

Exhibit B

RECOMMENDED CONDITIONS OF APPROVAL

PLN20-0010
201 Foothill Blvd., APN 047-5580-003
Plazita Schools Inc., c/o Krystell Guzman (Applicant)
Plazita Schools Inc. (Property Owner)

I. COMPLIANCE WITH APPROVED PLANS

1. The project shall comply with the Applicant Project Description and Exhibits A through F, attached to the staff report. Exhibits are on file at the City of San Leandro, Community Development Department, 835 East 14th Street, San Leandro, California, 94577.
 - a. Exhibit A – Cover Sheet, Existing Site Plan, Project Data (A1-1)
 - b. Exhibit B – Proposed Site Plan (A1-2)
 - c. Exhibit C – Existing and Proposed Floor Plan (A1-3)
 - d. Exhibit D – Elevations/Section Drawings (A1-4)
 - e. Exhibit E – Trash Enclosure Details (A3-5)
 - f. Exhibit F – Note Details (A4-6)
2. **Successor Notification.** The Applicant and/or Property Owner shall be responsible for assuring that any successor in interest who assumes responsibility for this zoning approval is informed of its terms and conditions.
3. **Passenger Loading and Unloading Plan.** Prior to issuance of Building Permits, the applicant shall prepare and provide a passenger loading and unloading plan indicating where vehicles will queue for drop-off and pick-up of children.
4. **Change in Plans, Use, or Occupancy.** Any change or additional occupancy deemed minor in nature may be approved by the Zoning Enforcement Official. A change or additional occupancy deemed major shall be referred to the Board of Zoning Adjustments for its consideration as a modification to the Parking Exception, Administrative Review, Administrative Exception or Fence Modification.
5. **Expiration.** Pursuant to [Zoning Code Section 5.08.136](#), this approval shall lapse on September 3, 2021, unless a) a business license has been issued, coupled with diligent progress evidencing a good faith intent to commence the intended use b) a building permit has been issued, coupled with diligent progress evidencing a good faith intent to commence the intended use; or c) a written request for a one-year extension of the Administrative Review, Administrative Exception, Parking Exception, and Fence Modification applications is approved by the Zoning Enforcement Official and/or Community Development Director.

6. **Recorded Agreement to Conditions.** The approvals granted by the City as a result of this application, as well as the Conditions of Approval, shall be recorded in the office of the County Recorder of Alameda County.

II. PERMITTED USE

1. **Scope of Work.** The Administrative Review application is an approval to operate a day care facility in an existing building at 201 Foothill Blvd.; Alameda County Assessor's Parcel Number: 047-5580-003. The project also includes an Administrative Exception to allow an accessory structure in the front yard, a Parking Exception application to reduce the required parking on-site and a Fence Modification Permit to allow for a 7-foot tall fence located along the street side of the project.
 - a. The approval of an Administrative Review application authorizes the operation of a general day care facility within the RS Zoning District.
 - b. The approval of an Administrative Exception authorizes the general day care facility to install an accessory structure in the front yard of the property, where accessory structures are not permitted in the front yard within the RS Zoning District.
 - c. The approval of the Parking Exception application authorizes the general day care facility to operate with a reduction in the required parking and utilize the existing public parking spaces when available on the street side.
 - d. The approval of the Fence Modification permit authorizes the installation of a 7-foot tall fence located along the street side of the project site.
2. **Compliance with Permitted Use.** The use of the building and construction of the project shall remain in substantial compliance with the approved plans and exhibits, Any change to the project design shall be subject to the review and approval of the Zoning Enforcement Official who may administratively approve or require review by the Board of Zoning Adjustments as a modification to the Administrative Review, Administrative Exception, Parking Exception, or Fence Modification applications.
3. **Valid State Permit.** Upon issuance, failure to maintain a valid State license for the childcare center shall constitute discontinuance of the Administrative Review, Administrative Exception, and Parking Exception applications.
4. **State Licensure.** The City shall be notified in writing within 30 days of any change in licensure status with the California Department of Social Services Community Care Licensing Division.

5. **Hours of Operation.** The general day care facility may operate from 7:00 a.m. to 7:00 p.m., Monday through Friday. Modification to these hours shall require prior written approval from the Zoning Enforcement Official.

III. REQUIRED ON-SITE IMPROVEMENTS

6. **On-Site Lighting.** Any new proposed on-site lighting shall be LED or other energy-conserving lighting and shall be designed and located so as to not interfere with traffic on adjacent streets and so as not to shine on adjacent properties or above a horizontal plane, details subject to the approval of the City Engineer and the Zoning Enforcement Official. New on-site lighting shall require a plan including specifications of lighting standards and photometric calculations and shall be submitted for review and approval by the Zoning Enforcement Official and the Engineering and Transportation Department. After installation, the Zoning Enforcement Official reserves the right to require adjustment of light fixtures to comply with this requirement.

IV. ENGINEERING AND TRANSPORTATION DEPARTMENT REQUIREMENTS

1. Pursuant to Government Code Section 66020, including Section 66020 (d) (1), the City HEREBY NOTIFIES the applicant for this Project that the 90-day approval period (in which the applicant may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) will begin on the date of the conditional approval of this Project. If the applicant fails to file a protest within this 90-day period, complying with all the requirements of Government Code Section 66020, the applicant will be legally barred from later challenging any such fees, dedications, reservations or other exactions.
2. The proposed development shall comply with City ordinances, policies and regulations. All improvements shall be in accordance with the City's Design Standards, Specifications and Standard Plans unless otherwise specifically approved by the Principal Engineer.
3. The below notes shall be included on the Improvement Plans submitted for permitting:
 - a. The applicant shall obtain an Encroachment Permit from the Engineering and Transportation Department for any work within the public right-of-way including the use of lifting equipment or the staging of materials. Barricades, traffic cones, and/or caution ribbon shall be positioned around any equipment or materials within the right-of-way to provide a barrier to public access and assure public safety. Any damage to the right-of-way improvements must be promptly repaired by the applicant according to the City's adopted standards.
 - b. The applicant shall comply with the following high standards for sanitation during construction of improvements: garbage cans, construction dumpsters,

and debris piles shall be removed on a minimum weekly basis. All food related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers only and shall be regularly removed from the site. Inspections, conducted as part of the regular permit compliance, will be performed to ensure compliance of the Applicant and contractors with respect to this requirement.

- c. The applicant shall implement construction best management practices during construction to control erosion, keep sediment from leaving the project site and prevent storm water pollution. The applicant shall protect existing storm drain inlets and conveyances within the project area to prevent sediment from construction activities from entering the storm drain system.
4. The applicant shall locate all new electric and communications utilities serving the site underground.
 5. The applicant shall obtain an Encroachment Permit from the Engineering and Transportation Department for any work within public right-of-way. Contractors must be properly licensed, have a valid Business License, and submit proof of insurance. Applicable fees/deposits must be paid.
 6. The City's traffic impact fee program is called "Development Fee for Street Improvements" (DFSI). Existing facility was previously used as an auto repair facility, which is considered as a "Personal Service" use in the City of San Leandro's adopted Fee Schedule. Proposed use of a General Daycare (for children) is considered as a "Personal Service" use in the adopted Fee Schedule, and the DFSI fee rate is \$2.41 per gross square-foot. Therefore, no DFSI will be assessed for the proposed project as there is no change in use in regard to traffic generation.
 7. The existing driveways on Foothill Blvd. and Durant Avenue shall be converted to sidewalk since the driveways will not be used for vehicle access purposes. Prior to issuance of any Grading Permit or Building Permit, the applicant shall contact Engineering and Transportation Department to decide whether the conversion of the driveway to sidewalk would be implemented during building permit phase or through the City's Sidewalk project.
 8. Prior to issuance of Building Permits, the construction drawings shall show the following:
 - a. An accessible path of travel for pedestrians from the public sidewalk to the entrance. In addition, the plans shall show an accessible path of travel from the accessible parking loading zone to the building entrance.
 - b. Location and detail of proposed ADA parking spaces.
 9. The proposed trash enclosure shall be designed with a latch and roof to comply with Storm Water requirements for review and approval by the Engineering Department.

The trash enclosure detail shall be included on the construction drawings prior to issuance of Building Permits.

V. ALAMEDA COUNTY FIRE DEPARTMENT REQUIREMENTS

Specific fire and building code issues will be addressed during the regular building permit submittal and review process. The following conditions shall be met prior to the issuance of a building permit and fire clearance for occupancy.

1. Prior to issuance of Building Permits, the applicant shall submit a Deferred Submittal for the installation of the required NFPA 72 fire alarm requirements required by the California Fire Code 2019 edition.
2. Prior to issuance of Building Permits, following shall be included on the construction drawings prepared for Building Permit submittal:
 - a. Add a note on the plan sets stating that all interior finishes will be required to meet the standards of Chapter 8 of the California Fire code 2019 edition and CCR Title 19.
 - b. Add a note that provides the maximum occupant loads for each classroom and multi-purpose room.
 - c. Show the location of the multi-purpose room and verify that it will not have sliding glass doors to comply with the means of egress as the occupant load may exceed 10.
 - d. Provide a lighting plan that shows an illumination with a minimum average of 1-foot candle at the floor along the means of the egress route.
 - e. Show the location and a cut sheet detail of the illuminated Exit signs that shall be located near the egress routes.
 - f. Show the location and a cut sheet detail of the Fire Extinguishers (2A 10B: C) to comply with CFC 2019 edition.
 - g. Show the details of hardware on the doors (lever, paddle, or panic) and accessory locks are prohibited on the means of the egress doors.
 - h. Show the pedestrian access gates and pathway access to the Knox Box to be accessible for the Fire Department in cases of emergency.

VI. PUBLIC WORKS REQUIREMENTS

1. The planned development falls within the Alameda County Industries (ACI) service area. Applicant should note the City of San Leandro holds an exclusive franchise agreement for solid waste and recycling services with ACI.

2. Solid waste & recycling bins must be stored out of public view. Trash enclosure guidelines for commercial establishments are available at: <https://www.sanleandro.org/civicax/filebank/blobdload.aspx?blobid=15084>. Enclosure shall be of adequate size to accommodate at least one solid waste and one recycling container of similar size. If required, enclosure size must also accommodate a separate container for the collection of organics (food scraps, compostable paper, and plant debris).
3. Enclosure(s) should be easily accessible to collection vehicles. Driveways shall provide unobstructed access for collection vehicles. Applicant must ensure that there is adequate space for a collection vehicle to enter and exit the property in order to service containers.
4. Applicant is subject to Alameda County Mandatory Recycling Ordinance. For more information, visit www.RecyclingRulesAC.org.
5. Project must comply with all City and State construction and demolition debris recycling requirements. Permit applicants must demonstrate compliance by completing and submitting an online Waste Management Plan using Green Halo Systems (www.GreenHaloSystems.com) prior to permit issuance. Applicants must submit recycling and disposal receipts online and submit the waste management report before scheduling the final inspection. Note: Project will not be finalized until all recycling and disposal tags have been registered into Green Halo Systems.

VII. CONSTRUCTION PROVISIONS

1. **Construction Timeline.** Construction shall commence within one (1) year following Board of Zoning Adjustments approval of the Parking Exception, Administrative Review, Administrative Exception and Fence Modification applications and shall be substantially completed one year after commencement of construction. For the purpose of compliance with this condition, commencement of construction shall be defined as the construction or reconfiguration of a substantial portion of the interior building.
2. **Construction Hours.** Construction activity shall not commence prior to 7:00 a.m. and shall cease by 7:00 p.m. Monday through Friday, and construction activity shall not commence prior to 8:00 a.m. and shall cease by 7:00 p.m. on Sunday and Saturday. No such construction is permitted on Federal holidays. As provided in the City of San Leandro's Noise Ordinance (Ordinance No. 2003-005), "construction" shall mean any site preparation, assembly, erection, substantial repair, alteration, demolition or similar action, for or on any private property, public right-of-way, streets, structures, utilities, facilities or similar property. Construction activities carried on in violation of this Article may be enforced as provided in Municipal Code [Section 4-1-1130](#), and may also be enforced by issuance of a stop work order and/or revocation of any or all permits issued for such construction activity.
3. **Construction Activity.** Construction activity shall not create dust, noise, or safety hazards for adjacent residents, businesses and properties. Dirt and mud shall not

be tracked onto Foothill Blvd., Durant Avenue or surrounding streets from the project site.

4. **Construction Noise.** Procedures with the highest noise potential shall be scheduled for daylight hours, when ambient noise levels are highest. The contractor(s) shall be required to employ the quietest among alternative equipment or to muffle/control noise from available equipment.

VIII. MAINTENANCE

1. **Site Maintenance.** The site shall be well-maintained and shall be kept free of litter, debris and weeds.
2. **Landscape Maintenance.** All landscaping shall be maintained in a healthy, growing condition at all times. Any damaged or dead plant material shall be promptly replaced with a plant material similar in type and comparable in size to the plant(s) being removed. Any landscaping shall be maintained so as not to interfere or obstruct the public right-of-way for pedestrians and vehicles.
3. **Graffiti.** Any graffiti on the property occupied by the applicant shall be promptly removed.
4. **Noise.** All uses and activities shall comply with the provisions of the San Leandro Noise Regulations (Title IV, Chapter 1 of the Municipal Code).
5. **Address Sign.** The address sign(s) on the property shall be well maintained at all times. Any damage to the signs shall be promptly repaired or replaced.
6. **Temporary Sign.** Unauthorized and temporary signage shall not be permitted on the property, except as approved for a specified amount of time in a Temporary Sign Permit granted by the Community Development Department.
7. **Waste Service.** The applicant shall maintain an adequate number of trash, recycling, and green/food waste containers. Garbage service shall be arranged through Alameda County Industries and shall include trash, recycling and green/food waste service.

IX. GENERAL CONDITIONS

1. **Conditions.** A copy of these conditions of approval shall be made available to all employees, parents/guardians of the children and vendors upon request.
2. **Permits.** Applicant shall obtain the necessary permits to operate the day care facility in the City of San Leandro, including a San Leandro Business License and all permits required under State law or regulations.
3. **Fencing.** Any fencing and walls on the project site shall be structurally sound, graffiti-free, and well-maintained at all times. Fencing shall not reduce the number

of off-street parking spaces and shall be subject to the standards of the approved Fence Modification permit (PLN20-0010) consistent with Zoning Code [Section 4.04.364 Fences, Walls, and Hedges](#). No barbed or razor wire shall be installed on any fence, wall, or building within 300 feet of the public street frontage.

4. **City Fees.** Applicant shall pay its City development, permitting, and plan check fees in accordance with the fee schedules in effect at the time. Any outstanding Community Development Department deposit fees or balances shall be fully paid prior to issuance of a building permit.
5. **Review and Revocation.** The City shall maintain the ability to review or revoke this Administrative Review, Administrative Exception, Parking Exception, Fence Modification and set a new public hearing date to correct problems that may arise such as property maintenance, parking, public safety, code violations, and nuisance issues.
6. **Amendments or Modifications.** No application for amendment or modification to this Parking Exception, Administrative Review, Administrative Exception, Fence Modification or the Conditions of Approval may be accepted or submitted for processing by the City unless (i) there is full compliance with all terms of the application and Conditions of Approval; or (ii) the Zoning Enforcement Official waives compliance with minor terms of the application and Conditions of Approval pending application for amendment or modification.