PLEASE COMPLETE THIS INFORMA ON

RECORDING REQUESTED BY:

STED BY:
FIRST AMERICAN TITLE

WHEN RECORDED MAIL TO:
San Francisco Bay Conservation
And Development Comission
Thirty Van Ness Avenue Suite 2011
San Francisco, California
94102 6080

Recorded in Official cords of Alameda CO.
Patrick O'Connell, Clerk-Recorder
49.00
94259416 12:45pm 07/22/94
005 267440 37 07 000065
B52 15 7.00 42.00 0.00 0.00 0.00 0.00
0.00

THIS SPACE FOR RECORDER'S USE ONLY

Permit # M9257

TITLE OF DOCUMENT

RECEIVED
AUG 5 1994
SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION
(Govt. Code 27361.6)
(Additional recording fee applies)

RECORDING REQUEST BY
FIRST AMERICAN T

9425 416

STATE OF CALIFORNIA

PETE WILSON, *Governor*

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION
THIRTY VAN NESS AVENUE, SUITE 2011
SAN FRANCISCO, CALIFORNIA 94102-6080
PHONE: (415) 557-3686

Recorder's Copy

15544

PERMIT NO. M92-57

July 6, 1994

Citation Homes, Inc.
404 Saratoga Avenue, Suite 100
Santa Clara, California 95050-7062

RECEIVED
AUG 5 1994
SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION

ATTENTION: Edward M. Alvarez

Ladies and Gentlemen:

I. Authorization

A. Subject to the conditions stated below, the permittee, Citation Homes, Inc., is hereby authorized to do the following:

Location: Within the Bay and the 100-foot shoreline band, within and adjacent to Roberts Landing Slough, in the City of San Leandro, Alameda County.

Description: Dredge approximately 2,682 cubic yards of material from an approximately 26,250-square-foot area of Roberts Landing Slough, and excavate approximately 280 cubic yards of material from an approximately 1,162-square-foot area of the adjacent levee within the shoreline band for the purpose of introducing tidal water to adjacent low lying areas as part of the Roberts Landing Mitigation and Monitoring Plan. This project is authorized in conjunction with the settlement agreement, between the Commission and Citation Homes, Inc., on the extent of the Commission's Bay jurisdiction at the site.

B. This authority is generally pursuant to and limited by your application dated October 29 1992, including its accompanying exhibits and all conditions of this permit.

C. Work authorized herein must commence prior to December 31, 1995, or this permit will lapse and become null and void. Such work must also be diligently pursued to completion and must be completed within two years of commencement, or by December 31, 1997, whichever is earlier, unless an extension of time is granted by amendment of the permit.

II. Special Conditions

The authorization made herein shall be subject to the following special conditions, in addition to the standard conditions in Part IV:

A. Specific Plans and Plan Review

1. **Plan Review.** No work shall be commenced pursuant to this permit until final precise site, public access, grading and landscaping plans and any other relevant criteria, specifications, and plan information for that portion of the work have been submitted to, reviewed, and approved in writing by or on behalf of the Commission. The specific drawings and information required will be determined by the staff. To save time, preliminary drawings should be submitted and approved prior to final drawings.

   The plans shall include and clearly label the 6.2-foot contour line above Mean Sea Level (the line of highest tidal action), the line 100 feet inland of the line of highest tidal action, property lines, the boundaries of all areas to be reserved and/or improved for public access purposes, grading, details showing the location, types, dimensions, and materials to be used for all structures, irrigation, landscaping, drainage, seating, parking, signs, lighting, fences, paths, trash containers, utilities and other proposed improvements.

   Plans submitted shall be accompanied by a letter requesting plan approval, identifying the type of plans submitted, the portion of the project involved, and indicating whether the plans are final or preliminary. Approval or disapproval shall be based upon: (a) completeness and accuracy of the plans in showing the features required above, particularly the line of highest tidal action, property lines, and the line 100 feet inland of the line of highest tidal action, and any other criteria required by this permit; (b) consistency of the plans with the terms and conditions of this permit, particularly the requirements established to provide and improve physical public access; (c) the provision of the amount and quality of public access to and along the shoreline and in and through the project to the shoreline required by this permit; (d) consistency with legal instruments reserving public access and open space areas; and (e) assuring that any fill in the Bay does not exceed this authorization and will consist of appropriate shoreline protection materials as determined by or on behalf of the Commission.

   Plan review shall be completed by or on behalf of the Commission within 45 days after receipt of the plans to be reviewed.

2. **Conformity with Final Approved Plans.** All work, improvements, and uses shall conform to the final approved plans. Prior to any use of the facilities authorized herein, the appropriate design professional(s) of record shall certify in writing that, through personal knowledge, the work covered by the permit has been performed in accordance with the approved design criteria and in substantial conformance with the approved plans. No noticeable changes shall be made thereafter to any final plans or to the exterior of any constructed structure, landscaping or signage without first obtaining written approval of the change(s) by or on behalf of the Commission.

3. **Discrepancies Between Approved Plans and Special Conditions.** In case of any discrepancy between final approved plans and special conditions of this permit or legal instruments approved pursuant to this permit, the special condition or the legal instrument shall prevail. The permittee is responsible for that all plans accurately and fully reflect the special conditions of this amended permit and any legal instruments submitted pursuant to this permit.

B. **Marsh Restoration Work and Plans**

1. **Marsh Restoration Work.** Within 30 days of the completion of the dredging work authorized herein, the applicant shall undertake excavation to increase tidal action within Roberts Landing Slough, planting of marsh plants and monitoring, all in accordance with a mitigation plan prepared for the area disturbed by the portion of the work up to the new tide control structure. The mitigation plan shall be submitted for detailed review and approved by or on behalf of the Commission pursuant to Special Condition II.A above. These plans shall include a discussion on the relationship of the portion of the project which is within the Commission's jurisdiction and the marsh restoration plan and program entitled "Roberts Landing Mitigation and Monitoring Plan" designed for the restoration and enhancement and extension of Roberts Landing Slough, the Citation Marsh and the Bluebird dump area. In addition, the plans submitted for review and approval shall contain the following, to the extent applicable, for that portion of work which is within the Commission's new jurisdiction:

   a. **Site Conditions and Modifications.** A topographic map of the site in one-foot contours and a topographic map showing the proposed modifications. All elevations shall be relative to National Geodetic Vertical Datum (NGVD). The map shall include typical cross-sections showing proposed elevation of marsh plain, any channels, and any high spots. The map shall show figures for the ratios of typical horizontal to vertical slopes for existing and proposed levees, channels, and sloughs. The map shall show proposed plant species along the cross-sections according to their expected zone of growth. The map shall include or a separate map shall show the vicinity including storm drains, the elevation of adjacent surrounding properties, and the limit of the 100-year flood. The vicinity map shall include figures for the estimated tidal range related to Mean Higher High Water, Mean High Water, Mean Lower Low Water, Mean Sea Level, the maximum predicted tide, and the 100-year tide.

   b. **Tidal Culverts.** For any tidal culverts the program shall show calculations for determining the size of any culvert or pipe to be installed, including any tide control structure to be installed to control the amount of water entering at various tidal stages. The program shall indicate the amount of any cut and fill activities, the amount of material to be placed to strengthen the levee, and the expected tidal exchange. The expected tidal range shall indicate predicted expectations both inside and outside the culvert. If plants will be used to protect the levees around the culverts from erosion or undercutting, the program shall specify the type of plants to be used. If plants will not be used, the program shall describe how the culverts will be protected from erosion and undercutting. If any inlet-outlet structure or tide control mechanism is to be used, the program

shall include a detailed drawing of such structure(s) with a schedule of operation, inspection and maintenance.

c. **Soil and Water Information.** The program shall include a report identifying the type of soils found at the site and the soil type of any fill to be imported to the site. Information shall be provided on the quantitative soil measurements of salinity, pH, organic content, and bulk density. Any available information on the water quality, including water analysis of salinity, pH, biochemical oxygen demand (BOD), dissolved oxygen (DO), and, if appropriate, heavy metals, should also be provided, particularly as it applies to the potential impacts of the habitat value and function at the restoration sites.

d. **Schedule.** The program shall include a schedule indicating when fill, dredging or grading will occur, the time to be allowed for settlement, the time when levee breaches or inlet structures will begin to function and the time when planting will occur. The program shall include an estimate of the extent of expected sedimentation over a ten-year period.

e. **Monitoring.** The permittee shall be responsible for monitoring the site for five years after the restoration project has been completed. Such monitoring shall include measuring the water quality, soil characteristics, plant survival and plant growth rates. Should adverse conditions be identified, the permittee shall take corrective action as specified by or on behalf of the Commission. Monitoring shall be carried out under the following four primary categories: hydrology, sedimentation, vegetation and salt marsh harvest mouse counts. In addition, tide heights shall be monitored and compared to modeled tide elevations to "fine tune" tide control settings. The status of each of these monitoring categories shall be measured against performance criteria, and corrective actions, such as additional planting or re-grading, shall be carried out if performance criteria are not being met. Monitoring reports shall be submitted to the Army Corps of Engineers and the Commission annually.

3. **Responsibility for Flooding.** The permittee shall be solely and entirely responsible for any flooding that may occur inland of the marsh restoration site as a result of the improvements constructed as part of this permit. The permittee shall assure that the restoration plan meets the requirements of the agencies which have jurisdiction over the site and the surrounding area. The applicant shall provide a letter to the Commission indicating that the review has been done and that inland areas will not flood as a result of the work shown on the plan.

C. **Marsh Protection.** The work authorized by this permit shall be performed in a manner that will prevent any significant adverse impact on any tidal marsh or other sensitive wetland resources not otherwise authorized herein. If any unforeseen adverse impacts occur to any such areas as a result of the activities authorized herein, the permittee shall restore the area to its previous condition, including returning the disturbed area to its original elevation and soil composition and, if the area does not revegetate to its former condition within one year, the permittee shall seed all disturbed areas with appropriate marsh vegetation.

D. **Limit of Work.** The improvements authorized herein for the dredging and excavation shall be generally built in conformance with the plan entitled "Roberts Landing Slough Wetlands Restoration Project, BCDC Permit Drawing," Sheets 1 and 2, prepared by Andrew J. Leahy for the Citation Homes, Inc., as revised through April 13, 1994. The final project plans shall be submitted for BCDC review in accordance with Special Conditions II.A and II.B above. No changes to the design of the project shall be made without the prior written approval of the BCDC staff.

E. **Marsh Habitat Operations.** The marsh habitat in Roberts Landing Slough shall be managed to provide high quality tidal wetlands consistent with the provisions of the "Roberts Landing Mitigation and Monitoring Plan." The tide control structures shall be operated consistent with the recommendations of the "Roberts Landing Mitigation and Monitoring Plan," as may be modified as a result of recommendations stemming from the subsequent monitoring program included in the plan. No changes in the management of the marshes or the operations of the tidal culverts, which could possibly create adverse impacts to the value or function of the marsh habitats, shall be made without prior written approval by or on behalf of the Commission.

F. **Public Access**

1. **Area.** The approximately 21,000-square-foot area along an approximately 1,500-foot segment of an existing trail that extends east to, and across the inland end of Roberts Landing Slough (segment 1), the approximately 28,000-square-foot area along an the approximately 2,000-foot segment of informal pathway that extends between the Lewelling Boulevard extension south to San Lorenzo Creek (segment 2), and the approximately 17,400-square-foot area along a portion of the 1,450-foot Lewelling Boulevard Extension from Robert's Landing Slough east past the railroad tracks to the City's public street (segment 3), as generally shown on Exhibit "A" as "Citation Homes Inc., Required Public Access Area", shall be made available exclusively to the public for unrestricted public access for walking, sitting, bicycling, viewing, picnicking, and related purposes. In addition, the approximately 155,000-square-foot buffer area, along approximately 2,000-lineal-feet of shoreline, which contains "Segment 2" of the public access path, shall be reserved exclusively as a buffer for wildlife and wildlife habitat within the East Marsh, with the exception of the public access path required herein. If the permittee wishes to use the public access or buffer area for other than public access or buffer area purposes, prior written approval by or on behalf of the Commission must be obtained.

2. **Permanent Guarantee.** Within 60 days of the issuance of this permit, Citation shall, by instrument or instruments acceptable to counsel for the Commission, dedicate to a public agency or otherwise permanently guarantee such rights for the public to the public access and buffer areas described as Segment 2 and Segment 3 in Special Condition II.F.1. (The area described as Segment 1 does not need to be guaranteed by Citation Homes, Inc. as it will be guaranteed by the City of San Leandro [BCDC Permit No. 14-89, as amended]. Citation Homes, Inc. is only required to install the improvements within Segment 1 as described in Special Condition II.F.3.a.)

   The instrument(s) shall create rights in favor of the public which shall commence no later than after completion of construction of any public access improvements required by this authorization and prior to the use of any structures authorized herein.

Such instrument shall be in a form that meets recordation requirements of Alameda County and shall include a legal description of the property being restricted and a map that clearly shows and labels the line of highest tidal action, the property being restricted for public access, the legal description of the property and of the area being restricted for public access and buffer to the East Marsh, and other appropriate landmarks and topographic features of the site, such as the location and elevation of the top of bank of any levees, any significant elevation changes, and the location of the nearest public street and adjacent public access areas. Approval or disapproval of the instrument shall occur within 30 days after submittal for approval and shall be based on the following: (a) sufficiency of the instrument to create legally enforceable rights and duties to provide the public access and buffer areas required by this authorization; (b) inclusion of an exhibit to the instrument that clearly shows the area to be reserved with a legally sufficient description of the boundaries of such area; and (c) sufficiency of the instrument to create legal rights in favor of the public for public access and open space that will run with the land and be binding on any subsequent purchasers, licensees, and users. With 30 days after approval of the instrument(s) and prior to submittal of plans for plan review pursuant to Special Condition II-A, the permittee shall record the instrument(s) with Alameda County and shall provide evidence of recording to the Commission. No changes shall be made to the instrument(s) after approval without the express written consent by or on behalf of the Commission.

3. **Public Access Improvements.** Prior to use of any structure authorized by the "Agreement Regarding Limits of Jurisdiction and Land Uses" between the Commission and Citation Homes, Inc., or by December 31, 1997, whichever is earlier, the permittee shall install, at a minimum, the following improvements in conformance with approved plans to be submitted for the review and approval by or on behalf of the Commission pursuant to Special Conditions II-A:

   a. Along the east-west portion of the public access path, from the shoreline east past Roberts Landing Slough (segment 1), as described in Special Condition II.F.1 above, a minimum 12-foot-wide, handicap accessible, pedestrian and bicycle path, with a minimum 8-foot-wide, asphalt, primary use area and a minimum total of 4 feet of shoulder;

   b. A minimum 12-foot-wide, handicap accessible, pedestrian and bicycle crossing on top of the new tide control structure, as shown in Section 6 and 7 of the plans entitled "Roberts Landing Slough Wetlands Restoration Project, BCDC Permit Drawing," Sheets 1 and 2, prepared by Andrew J. Leahy for the Citation Homes, Inc., as revised through April 13, 1994;

   c. A minimum of an 8-foot-wide paved path, with a minimum total of 4 feet of shoulder, and at a minimum elevation of approximately 8 feet NGVD to minimize potential flooding of the path, within: (1) the approximately 2,000-foot-long buffer area (segment 2); and (2) the approximately 1,450-foot-long Lewelling extension (segment 3) to connect Lewelling Boulevard with the buffer area;

d. A seating area/overlook site to provide views of the East Marsh, with 4 benches and 4 trash containers;

e. Native upland vegetation planted in the buffer area that is suitable for wildlife habitat but landscaped so as to protect public views to the East Marsh from the public access path; and

f. No fewer than 4 public access signs, one at the beginning of each path on the site.

The pathway improvements required herein shall be installed generally consistent with the requirements of the City of San Leandro, based on its approval of the Citation Homes General Development and Specific Development Plans, and the recommendations and specifications of the Bay Trail Design Guidelines. In addition, the pathway improvements required herein shall be developed in connection with the pathway improvements required in BCDC Permit No. 14-89, Amendment No. 2, for the City of San Leandro's Shoreline Marshlands Enhancement Project (Water Circulation and Drainage Plan). The bridge required in Special Condition No. II.F.3.b. herein shall replace the "loop" around Roberts Landing Slough required by Special Condition No. II.F.3.g of the City's Permit. In the event that the bridge is delayed and not constructed before the completion of the City's portion of the project, the permittee shall remove the all weather surface of the "loop" portion of the trail and seed the area with appropriate native, upland transitional marsh vegetation within 30 days of the completion of the crossing over Roberts Landing Slough.

4. **Maintenance.** All areas and improvements required by Special Condition II.F.3, including walkways, signs, benches, landscaping, and trash containers shall be permanently maintained by, and at the expense of, the permittee, and assignees, sublessees, or other successors in interest of the project. Maintenance shall include, but not be limited to, repairs to all hardscape surfaces, replacement of any trees or other plant materials that die or become unkempt; repairs or replacement as needed of the signs, benches, and trash containers; periodic clean-up of litter and other materials deposited within the access areas; and ensuring that the public access signs remain in place and visible. Within 10 days after notification by staff of the Commission, the permittee or any successor or assignee shall correct any maintenance deficiency noted by the staff.

5. **Reasonable Rules on Use of Public Access Areas.** The permittee may impose reasonable rules on the use of the areas required to be provided for public access provided such rules are first approved by or on behalf of the Commission and do not significantly affect the public nature of the area nor unreasonably burden public use. Rules may include restricting hours of use and delineating appropriate behavior.

G. **Dredging and Work Within Water Areas.**

1. **Time Limit for Dredging.** The approximately 2,682 cubic yards or less of new dredging and 280 cubic yards of excavation authorized by this permit shall be completed prior to December 31, 1997.

2. **Water Quality Certification.** Prior to the commencement of any work within the Bay or other wetland area authorized herein, the permittee shall obtain a water quality certification, a waiver of water quality certification, or some other form of documentation which indicates review and approval, from the California Regional Water Quality Control Board, San Francisco Bay Region, for that work.

H. **Debris Removal.** Upon completion of construction, all construction debris shall be removed to a location outside the jurisdiction of the Commission. In the event that any such material is placed in any area within the Commission's jurisdiction, the permittee, its assigns or successors in interest, or the owner of the improvements, shall remove such material, at their expense, within ten days after it has been notified by the Executive Director of such placement.

I. **Construction Operations.** All construction operations shall be performed to prevent construction materials from falling into the Bay. In the event that such material escapes or is placed in an area subject to tidal action of the Bay, the permittee shall immediately retrieve and remove such material at its expense.

J. **Recording.** The permittee shall record this document or a notice specifically referring to this document with Alameda County within 30 days after execution of the permit issued pursuant to this authorization and shall, within 30 days after recordation, provide evidence of recordation to the Commission.

K. **Permit Assignment.** Prior to entering into any agreement to sell or otherwise transfer any interest in the property to another party, the permittee shall provide the party with a copy of this permit and shall call attention especially to the provisions regarding public access. The transferee shall agree in a written statement to the effect that he or she has read and understood the conditions of the permit and agrees to be bound by all terms and conditions hereof.

L. **Commission Jurisdiction.** Notice is hereby given that, under the McAteer-Petris Act and the Commission's Regulations, the area of the approved project that is within the Commission's Bay jurisdiction, and all areas upstream of the newly excavated area subject to tidal action under Section 66610(a) remain or will become part of the Commission's Bay jurisdiction, respectively, even after work authorized by the Commission may have changed the character of the area; so that the permittee or the permittee's successors in interest will require further action by or on behalf of the Commission prior to any future changes in use or work within areas subject tidal action. With the exception of the areas identified in the "Agreement Regarding Limits of Jurisdiction and Land Uses" between the Commission and Citation Homes, Inc. as being within the Commission's jurisdiction, the Commission does not assert jurisdiction landward of any tidal control structures which will be placed as part of this project, or which are currently operating behind the excavation authorized herein.

III. Findings and Declarations

On behalf of the Commission, I find and declare that:

A. The project authorized by this permit involves new dredging of less than 100,000 cubic yards to be completed within a period of 30 months and the disposal of that material in an area outside of San Francisco Bay as defined in Regulation Section 10602(b), and the extraction of a small amount of materials within the shoreline band which will help enhance and restore the tidal

wetland functions and values of the area, and which will not have a significant adverse impact on present or possible future maximum feasible public access to the Bay as defined in Regulation Section 10601(b)(1) and thus is a "minor repair or improvement" for which the Executive Director may issue a permit, pursuant to Government Code Section 66632(f) and Regulation Section 10622(a).

B. The project authorized by this permit is consistent with the McAteer-Petris Act and with the San Francisco Bay Plan in that it will not adversely affect the Bay nor public access to and enjoyment of the Bay. The project has been designed in conjunction with the City of San Leandro's Shoreline Marshlands Enhancement Project (Water Circulation and Drainage Plan), as authorized in BCDC Permit No. 14-89, Amendment No. 2. The combined projects will effectively remove the informal trails in and around the marsh areas of Roberts Landing, and restrict public access to certain levees only, thereby creating an adverse impact to the existing public access at the site. More specifically, the excavation of the materials within the shoreline band adjacent to Roberts Landing Slough will remove the closest existing shoreline crossing over the Slough. This will adversely impact public access because this crossing provides a vital north-south link in the shoreline trail and the next nearest crossing is over a 1000 feet inland. However, to offset this impact the applicant is required, by Special Condition II.F.3.b, to place and maintain a public access crossing on the new tide control structure to be placed within the Slough approximately 600 feet inland of the existing crossing. In addition, the proposed residential development portion of the project will place an additional burden on the public access opportunities of the site. Therefore, it is imperative that the proposed public access areas and improvements are implemented in their entirety because then, and only then, will the loss of the existing public access opportunities be sufficiently offset. The Commission understands that the new public access plan required in the combination of this permit and the City of San Leandro's BCDC Permit No. 14-89, Amendment No. 2, will not cover as large an area for public access as that currently, and that unrestricted public access in marsh areas adversely affect sensitive fish and wildlife resources. Therefore, the Commission finds that only when the new public access maintains, guarantees, and improves the north-south and east-west trail connections that exist on and through the site does the project provide maximum feasible public access consistent with the project. The Commission further finds that all elements contained in Special Condition II.F are necessary to ensure that these areas are reserved for the benefit of public access, and also to ensure that the public access improvements will be constructed to provide an all weather, handicap access, public access trail to and through the site and along the shoreline of San Francisco Bay.

C. The Commission further finds that this authorization is made in conjunction and is generally consistent with the "Agreement Regarding Limits of Jurisdiction and Land Uses" entered into by the Commission and Citation Homes, Inc.

D. The Commission further finds, declares, and certifies that the activity or activities authorized herein are consistent with the Commission's Amended Management Program for San Francisco Bay, as approved by the Department of Commerce under the Federal Coastal Zone Management Act of 1972, as amended.

E. Pursuant to Regulation Section 11501, the lead agency for the project, the City of San Leandro, certified an Environmental Impact Report for the project authorized by this permit on March 20, 1992.

F. Pursuant to Regulation Section 10620, this project was listed with the Commission on June 16, 1994.

IV. Standard Conditions

A. All required permissions from governmental bodies must be obtained before the commencement of work; these bodies include, but are not limited to, the U. S. Army Corps of Engineers, the State Lands Commission, the Regional Water Quality Control Board, and the city and/or county in which the work is to be performed, whenever any of these may be required. This permit does not relieve the permittee of any obligations imposed by State or Federal law, either statutory or otherwise.

B. The attached Notice of Completion and Declaration of Compliance form shall be returned to the Commission within 30 days following completion of the work.

C. Work must be performed in the precise manner and at the precise locations indicated in your application, as such may have been modified by the terms of the permit and any plans approved in writing by or on behalf of the Commission.

D. Work must be performed in a manner so as to minimize muddying of waters, and if diking is involved, dikes shall be waterproof. If any seepage returns to the Bay, the permittee will be subject to the regulations of the Regional Water Quality Control Board in that region.

E. The rights derived from this permit are assignable as provided herein. An assignment shall not be effective until the assignee shall have executed and the Commission shall have received an acknowledgment that the assignee has read and understood the application for this permit and the permit itself and agrees to be bound by the terms and conditions of the permit, and the assignee is accepted by the Executive Director as being reasonably capable of complying with the terms of the permit.

F. Unless otherwise provided in this permit, all the terms and conditions of this permit shall remain effective for so long as the permit remains in effect or for so long as any use or construction authorized by this permit exists, whichever is longer.

G. Unless otherwise provided in this permit, the terms and conditions of this permit shall bind all future owners and future possessors of any legal interest in the land and shall run with the land.

H. Unless otherwise provided in this permit, any work authorized herein shall be completed within the time limits specified in this permit, or, if no time limits are specified in the permit, within three years. If the work is not completed by the date specified in the permit, or, if no date is specified, within three years from the date of the permit, the permit shall become null and void. If a permit becomes null and void for a failure to comply with these time limitations, any fill placed in reliance on this permit shall be removed by the permittee or its assignee upon receiving written notification by or on behalf of the Commission to remove the fill.

I. Except as otherwise noted, violation of any of the terms of this permit shall be grounds for revocation. The Commission may revoke any permit for such violation after a public hearing held on reasonable notice to the permittee or its assignee if the permit has been effectively assigned. If the permit is revoked, the Commission may determine, if it deems appropriate, that all or part of

any fill or structure placed pursuant to this permit shall be removed by the permittee or its assignee if the permit has been assigned.

J. This permit shall not take effect unless the permittee executes the original of this permit and returns it to the Commission within ten days after the date of the issuance of the permit. No work shall be done until the acknowledgment is duly executed and returned to the Commission.

K. Any area subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission under either the McAteer-Petris Act or the Suisun Marsh Preservation Act at the time the permit is granted or thereafter shall remain subject to that jurisdiction notwithstanding the placement of any fill or the implementation of any substantial change in use authorized by this permit.

L. Any area not subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission that becomes, as a result of any work or project authorized in this permit, subject to tidal action shall become subject to the Commission's "bay" jurisdiction up to the line of highest tidal action.

M. Unless the Commission directs otherwise, this permit shall become null and void if any term, standard condition, or special condition of this permit shall be found illegal or unenforceable through the application of statute, administrative ruling, or court determination. If this permit becomes null and void, any fill or structures placed in reliance on this permit shall be subject to removal by the permittee or its assignee if the permit has been assigned to the extent that the Commission determines that such removal is appropriate. Any uses authorized shall be terminated to the extent that the Commission determines that such uses should be terminated.

Executed at San Francisco, California, on behalf of the San Francisco Bay Conservation and Development Commission on the date first above written.

WILLIAM TRAVIS
Acting Executive Director

Enc.--07/06/94
WT/NS/rr
cc: U. S. Army Corps of Engineers, Attn.: Regulatory Functions Branch
San Francisco Bay Regional Water Quality Control Board,
Attn.: Certification Section
Environmental Protection Agency, Attn: Clyde Morris, W-7-2
State Lands Commission, Attn: Mary Howe
City of San Leandro, Attn.: Will Silva
East Bay Regional Park, Attn: Martin Fitz
Brian Weise, ABAG, Bay Trail Project

94259416

* *

Receipt acknowledged, contents understood and agreed to:

Executed at Santa Clara, California

On July 1st, 1994

By:

CITATION HOMES
Applicant

Vice President
Title

9427 9416

State of California

County of Santa Clara

On July 12, 1994 before me, (here insert the name and title of the officer), personally appeared Edward Alnas

personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/~~her/their~~ authorized capacity(~~ies~~) and that by his/her/their signatures(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Diana Bergstedt

Print Name Diana Bergstedt (Seal)

E-47

NNA1 DIANA BERGSTEDT COMM. # 994263 Notary Public — California SANTA CLARA COUNTY My Comm. Expires AUG 20, 1997 NNA1

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5193

State of CALIFORNIA

County of SAN FRANCISCO

On July 6, 1994, (DATE) before me, REYNA ISABEL ROSALES, NOTARY PUBLIC (NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"),

personally appeared WILLIAM TRAVIS (NAME(~~S~~) OF SIGNER(~~S~~)),

[X] personally known to me - OR - [ ] ~~proved to me on the basis of satisfactory evidence~~ to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

OFFICIAL SEAL Reyna Isabel Rosales NOTARY PUBLIC CALIFORNIA City & County of San Francisco My Comm. Expires June 16, 1995

WITNESS my hand and official seal.

Reyna Isabel Rosales

SIGNATURE OF NOTARY

OPTIONAL SECTION

CAPACITY CLAIMED BY SIGNER

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document.

- [ ] INDIVIDUAL
- [X] CORPORATE OFFICER(S) ACTING EXECUTIVE DIRECTOR (TITLE(~~S~~))
- [ ] PARTNER(S) [ ] LIMITED [ ] GENERAL
- [ ] ATTORNEY-IN-FACT
- [ ] TRUSTEE(S)
- [ ] GUARDIAN/CONSERVATOR
- [ ] OTHER:

SIGNER IS REPRESENTING:

NAME OF PERSON(S) OR ENTITY(IES)

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

OPTIONAL SECTION

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT:

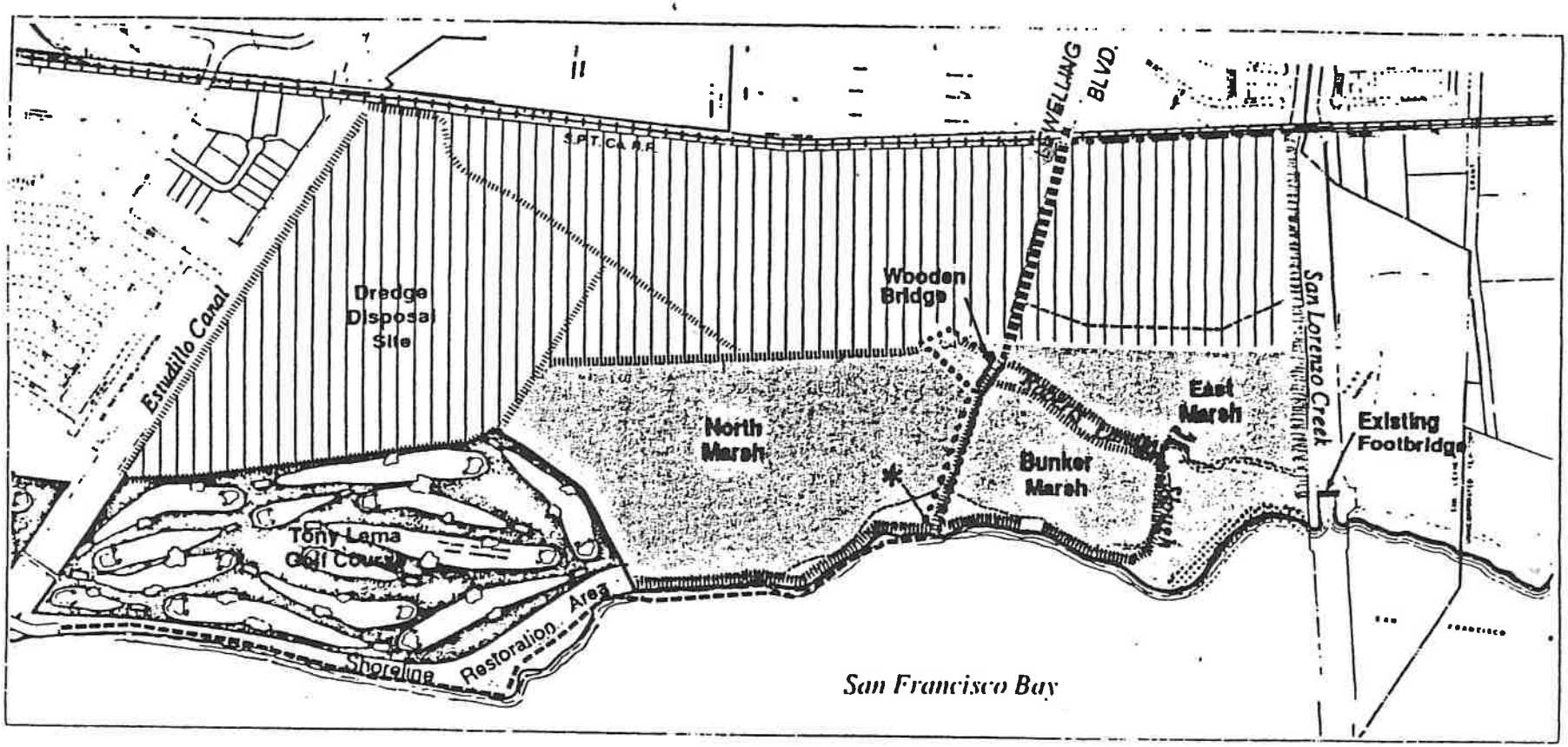
Though the data requested here is not required by law, it could prevent fraudulent reattachment of this form.

TITLE OR TYPE OF DOCUMENT BCDC PERMIT NO. M92-57

NUMBER OF PAGES _____ DATE OF DOCUMENT 7/6/94

SIGNER(S) OTHER THAN NAMED ABOVE _____

©1993 NATIONAL NOTARY ASSOCIATION • 8236 Remmet Ave., P.O. Box 7184 • Canoga Park, CA 91309-7184



Levee

Existing Shoreline Trail/ Emergency Vehicle Access.

Public Access Trail/Emergency Vehicle Access Connector Segment 1

Public Access Trail Segment 2

Public Access Trail Segment 3

* Minor Levee Widening

KEY

Project Site

Concrete Bridge

Sand Dune Area

Citation Property

0 2000 Feet

SOURCE: City of San Leandro; Environmental Science Associates, Inc.

Citation Homes, Inc.
Required Public Access Areas

BCDC Permit M92-57

Public Access Trails / Emergency Vehicle Access Connector

Exhibit A

9425916