobstructed continuous and accessible pedestrian access along the property frontages adjacent to the foregoing streets, exclusive of all walkways interior to the project site. (PW)
84. **Maintenance of Frontage Sidewalks, Parkways, and Decorative In-Line Cross Walks.** The Applicant and/or its successor owners shall be responsible for constructing sidewalks (including the brick-accented sidewalk with trees within iron-grated wells along Sycamore Avenue to align with the patterns on the opposite side of the street) and parkways in accordance with California Streets and Highways Code Section 5600

abutting the project site and include decorative/textured crosswalks across project entrances, regardless of if it is in the City right-of-way, as generally shown on Sheet L-1.0 of the project plans. Maintenance of the parkway landscaping and irrigation improvements and sidewalks in the public right-of-ways along the project frontage, and behind the curb and gutter sections on San Pablo Avenue, Sycamore Avenue, Ohlone Creek Place and Tsushima Street, shall be the responsibility of the applicable abutting property owner (i.e. residential, hotel, or retail). Other decorative cross walks, sidewalks, and pavement areas within the project site identified in the approved Site Plan shall be maintained by the owners of the shopping center through a shared maintenance agreement included in the retail project CC&Rs. Final design details shall be approved by the Planning Director in coordination with the Public Works Director. (PW, PL)

85. **Southeast Quadrant of Tsushima Street and Sycamore Avenue.** The proposed pedestrian approach at the southeast quadrant of Tsushima Street and Sycamore Avenue shall consist of curb returns and ADA curb ramps and shall be in accordance with City Standards to accommodate WestCAT buses through the intersection. (PW)
86. **Transitioning Existing Improvements.** The Applicant shall be responsible for transitioning proposed street improvements for smooth transition to the existing improvements on San Pablo Avenue, Sycamore Avenue, and Tsushima Street to the satisfaction of the Director of Public Works/City Engineer. (PW)
87. **Retaining Walls.** Any retaining walls to be built along the property boundary to resolve differences in elevation between the property and the abutting right of way shall be constructed of concrete, masonry block, or other City-approved durable material. Structural calculations for any retaining walls shall be submitted to the City Engineer and/or the County Building Department acting on behalf of the City for review and approval. Walls constructed of wood will not be permitted. Maintenance of said walls shall be the responsibility of the Applicant. (PW)
88. **Pavement Slopes.** Pavement slopes and parking stalls will be subject to ADA design standards. (PW)
89. **Storm Drainage.** The Applicant shall be subject to project approvals and regulatory agency permitting requirements. If storm drainage improvements occur within the defined wetland area, the Applicant shall obtain all necessary jurisdictional permits (e.g., Army Corps of Engineers, Department of Fish and Wildlife, State Water Resources Control Board, etc.) prior to issuance of the Site Development/Grading Permit. The design of the storm drain system shall be consistent with the City standards, as evidenced by the preparation and submittal of hydrologic/hydraulic calculations prepared by a registered Civil Engineer. Drainage shall be designed in accordance with City standards and shall meet all requirements of the Regional Water Quality Control Board.
  - a. **Flood Plain.** The Applicant shall demonstrate to the Director of Public Works that the elevations of proposed building finished floors on this project are a minimum of one foot above the 100-year storm event and that 1.25' minimum of freeboard is provided at each storm water inlet as measured from top of curb to hydraulic grade line. All grading improvement plans shall be reviewed and approved by the Director of Public Works prior to start of any grading. Should the project alter the 100-year

flood plain, the Applicant shall file a Letter of Map Revision (LOMR) with the Federal Emergency Management Agency. (PW)

90. **Existing Underground Utilities and Associated Easements.** According to the Preliminary Title Report for the project site, several existing easements encumber the site. The Applicant shall effect removal of existing easements that conflict with the construction of the proposed Sycamore Crossing buildings and site improvements prior to issuance of building permits for any affected area. Such easement include, but may not be limited to: (a) a utility easement in favor of PG&E; (b) a utility easement in favor of EBMUD; (c) a sanitary sewer easement in favor of the City, and (d) an access easement in favor of the public. If any existing utilities are altered or removed, the Applicant shall submit evidence reasonably acceptable to the Director of Public Works that the easement holder has consented to said work and/or a new easement area is made where utilities are anticipated to be relocated as generally described in the City Council Resolutions of Vacation #15-002 and #15-003. (PW)
91. **Removal of Obstructions.** Applicant shall remove all trees including major root systems and other obstructions from building sites or parking/drive aisle areas within the project boundary that are necessary for improvements or for public safety, as reasonably directed by the Director of Public Works. (PW)
92. **Dedication and Improvement of Fire/Emergency Access.** Applicant shall provide adequate access and turn-around for the general public, and for fire and other emergency vehicles per Rodeo–Hercules Fire District (RHFD) requirements. (FD, PW)
93. **Reciprocal Access/Maintenance/Parking Agreements.** The Applicant shall reserve and record, within the retail project CC&Rs, reciprocal cross-access, cross-maintenance, and cross-parking easement agreements across the parking and access areas over the entire retail project site in a form acceptable to the City Attorney. (PW, CA)
94. **Decorative Paving.** Applicant shall not construct decorative pavement within the City right-of-way that is not consistent with the IPDP/FDP unless otherwise approved by the Director of Public Works. (PW, PL)
95. **Location of Improvements/Configuration of Right of Way.** All public streets, sidewalks, driveway approaches, street lights, traffic markings and signs, storm drainage facilities, handicap ramps, and other street improvements shall be located within the public right of way or public service easements. The location of improvements and type shall be approved by the Director of Public Works prior to construction in coordination with the Planning Department. (PW)
96. **Signing and Striping Plan.** A signage and striping plan for the parking fields shall be submitted to the Public Works Department and/or the County Building Department on behalf of the City for review and approval with the building construction plans. (PW)
97. **Disabled Access Requirements.** An accessible pedestrian route shall be provided between each primary building entrance and the public sidewalk, and between each primary building entrance and the disabled parking stalls designated to serve that building. The accessible route and all ramps shall comply with all current applicable ADA access requirements and City Standards. (PW)



98. **Water and Sewer Lines.** Applicant shall construct all fire hydrants, water lines and sewer lines needed to serve the project, to the satisfaction of EBMUD and the Rodeo–Hercules Fire District, City of Hercules, and Pinole-Hercules Treatment Plan. (PW)
99. **Erosion Control Measures.** An Erosion Control Plan will be required and shall be included in any Stormwater Pollution Prevention Plan (SWPPP) required for grading permit or activity that may take place at the site. A plan for erosion control shall be prepared and submitted for approval by the Public Works Director. All erosion control measures shall be in accordance with the latest standards in effect at time of permit submittal of the Regional Water Quality Control Board Manual of Sediment Control. (PW)
100. **Water Quality During Construction.** Applicant shall demonstrate to the Director of Public Works that the project development meets the requirements of the City’s “Best Management Practices” to mitigate storm water pollution. The applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) and submit a notice of intent (NOI) to the State Water Resources Control Board for their approval. (PW)
101. **Joint Utility Trenches/Undergrounding/Utility Plans.** Applicant shall construct all off-site joint utility trenches (such as electric, telephone, cable TV, and gas) in accordance with the applicable utility jurisdiction standards. All communication vaults, electric transformers, cable TV boxes, blow-off valves and any appurtenant utility items thereto shall be undergrounded. Utility plans, showing locations of all proposed utilities (including electrical vaults and underground transformers) shall be reviewed and approved by the Director of Public Works in his or her reasonable discretion concurrent with the approval of the grading plans. Location of these items shall also be shown on the Final Landscaping and Irrigation Plan and Site Plan for the Project construction and placed to reduce their visual impact and locations in relation to new trees. (PW)
- a. **Joint Trench Conduit.** The Applicant shall install interconnected conduit, to be owned by the City, within the joint trench of internal public and private streets of the development and along San Pablo Avenue and Tsushima Street to support future fiber ring improvements to the development.
102. **On-Site Lighting.** Prior to the issuance of a building permit, the Applicant shall obtain the approval of the Public Works Director of a photometric lighting plan which demonstrates that all exterior areas on-site will have a lighting level in accordance with California Code of Regulation and Title 24 (generally less than 0.01 foot candle light spill at 15 feet beyond the property line). All lighting shall be scaled to the pedestrian. At a minimum, the plan should include: 0.50 candle lighting at all doors, and lighting fixtures of exterior doors should be of a vandal-resistant type. Lighting in landscaped areas throughout the project shall also be subject to reasonable review and approval of City’s Landscape Architect, Planning, Public Works, and Police Departments, in consideration of IES standards for lighting in public/community areas. The Applicant shall meet a performance standard of no increase in lighting spillover into adjacent “light-sensitive” areas as reasonably approved by the Planning Director. (PL, PW, PD)

103. **Street Lighting.** The two existing street lights on the easterly side of Tsushima Street, from San Pablo Avenue to Sycamore Avenue, shall be replaced so they match street lights along Sycamore Avenue. Street lights along Sycamore Avenue east of the creek shall also be specialty single-headed lighting as shown in project approvals to match the adjacent neighborhood to the north of the project site and should be located in the landscape parkway in line with the architectural columns of the adjacent building and, where possible, be offset from street trees. Additional photometrics of off-site lighting shall be done to include San Pablo Avenue, Tsushima Street, Sycamore Avenue, and Ohlone Creek Place and interior streets so that adequate street lighting will be included in the overall project. Existing cobra head lighting on the south side of San Pablo Avenue shall remain; photometric study shall determine whether new additional lighting is needed along the Project's San Pablo Avenue frontage, subject to approval by Public Works and Planning. (PL, PW)
104. **Health, Design and Safety Standards.** Prior to final approval allowing occupancy of any new building, the physical condition of the building shall meet minimum health, design, and safety standards including, but not limited to the following:
- a. The streets providing access to the site shall be complete to allow for safe traffic movements to and from the site.
  - b. All traffic striping and control signing on streets providing access to the site shall be in place.
  - c. Exterior lighting shall be provided for building entrances and shall be of a design and placement so as not to cause glare onto adjoining properties.
  - d. All repairs to the street, curb, gutter, and sidewalk which may create a hazard shall be completed to the reasonable satisfaction of the Director of Public Works and any non-hazardous repairs shall be complete and/or bonded for.
  - e. All buildings shall have an illuminated address number that is clearly visible from the middle of the street.
  - f. Lighting used after daylight hours shall be adequate to provide for security needs. Photometrics and lighting plans for the site shall be submitted to the Planning Department and the Hercules Police Department for review and approval prior to the issuance of a building permit.
  - g. All sewer clean-outs, water meter boxes, and other utility boxes shall be set to grade to the approval of the Director of Public Works. (PL, PW)
  - h. All street striping improvements shall be completed using raised pavement markers or thermos-plastic. (PW)
105. **Lighting and Landscaping District.** Applicant shall enter into a Lighting and Landscaping District (LLAD) for the project prior to issuance of a building permit that is anticipated to include electricity and maintenance of street lights along Ohlone Creek Place, San Pablo Avenue between Sycamore Avenue and Tsushima Street, along the easterly side of Tsushima Street between San Pablo Avenue and Sycamore Avenue, along Sycamore Avenue between San Pablo Avenue and Tsushima Street, as well as the landscaping in the median islands along San Pablo Avenue and Sycamore Avenue, and

participation in the City's Major Roads Lighting and Landscaping Zone. The parkway landscaping and irrigation improvements and sidewalks in the public right-of-ways along the project frontage behind the front of the curbs of San Pablo Avenue, Sycamore Avenue, Tsushima Street, and Ohlone Creek Place shall be maintained by applicable abutting property owner and not part of the LLAD. Specific conditions of the LLAD shall be agreed upon and entered into within a reasonable period of time prior to building permit issuance in coordination with the Director of Public Works in conformance with City process. A Landscape Maintenance District Master Plan shall be drawn at an approved scale and provided to the Public Works Division for review and approval. The plan shall clearly designate areas of maintenance responsibility boundaries relative to: (1) the LLD District(s); (2) abutting property owners; (3) private areas and/or (4) City maintenance responsibilities. (PW)

a. The abutting owner(s) maintenance of landscaping along San Pablo Avenue, Sycamore Avenue, Ohlone Creek Place, and Tsushima Street intersections shall avoid sight distance conflicts. Shrubs shall not be higher than 30 inches and tree canopies shall be no less than six feet from the ground. (PW)

106. **Certificate of Occupancy Requirement.** Except as may be provided by a phasing plan described in Condition #69 above and approved by the Public Works Director, Planning Director, and Fire District, all conditions of approval for this project, including improvements such as building, paving, and landscape construction/installation, shall be completed prior to issuance of certificate of occupancy. Completion of project improvements includes construction approved through building permits, construction of required off-site improvements approved through public works permits, and construction or installation of site improvements (including paving, hardscape, and landscaping) as shown on the approved plans. In the event early occupancy is permitted, Applicant shall provide to the reasonable satisfaction of the Planning Director, City Engineer, Building Official, and Fire District proof of substantial completion, safe occupancy, and security or agreements to assure full completion of the project. (PL, PW, B, FD)
107. **Performance Bond.** Prior to recording a final map on the project, Applicant shall provide improvement security consistent with Chapter 5 of the Subdivision Map Act (Government Code sections 66499 through 66499.10, as applicable) and in a form reasonably acceptable to the City to establish the party or parties responsible for the construction of and financial responsibility for off-site improvements associated with the project site and to establish the timing of various construction activities. (PW)
108. **Environmental Assessment Studies.** Applicant has provided the City of Hercules with a copy of the Applicant's Phase 1 environmental site assessment prepared by ENGEO Inc. dated September 19, 2016 Other than the fencing requirement in Condition #52 above, all actions recommended by the site assessment have been implemented. Fence installation shall be to the satisfaction of the Public Works Director at the time of Improvement Plan approval.
109. **Project Entry Points:** To ensure that emergency vehicles have an unobstructed access into the site, parking should be restricted within the first 50 feet of the Project entrances, and if landscaped medians or other entry treatments are proposed, a 20-foot clear area should be provided. (FD, PW)

110. **Construction Drawings.** Construction drawings submitted for review and approval shall include: a) Site grading, drainage, utility and improvement plans; and b) Hydrology and hydraulic calculations for the site. Applicant shall provide to the Engineering Division, prior to the issuance of building permits, a 100-foot scale site plan in both paper and digital form (to NAD 83 standards preferable) of the project as approved by the City Council for the purposes of updating the City base maps. (PW)
111. **Construction Hours.** All contractors shall observe city construction work hours (including all deliveries of materials and maintenance of equipment), unless prior arrangements are approved by the City. Hours of construction shall be from 7:00 a.m. to 5:00 p.m., Monday through Saturday, except work on Saturday shall be from 8:00 a.m. to 5:00 p.m. (PW)
112. **Grading Plan.** Applicant shall submit a grading plan prepared by a registered civil engineer who incorporates into the grading plan all applicable recommendations from soil engineering and engineering geology reports. The grading plan will be reviewed and approved by Public Works prior to issuance of the grading and site development permit. Building pad elevation and landscaping mounds shall be shown on the grading plan. (PW)
113. **Flood Levels.** Prior to the first building permit, Applicant must obtain a letter from the Federal Emergency Management Agency (FEMA) indicating that the site has been removed from the Flood Insurance Rate Map and Flood Boundary and Floodway Map. The letter would be obtained by showing that all building sites have a finished grade above the 100-year flood level. (B, PW)
114. **Pre-Construction Conference.** Applicant shall coordinate with Public Works and arrange a pre-construction conference at least 48 hours prior to the proposed construction to discuss the scope and extent of removal and replacement of any pre-existing broken curb, gutter, sidewalk, or asphalt paving (patch, repair and/or overlay) in the right-of-way. (PW)
115. **Construction/Traffic Management Plan.** The project applicant shall develop a Construction Traffic Management Plan as part of a larger Construction Management Plan to address potentially significant impacts during projects construction.
116. **Construction Sanitation.** Adequate sanitary facilities shall be provided and maintained during construction. (PW)
117. **Water and Sewer Inspections and Testing.** Applicant shall make arrangements with the Public Works Inspector to inspect and test any existing sewer and water service laterals to be used, prior to connection, and shall make necessary repairs as determined by the Inspector. (PW)
118. **Sewer Plans.** Applicant shall submit an on-site sewer plan (profile not required except when conflicting with other utility lines) whenever the existing lateral is larger than four inches in diameter. (PW)
119. **Water Plans.** Applicant shall submit on-site water plans where a separate loop or terminal line is required for fire hydrants and/or sprinkler systems. All improvements plans, construction cost estimates, soil reports, geology reports, and all pertinent engineering design calculations can and should be submitted simultaneously. (PW)

120. **Underground Utilities.** On-site and off-site utility service shall be installed underground in accordance with the City Code. Utilities shall be undergrounded to the nearest suitable riser pole as determined by the appropriate utility company. Applicant shall post a bond or other surety approved by the City guaranteeing the undergrounding. (PW)
121. **Encroachment Permits.** An Encroachment Permit shall be obtained for equipment driving over City property and over public easements. A cash deposit shall be required to secure the repair of any damages and said deposit may be increased at the discretion of the City Engineer, as necessary. (PW)
122. **Sewer Connection Fees.** Applicant is advised that City Ordinance requires payment of sewer connection fee prior to issuance of a construction permit for any commercial building. Notwithstanding the above, it is hereby acknowledged Applicant and owners of the subject property are located within the Hercules–Pinole Wastewater Treatment Plant Assessment District. Accordingly, the actual sewer connection fee due shall be determined by the City Engineer consistent with the prior payments made to the sewer assessment district and in accordance with any other conditions of approval. (PW)
123. **Curbs.** Curb cut widths and design shall substantially conform to the project approvals, City Code, and current Public Works standards. (PW)
124. **Accessibility Standards.** All on-site sidewalks and paths comply with accessibility standards for individuals with disabilities under the Americans with Disabilities Act. (PW, B)
125. **Dust Control.** Applicant shall provide for dust control at all times during site preparation and construction activities at the direction of the Public Works Inspector or Building Inspector without causing tracking on the streets. (PW)
126. **Drainage.** Final Grading and Drainage Plans shall be designed to eliminate drainage from flowing across property lines unless needed to tie into regional system. (PW)
127. **Stormwater Quality Control.** Post-construction storm water quality controls shall be installed as part of this project. These controls will be reviewed and approved as part of the Site Development Permit plans. A maintenance and inspection plan for the storm water treatment facilities shall be submitted with the site development plans and will be reviewed prior to permit approval. The Applicant shall enter into a Stormwater Operations and Maintenance Agreement with the City for the post-construction storm water quality control system. (PW)
128. **Water Quality Requirements After Construction.** All development shall meet and comply with all stormwater treatment and water quality requirements of the City of Hercules’ National Pollution Discharge Elimination System (NPDES) permit and the Contra Costa County Urban Runoff Clean Water Program, including without limitation the Contra Costa Clean Water Program Stormwater C.3 Guidebook 7<sup>th</sup> Edition. A final Stormwater Control Plan shall be prepared and submitted to the City for approval by the Director of Public Works. Applicant shall demonstrate compliance with applicable C.3 and C.10 requirements. The site design shall include permanent filtration systems for all storm drain inlets within paved area to prevent hydro carbons and other petroleum-based contaminants from entering the public storm drain system for compliance with the C.10 requirements. In addition, all storm drain inlets shall be stenciled “No Dumping –

Drains/Flows to Bay” per Contra Costa County standards. Details for all storm water control measures shall be included in the plans. The residential and retail covenants, conditions, and restrictions (CC&Rs) shall provide for the operation and maintenance of the private storm treatment facilities. The residential and retail CC&Rs shall require the residential and retail owners’ associations respectively to operate and maintain their respective stormwater treatment facilities per the approved O&M plan, and each submit an annual report to the City. (PW)

129. **Soils Engineering.** A Soils Report shall be submitted and the grading, retaining walls, surface and sub-surface drainage, lot drainage, and utility trench backfilling shall be designed in accordance with the recommendations of the registered geotechnical/soils engineer subject to approval by the City Engineer. Final grading and drainage plans for the site development permit shall be reviewed and signed by the Soils Engineer specifying the recommendations in the Soils Report have been followed. The geotechnical/soils engineer shall submit a letter report to the City at completion of construction certifying that grading, drainage and backfill installation was performed in general compliance with recommendations in the geotechnical report. All material testing reports shall be attached to the certification letter report. (PW)
130. **Operations and Maintenance of Project Site.** The Applicant or its successors shall be responsible for the operation, maintenance, servicing and capital replacement of all areas within the project site, including without limitation all parking (but does not include those in public streets), landscaping, open space (including the natural channel and wetlands area), private streetlights, alleys, pedestrian paseos, and all areas owned or managed by Applicant or its successors. A homeowners’ association and a commercial owners’ association (or similar entity) shall be established to enforce the residential and commercial CC&Rs related to property maintenance thereon. (PL, CA)
131. **Graffiti.** The association or financing district shall be responsible for maintaining the site free of any graffiti. Graffiti applied to any surface of the subject property shall be removed within twenty-four (24) hours of being notified by the City. The City may remove the graffiti if it is not removed within 24 hours. Homeowners Association shall reimburse the City for the graffiti-removal work. (PW)
132. **Traffic Calming Bulb-Outs.** Ohlone Creek Place shall incorporate lane-narrowing bulb outs as traffic-calming measures, as indicated in sheet C-1.0, subject to approval by the Rodeo–Hercules Fire District and the City Engineer. (PW)
133. **Environmental Mitigation Measures and Mitigation Monitoring Program.** The Applicant shall comply with all applicable environmental mitigation measures contained in the *2009 Updated Redevelopment Plan EIR* and related monitoring program (with the exception of Mitigation Measure GEO 2a, which applied only to the Hilltown site), which are hereby adopted as conditions of project approval. (PL)
134. **Monument Sign.** A monument sign for the hotel, like that depicted as D/F Monument Sign (M3) in the Sycamore Crossings Master Sign Program, may be located at the northeast corner of Ohlone Creek Place and San Pablo Road so long as the hotel owner and retail owner provide written agreement granting permission for placement of the sign and for the obligation to maintain the sign on the property. The sign shall be located

within Parcel “D” of the tentative subdivision map, subject to Municipal Code Section 13-34.800 and Planning Director approval. The Sycamore Crossing Master Sign Program shall be modified accordingly. (PL)

135. **Retail Hours of Operation.** The anchor tenant of the retail center (pharmacy with drive through) may operate up to 24 hours per day. (PL)
136. **Alcohol Service.** All alcoholic beverage sales and service are restricted to indoors and fenced patio areas and shall meet all applicable Alcohol Beverage Control requirements. (PL)
137. **Outdoor Entertainment.** No entertainment, televisions, or other audio systems from the commercial buildings shall be audible to adjacent residents, except as allowed by a special event/temporary use permit issued by the City. (PD/PL)
138. **Outdoor Commercial Storage.** No materials may be stored anywhere outside, including at the rear of the hotel and retail buildings. (PL)