

EXHIBIT B

RECOMMENDED CONDITIONS OF APPROVAL

PLN18-0036

1188 E 14th Street. / Callan & E. 14th Street Project

APN's 77-447-14-6, 77-447-7-1, 77-447-14-7, 77-447-15-6

14th & Callan Street Developer LLC (Applicant & Property Owner)

I. COMPLIANCE WITH APPROVED PLANS

1. The project shall comply with plan Exhibits A through D, attached to the staff report dated May 6, 2021, except as hereinafter modified. Exhibits are on file at the City of San Leandro, Community Development Department, 835 East 14th Street, San Leandro, California, 94577.

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| Exhibit A.1 | Cover Sheet |
| Exhibit A.2 | Index (G0.1) |
| Exhibit A.3 | Project Data (G0.2) |
| Exhibit A.4 | Existing Building Imagery (G2.0) |
| Exhibit A.5 | Neighborhood Building Imagery (G2.1) |
| Exhibit A.6 | Daylight Plans (G2.2) |
| Exhibit A.7 | Material Board (G2.3) |
| Exhibit B.1 | Civil Plans Cover Sheet (C0.1) |
| Exhibit B.2 | Boundary & Topographic (C0.2) |
| Exhibit B.3 | Demolition Plan (C1.0) |
| Exhibit B.4 | Site & Horizontal Control Plan (C2.0) |
| Exhibit B.5 | Signage & Striping Plan (C2.1) |
| Exhibit B.6 | Grading Plan (C3.0) |
| Exhibit B.7 | Sections (C3.1) |
| Exhibit B.8 | Utility Plan (C4.0) |
| Exhibit B.9 | Stormwater Management Plan (C5.0) |
| Exhibit B.10 | Neighboring Driveways Passenger Car Turning Simulation (C6.0) |
| Exhibit C.1 | Overall Illustrative Landscaping Plans (L-1) |
| Exhibit C.2 | Level 1 Site Landscape Plan (L-2) |
| Exhibit C.3 | Level 2 Dog Run Landscape Plan (L-2.2) |
| Exhibit C.4 | Level 3 Podium Landscape Plan (L-2.3) |
| Exhibit C.5 | Level 5 Roof Landscape Plan (L-2.4) |
| Exhibit C.6 | Composting Planting Plan (L-3.1) |
| Exhibit C.7 | Planting Imagery (L-3.2) |
| Exhibit C.8 | Composting Irrigation Plan (L-4) |
| Exhibit C.9 | Tree Disposition Plan (L-5.1) |
| Exhibit C.10 | Arborist Report (L-5.2) |
| Exhibit C.11 | Level 3 – Podium Open Space Plan (L-6) |
| Exhibit D.1 | Ground Level Perspective (A0.1) |
| Exhibit D.2 | Ground Level Perspective (A0.2) |
| Exhibit D.3 | Ground Level Perspective (A0.3) |
| Exhibit D.4 | Ground Level Perspective (A0.4) |
| Exhibit D.5 | Exterior Lighting Plan (A0.5) |
| Exhibit D.6 | Signage (A0.6) |
| Exhibit D.7 | Existing Site Plan (A1.0) |

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| Exhibit D.8 | Site Plan (A1.1) |
| Exhibit D.9 | Vehicle Turn Exhibit (A1.2) |
| Exhibit D.10 | Level 1 Floor Plan (A2.1) |
| Exhibit D.11 | Level 2 Floor Plan (A2.2) |
| Exhibit D.12 | Level 3 Floor Plan (A2.3) |
| Exhibit D.13 | Level 4 Floor Plan (A2.4) |
| Exhibit D.14 | Level 5 Floor Plan (A2.5) |
| Exhibit D.15 | Roof Floor Plan (A2.6) |
| Exhibit D.16 | Building Elevations (A3.1) |
| Exhibit D.17 | Building Elevations (A3.2) |
| Exhibit D.18 | Building Sections (A3.3) |
| Exhibit D.19 | Frontage Transparency (A3.4) |
| Exhibit D.20 | Unit Plans (A4.1) |
| Exhibit D.21 | Unit Plans (A4.2) |
| Exhibit D.22 | Unit Plans (A4.3) |
| Exhibit D.23 | Unit Plans (A4.4) |
| Exhibit D.24 | Unit Plans (A4.5) |
| Exhibit D.25 | Unit Plans (A4.6) |
| Exhibit D.26 | Unit Plans (A4.7) |
| Exhibit D.25 | Enlarged Floor Plans (A4.8) |

2. The developer 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. The Site Plan Review, Conditional Use Permit and Parking Exception approval shall lapse after two (2) years following the effective date of approval unless a grading permit or building permit has been issued, coupled with diligent progress evidencing good faith intention to commence the intended use; or use is established; or an occupancy permit has been issued; or the approval is renewed, as provided in Zoning Code Sections 5.08.136 and 5.12.132. Upon written request, a one-year renewal extension may be granted by the Zoning Enforcement Official without notice or public hearing. Application for renewal shall be made in writing to the Zoning Enforcement Official not less than 30 days or more than 120 days prior to expiration of the approval. Denial of a request for a renewal may be appealed.
4. The project is subject to the City's uniform development policies as specified in the Zoning Code, Municipal Code, Downtown TOD Strategy and General Plan.

II. PERMITTED USE

5. Permitted Use. This Site Plan Review, Conditional Use Permit and Parking Exception is an approval to construct a five-floor mixed-use residential and retail building consisting of three floors of apartments, including 191 market rate units and 5 inclusionary units over a two story parking structure and 23,189 square feet of grocery space and 5,660 square feet of retail space on the ground floor at 1188 E. 14th St., Alameda County Assessor's Parcel Numbers 77-447-14-6, 77-447-15-6, 77-447-14-7, and 77-447-7-1.
6. This Conditional Use Permit approves the use of the property for Mixed-Use Residential, Neighborhood Specialty Food Market, Retail Sales, Drugstores (prior land use) and Supermarkets, as defined by the City of San Leandro Zoning Code. Coin operated laundry facilities are a permitted use. Any other conditionally permitted uses shall require prior approval of amended Conditional Use Permit as per the San Leandro Zoning Code.

7. Compliance. No application for amendment of the application or Conditions of Approval may be submitted or accepted for processing by the city unless (i) there is full compliance with all terms of the application and Conditions of Approval; or (ii) the Community Development Director can waive compliance with the terms of the application if they are minor in content.
8. Modifications. Construction of the project shall remain in substantial compliance with the approved exhibits and plans. Modifications to the approved Conditions of Approval and Plan Exhibits, including changes to paint colors and building materials, shall require resubmittal of a revised Site Plan Review application in accord with Zoning Code Section 5.12.132(C), "Changed Plans." The Zoning Enforcement Official shall review the application to determine if the proposed substitutions or alterations necessitate further consideration by the Board of Zoning Adjustments. The Zoning Enforcement Official may approve changes to approved plans or Conditions of Approval without a public hearing upon determining that the changes in conditions are minor and are consistent with the intent of the original approval.
9. The City shall maintain the ability to revoke this Conditional Use Permit and set a new public hearing date in order to impose additional conditions to correct problems that may arise such as property maintenance and related Code violations and excessive nuisance related responses from code enforcement.

III. ADDITIONAL PLAN SUBMITTALS

10. GreenPoint Checklist. Prior to issuance of building permits, applicant shall submit a checklist showing that the project meets the minimum green building rating for a residential buildings, according to the most current GreenPoint Rated for Newly-Constructed Residential Buildings, or equivalent green building rating system as adopted by the City of San Leandro at the time of submittal for building permits. Features indicated on said checklist shall be incorporated into building permit plans.
11. Final Colors and Materials. Prior to issuance of building permits, all building plans and specifications shall be submitted for review and approval to the Zoning Enforcement Official to ensure consistency with the approved exterior design. Said plans and specifications shall indicate the exact type of siding material, plaster cement, veneer, railings, awnings, metal work, door and window framing/trims/mullions, light fixtures, gates, and utility doors to ensure that the exterior materials and finishes meet the standards illustrated in the approved plan exhibits.
12. Final Landscape and Irrigation Plans. Prior to issuance of building permits, the developer shall submit Final Landscape and Irrigation Plans for the review and approval of the Community Development Director. The plans shall include details such as: 1) tree size, species and location; 2) shrubs and groundcovers; 3) installation specifications, including tree staking; 4) irrigation details; 5) water conservation techniques; and 6) maintenance programs. Final landscape and irrigation plans shall be prepared by a California licensed landscape architect and shall conform to the Model Water Efficient Landscape Ordinance as updated by the State of California Department of Water Resources.
13. Final Site Lighting and Photometric Study. Prior to issuance of building permits, the developer shall submit final plans and details for site lighting, including submittal of a photometric study, for the review and approval of the Community Development Director and Principal Engineer. The plans and details shall show location, height, decorative features,

and construction details showing materials and finishes to be used for construction. All site lighting shall be directed below the horizontal plane and no lighting may spill offsite.

14. Water Conservation. Final building plans submitted for building permit shall incorporate a range of water conservation measures to substantially reduce average per capita daily use. These measures shall include the use of equipment, devices and methods for plumbing fixtures and irrigation that provide for long-term efficient water use, subject to the review and approval of the Community Development Director.
15. Signage. All signage shall conform to the regulations in Chapter 4.12 of the Zoning Code. Neon signs and flashing signs are prohibited on the property, including those placed in windows. All signs on the property shall be well maintained at all times. Any damage to the signs shall be promptly repaired or replaced. Window signs, whether painted or adhered to the glass or within eight feet of the window excluding merchandise display, shall be no larger than twenty-five percent of the window in which they are located. No temporary or unauthorized signs shall be placed on the property, including but not limited to banners, balloons, streamers, and pennants, unless approved by the City under a Special Event Permit.
16. Sign Program. Signage exhibit (sheet A0.6) and elevations shall serve as the interim Sign Program for the subject property until a future Sign Program application is submitted and approved by the City.
17. Mural. The final public art element proposal shall be submitted to Community Development Director for review prior to issuance of a Certificate of Occupancy. The public art element will be reviewed prior to issuance of a building permit if a building permit is required for the public art element prior to installation. The property owner shall be responsible for the maintenance and upkeep of the final installation.
18. Prior to issuance of any Certificate of Occupancy on the property, the improvements outlined above shall be completely installed to the satisfaction of the Community Development Director and the City Engineer.

IV. INCLUSIONARY HOUSING

19. Inclusionary Units. In accord with the Inclusionary Housing Plan, the Project shall provide five (5) Inclusionary Units where rent is based on 100% of Area Median Income and an in-lieu fee in the amount of \$528,952, based on \$5 per Net Rentable Square Foot, a total net rentable square footage of 127,743, 5 onsite units and 196 total units, the formula being $127,743 * (1 - 5/29) * 5 = \$528,952.00$.
20. Restriction of Sale. The developer will enter into, and record, an Inclusionary Housing Agreement (reflecting the approved Inclusionary Housing Plan) with the City per Zoning Code Section 6.04.128 (C-D) "Compliance Procedures" that commit the Inclusionary Units as affordable and long-term.

V. ENGINEERING AND TRANSPORTATION DEPARTMENT

21. 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 the Project. If the applicant fails to file a protest within this 90-day period, complying with all of the requirements of Government Code Section 66020, the applicant will be legally barred from later challenging any such fees, dedications, reservations or other exactions.

22. The proposed development shall comply with the City ordinance, 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.
23. The Applicant shall submit a Lot Line Adjustment application for the merger of the four parcels at the project site. The Lot Line Adjustment must be approved and recorded prior to issuance of the Building Permit and Grading Permit. The application is available at <https://www.sanleandro.org/civicax/filebank/blobdload.aspx?blobid=3617>.
24. Because the project creates or replaces more than 10,000 SF of impervious surface, it is considered a Regulated Project according to Provision C.3.b of the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit (Order No. R2-2015-0049, NPDES Permit No. CAS612008, adopted 11/19/2015). The project must comply with the requirements for stormwater treatment in the above mentioned MRP.
25. Landscaped planting areas on the Level 3 courtyard counted as pervious surfaces for the purposes of the storm water treatment and hydromodification facility calculations shall be designed as self-treating areas that conform to the MRP and the Alameda Countywide Clean Water Program C.3 Technical Guidance.
26. A Grading Permit will be necessary for the project. The requirements for said permit are indicated in San Leandro Municipal Code §7-12. The permit will be issued prior to or concurrent with the Building Permit. The San Leandro Municipal Code can be found at http://www.sanleandro.org/about/municipal_code.asp.
27. The project is subject to a Construction General Permit according to the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002. The general permit is applicable to construction sites that disturb one or more acres of land surface. The applicant will be required to register the project with the State Water Board's Storm water Multi-Application and Report Tracking System (SMARTS) website. A Qualified SWPPP Developer (QSD) and a Qualified SWPPP Practitioner (QSP) must be responsible for permit compliance. The SMARTS system will generate a Waste Dischargers Identification (WDID) number which must be printed on the grading and/or erosion control plans.
28. The applicant shall submit a detailed Operations and Maintenance agreement for any stormwater treatment or hydromodification measures in accordance with MRP section C.3.h. The O&M agreement shall be required prior to Grading Permit issuance.
29. Revise parking and drive aisle layout on Hyde Street such that access to the three residential driveways along the eastern side of Hyde Street and the current trash pickup service for the two properties on the east side of Hyde Street are not impeded by the construction of the proposed diagonal parking spaces along Hyde Street. Construction drawings of the Hyde Street improvements shall include passenger vehicle turning exhibits that show a passenger vehicle entering and exiting the driveways within the existing

geometry of the driveway approaches and private driveways to the satisfaction of the City Engineer.

30. Parking garage driveways shall be designed such that there is sufficient sight distance between vehicles exiting the garage and the pedestrian path and an audible warning system to alert pedestrians of vehicles exiting the garage.
31. All utility connections for the project shall be placed underground.
32. All privately owned equipment and transformers shall be placed on private property.
33. Any work in the Public Right-of-Way shall require an encroachment permit from the City of San Leandro Engineering and Transportation Department.
34. Because the project includes no surface parking or ground-level area for construction staging or material storage, Applicant shall submit a plan for constructing the project in a manner that minimizes inconvenience those who reside in the neighborhood surrounding the project site. Said plan is subject to review and approval by the City prior to issuance of permits. The applicant should not assume that the surrounding roadway network, sidewalks, or parking areas will be closed to the public during construction except as necessary to safeguard the public from potential construction hazards at the discretion of the City Engineer and Chief Building Official. The construction staging and material storage plan shall be included with the Building Permit and Grading Permit submittal.
35. All abandoned driveways shall be removed and replaced with City standard sidewalk, curb and gutter to match adjacent sidewalk colors and scoring patterns. Driveway and sidewalk construction shall be in compliance with the City of San Leandro Standard Plans Dwgs. No. 100 and 102, Case 3101. Show these locations on the plans. Final sidewalk design shall be subject to approval by the Community Development Director and City Engineer.
36. The Applicant shall remove any broken and uplifted sidewalk, driveway, curb and gutter along the full project frontage and shall construct new City standard sidewalk, driveway, curb and gutter in the same location and alignment as the existing curb and gutter. All work within the Public Right-of-Way shall be per City of San Leandro Standard Plans.
37. Civil plans show all of the concrete public sidewalk along the project frontage to be replaced with new city standard sidewalk. The sidewalk along the Chumalia Street frontage shall be the City Standard sidewalk. Final sidewalk color and pattern along the East 14th Street and Callan Avenue frontages shall be subject to approval by the Community Development Director and City Engineer.
38. Utility laterals and services to be abandoned shall be entirely removed and capped at the main line.
39. The applicant shall reduce storm water pollution by implementing the following pollution source control measures:
 - a. Structures shall be designed to discourage the occurrence and entry of pests into buildings, thus minimizing the need for pesticides. The trash area shall be separated from the rest of the building by concrete or masonry walls so that pests that gain access to the area are less likely to access the rest of the building.

- b. All storm drains shall be marked "NO DUMPING, DRAINS TO BAY".
 - c. All on-site storm drains shall be inspected and, if necessary, cleaned at least twice a year immediately prior to the rainy season.
 - d. Sidewalks and parking lots shall be swept regularly to minimize the accumulation of litter and debris. Steam cleaning or low volume pressure washing may be performed only after pre-cleaning using dry methods, spot cleaning and recovery in stained areas and removal of all mobile pollutants. Debris resulting from pressure washing shall be trapped and collected to prevent entry into the storm drain system. Wash water containing any soap, cleaning agent or degreaser shall not be discharged to the storm drain.
 - e. Interior floor drains (if any) shall not be connected to the storm drain system.
 - f. Air conditioning condensate shall be directed to landscaped areas. Any air conditioning condensate that discharges to land without flowing to a storm drain may be subject to the requirements of the State Water Resources Control Board's (SWRCB) Statewide General Waste Discharge Requirements (WDRs) for Discharges to Land with a Low Threat to Water Quality.
 - g. Landscaping shall be designed to minimize irrigation and runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to storm water pollution.
 - h. Where feasible, landscaping shall be designed and operated to treat storm water runoff by incorporating elements that collect, detain, and infiltrate runoff. In areas that provide detention of water, plans that are tolerant of saturated soil conditions and prolonged exposure to water shall be specified.
 - i. Plant materials selected shall be appropriate to site specific characteristics such as soil type, topography, climate, amount and timing of sunlight, prevailing winds, rainfall, air movement, patterns of land use, ecological consistency and plant interactions to ensure successful establishment.
 - j. Selection of the plants that will require minimal pesticide use.
 - k. Irrigation shall be appropriate to the water requirements of the selected plants.
 - l. The applicant shall select pest and disease resistant plants.
 - m. The applicant shall plant a diversity of species to prevent a potential pest infestation from affecting the entire landscaping plan.
 - n. The applicant shall plan insectary plants in the landscaping to attract and keep beneficial insects.
40. The Applicant shall comply with the following high standards of 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 construction compliance, will be conducted to ensure compliance of the applicant and contractors with these requirements.

41. The project should conform with the San Leandro Creek Trail Master Plan, dated March 2017. You can find this document on the City of San Leandro's website at <https://www.sanleandro.org/civicax/filebank/blobdload.aspx?BlobID=26658>.
42. For the intersection of Chumalia Street/Dan Niemi Way/East 14th Street, upgrade the existing pedestrian crosswalks to high-visibility "ladder" style marking for improved pedestrian safety, as per Caltrans Standard Plan A24F, as recommended on page 17 of the Traffic Impact Study prepared by CHS Consulting Group. This condition of approval will be null and void if Caltrans constructs these improvements prior to issuance of a temporary or permanent occupancy permit for the proposed building or any tenant space within the building.
43. For the intersection of Dan Niemi Way/Davis Street, upgrade the existing pedestrian crosswalks to high-visibility "ladder" style marking for improved pedestrian safety, as per Caltrans Standard Plan A24F. In addition, replace the non-compliant existing pedestrian push-buttons with Accessible Pedestrian Signal (APS) push buttons as per Caltrans Standard Plan ES-5C, as recommended on page 17 of the Traffic Impact Study prepared by CHS Consulting Group. This condition of approval will be null and void if Caltrans constructs these improvements prior to issuance of a temporary or permanent occupancy permit for the proposed building or any tenant space within the building.
44. For Chumalia Street between Hyde Street and East 14th Street install a Class 3 Bike Route so that the two travel lanes and two parking lanes along Chumalia Street remain in place, as recommended on page 20 of the Traffic Impact Study prepared by CHS Consulting Group. For Dan Niemi Way from East 14th Street to Davis Street install Class 2 bike lanes in conformance with California MUTCD Section 9C.04 including all necessary signs and pavement markings, and the adjustment of any existing vehicle detector loops for the signalized intersections prior to issuance of a temporary or permanent occupancy permit for the proposed building or any tenant space within the building, as recommended on page 20 of the Traffic Impact Study prepared by CHS Consulting Group. Additionally, south of Davis Street, a Class III Bike Route should continue along Hays Street to West Juana Avenue, another Class III Bike Route. This will require the installation of bike sharrows and "Bike Route" signage along Hays Street, and no lane reconfiguration. Ultimately, this will complete a "bikeway" from the project site to the San Leandro BART Station.
45. A Park Facilities Development Impact Fee shall be assessed assuming 196 multi-family dwelling units (du) as follows:

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| Park Land Acquisition Fee: | \$15,122.00/du or | \$2,963,912.00 |
| Park Improvement Fee: | \$2,387.00/du or | \$467,852.00 |
| Total Park Impact Fee: | \$17,509.00/du or | \$3,431,764.00 |
46. The Applicant has the option to pay only the Park Improvement fee and dedicate land to the City for use as a Public Park. Using this option, the Park Improvement fee is due in the amount of \$467,852.00, and the required park land dedication is 1.38 acres. These fees were calculated using the Fiscal Year 2020-21 fee rates and are due at Building Permit

issuance. These fees are subject to change on July 1 of each year and are not vested until Building Permit issuance.

47. The Development Fee for Street Improvement (DFSI) shall be assessed in the amount of \$262,446.98 which is calculated at \$1,532.64 per residential unit and \$4.76 per square foot of retail space. A credit for the existing use of the property has been applied to this fee, in the amount of \$176,085.66, which is calculated at \$2.55 per square foot of the existing 20,378 square foot building for the personal services use, and \$4.76 per square foot of the existing 26,076 square foot building for the previous retail use. These fees were calculated using the Fiscal Year 2020-21 fee rates and are due at Building Permit issuance. These fees are subject to change on July 1 of each year and are not vested until Building Permit issuance.

VI. ALAMEDA COUNTY FIRE DEPARTMENT REQUIREMENTS

48. A formal plan check review will be completed at time of building permit submittal. The building will need to comply with all building and fire code requirements in affect at time of building permit submittal.
49. The building shall comply with all Building and Fire Codes requirements for building size, height, exiting, and protection of shafts and corridors.
50. The proper building construction type shall be indicated on the cover sheet: Type IA or B.
51. A "Deferred Submittal" heading on the cover sheet for the Fire Sprinkler system shall be provided.
52. A "Deferred Submittal" heading on the cover sheet for the Life Safety Fire Alarm system shall be provided.
53. A "Deferred Submittal" heading on the cover sheet for the Underground Fire Line shall be provided.
54. A "Deferred Submittal" heading on the cover sheet maybe required for a Fire Pump.
55. A Deferred Submittal shall be provided for the puzzle/stacker/lift parking system.
56. A Deferred Submittal of Carbon Dioxide system may be required for the parking garages.
57. A Deferred Submittal may be required for a generator for the mechanical ventilation based on the Carbon Dioxide system in the garage.
58. Water flow data shall be provided at the time of building submittals to ensure the building can actually be built per Appendix B of the 2019 California Fire Code. This shall be provided every 6 months during the construction phase.
59. Fire extinguishers with a rating of 2A 10:C shall be provided in the corridor with a maximum travel distance of 75 feet.
60. Elevator information will need to be provided indicating whether the cars are propelled by electric, beltdrive, or hydraulic fluid power.

61. Elevators shall be protected by either rooms, doors, or other means of protection.
62. If gas appliances are provided, Carbon Monoxide detectors will be required in the units and maybe in the hallways.
63. Emergency lighting shall be provided in all common areas with an average of 1-foot candle at the floor along the means of egress route and to the public way.
64. Illuminated Exit signs shall be provide identifying the means of egress route.
65. Low level exit signs shall be provided in the corridors.
66. All stairway floors shall be identified with signs as well the stairwell with roof access.
67. All egress door hardware shall be appropriate for its access.
68. All penetrations in rated construction shall be by a listing (sprinkler, electrical, and plumbing).
69. Buildings addresses shall be identifiable from the street and shall have a contrasting background.
70. A Knox Box will be required for each building for fire department access. If an electric gate is installed, an electric Knox Box Key switch will be required to override the system.

VII. PUBLIC WORKS REQUIREMENTS

71. Trash, Recycling, and Organics Collection. Trash, recycling and organics bins shall be placed curbside no more than 24 hours prior to scheduled service day(s). Bins shall be removed from the curb no more than 12 hours after collection service. The solid waste and recycling provider is Alameda County Industries.
72. Recycling Requirements. Applicant is subject to Alameda County Mandatory Recycling Ordinance 2012-01.
73. Retail Disposal Service. Retail tenants are required to subscribe to trash, recycling and organics service.
74. Sewer Connection Fees. This project will be subject to the sewer connection fee current at the time the building permit is issued. The fee is currently \$3,327 per unit plus additional for common areas based on square footage. Fees for the retail space will calculated based on use and may be assessed during tenant improvements. Credit will be given for square footage demolished based on the most recent use.
75. EV Charging Spaces. Part 11 Green Building Standards Code 4.106.4.2: New multifamily dwellings need to have at least 10% of total parking sites be electric vehicle (EV) charging spaces capable of supporting future EVSE. Prior to issuance of building permits, applicant shall provide details of the project's facilitation of EV charging.

76. Solar Zone. Part 6 Energy Code Section 110.10 (b)-(d): There are mandatory requirements for solar ready buildings. Prior to issuance of building permits, applicant shall provide details of the project's solar zone as in compliance with requirements in Title 24.

VIII. EAST BAY MUNICIPAL UTILITY DISTRICT

77. Separate Meters. Once the property is subdivided, separate meters for each lot will be required. A main extension at the project sponsor's expense will be required to serve the proposed development. No water meters are allowed to be located in driveways.
78. Water Service. When the development plans are finalized, the project sponsor shall contact EBMUD's New Business Office and request a water service estimate to determine the costs and conditions of providing water service to the development. Engineering and installation of water mains and meters requires substantial lead time, which should be provided for in the project sponsor's development schedule. The project sponsor should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all of the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense. Due to EBMUD's limited water supply, all customers should plan for shortages in time of drought.

IX. CONSTRUCTION PROVISIONS

79. Construction Hours. Construction on the project site shall not commence prior to 7:00 a.m. and shall cease by 7:00 p.m., Monday through Friday, and shall not commence prior to 8 a.m. and shall cease by 7 p.m. Saturday and Sunday, unless otherwise approved by the Chief Building Official. There shall be no construction on Federal holidays. Interior construction such as sheet rock taping and texturing, painting, tile installation and similar activity shall be permitted outside the above hours provided that construction noise shall not be detectable outside of the buildings under construction or renovation.
80. Construction and Demolition Debris. 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.
81. Bird Nesting. Preconstruction surveys are a best practice for addressing potential project impacts to nesting birds. Such surveys should be completed by a qualified wildlife biologist no more than 14 days prior to the start tree removal. If active nests are identified, a no disturbance buffer of 25-500 feet (depending on species and setting) would be established around each nest until the young are fledged or the nest becomes inactive.
82. Arborist Report. Tree trimming and removal shall adhere to the recommendations made in the Arborist Report and Tree Protection Plan submitted for the Project, dated October 4, 2020.
83. Air Quality. The Project's construction contractors shall use equipment that meets the United States Environmental Protection Agency Tier 4 interim emissions standards for off-road diesel-powered construction equipment with more than 25 horsepower, unless it can be

demonstrated that such equipment is not available. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Tier 4 interim emissions standard for a similarly sized engine, as defined by the California Air Resources Board's regulations. The requirement to use Tier 4 interim equipment for engines over 25 horsepower shall be identified in construction bids.

84. Air Quality. The Project's construction contractors shall maintain a list of all operating equipment in use on the project site for verification by the City of San Leandro Community Development Department/Building Division. The construction equipment list shall state the makes, models, and number of construction equipment on-site. Construction contractors shall ensure that all equipment shall be properly serviced and maintained in accordance with the manufacturer's recommendations.
85. Air Quality. The Project's construction contractors shall communicate with all sub-contractors in contracts and construction documents that all non-essential idling of construction equipment is restricted to 5 minutes or less in compliance with California Air Resources Board Rule 2449 and is responsible for ensuring that this requirement is met.
86. Dust and Noise. Construction activity shall not create dust, noise or safety hazards for adjacent residents and properties. Dirt and mud shall not be tracked onto surrounding streets from the project site during construction. All construction contracts shall include the following requirements: 1) Unpaved construction sites shall be sprinkled with water at least twice per day; 2) Trucks hauling construction materials shall be covered with tarpaulins or other effective covers; 3) Streets surrounding demolition and construction sites shall be swept at least once per day; and 4) Paving and planting shall be done as soon as possible. City shall charge developer, and developer shall pay, for all costs of sweeping city streets in the vicinity of the project as necessary to control dust and spillage.
87. Dust. Standard construction dust control procedures, such as wetting, daily roadwashing and other maintenance functions to control emissions, shall be implemented at all times during outdoor construction. Dust generating activities such as grading, excavation, paving etc., shall be scheduled the early morning and other hours when wind speeds are low. All construction activities entailing soil disturbance shall cease when winds exceed 30 miles per hour as an hourly average.
88. BAAQMD Best Management Practices. Project's construction contractor shall comply with the following best management practices for reducing construction emissions of fugitive dust (PM10 and PM2.5) as required by the Bay Area Air Quality Management District Revised California Environmental Quality Act Air Quality Guidelines:
 - a. Water all active construction areas at least twice daily, or as often as needed to control dust emissions. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.
 - b. Pave, apply water twice daily or as often as necessary to control dust, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.

- c. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
 - d. Sweep daily (with water sweepers using reclaimed water if possible) or as often as needed all paved access roads, parking areas and staging areas at the construction site to control dust.
 - e. Sweep public streets daily (with water sweepers using reclaimed water if possible) in the vicinity of the project site, or as often as needed, to keep streets free of visible soil material.
 - f. Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.
 - g. Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt/sand).
 - h. Limit vehicle traffic speeds on unpaved roads to 15 miles per hour.
 - i. Replant vegetation in disturbed areas as quickly as possible.
 - j. Install sandbags or other erosion control measures to prevent silt runoff from public roadways.
89. Archaeological Monitor. The developer shall retain a qualified professional archaeologist who meets the Secretary of the Interior's Standards for Archaeology, contracted to monitor all ground-disturbing activities.
90. Unidentified Deposits. If prehistoric or historical archaeological deposits are discovered during construction, all work within 25 feet of the discovery shall be redirected and an archaeologist shall assess the situation, consult with agencies as appropriate, and make recommendations regarding the treatment of the discovery. Impacts to archaeological deposits shall be avoided by the project, but if such impacts cannot be avoided, the deposits shall be evaluated for their eligibility for the California Register of Historical Resources. If the deposit is not eligible for the California Register, no further protection of the finds is necessary. If the deposits are California Register eligible, they shall be protected from project-related impacts or such impacts shall be mitigated. Mitigation may consist of but is not necessarily limited to systematic recovery and analysis of archaeological deposits, recording the resource, preparation of a report of findings, and accessioning recovered archaeological materials at an appropriate curation facility.
91. Human Remains. Any human remains encountered during project ground-disturbing activities shall be treated in accordance with California Health and Safety Code Section 7050.5. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of Alameda County has determined the manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation or to his or her authorized representative. At the same time, an archaeologist shall be contacted to assess the situation and consult with agencies as appropriate. Project personnel/construction workers shall not collect or move any human

remains and associated materials. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission (NAHC) within 24 hours of this identification. The NAHC will immediately identify a Native American most likely descendant (MLD) to inspect the site and provide recommendations within 48 hours for the proper treatment of the remains and associated grave goods.

92. 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.
93. Truck Route Plan. The developer shall prepare a construction truck route plan that would restrict trucks to arterial streets that have sufficient pavement section to bear the heavy truck traffic, thereby minimizing noise and traffic impacts to the community. The construction truck route plan shall be reviewed and approved by the City Traffic Engineer prior to receipt of the grading permit.
94. Truck Hauling Hours. Truck hauling activities shall be restricted to 7:00 a.m. to 5:00 p.m. There shall be no truck hauling activity on Saturdays, Sundays and legal holidays without prior approval from the Community Development Director.
95. Maintenance. During the construction phase, the site shall be well maintained in a neat manner, free of weeds, litter and debris.
96. Secure Construction Site. The property shall be secured during construction with a six (6) foot high chain link fence and any other necessary security measures in accordance with recommendation of the San Leandro Police Department. Modifications to temporary construction fencing from City standards may be considered and approved by the Community Development Director.
97. Pest and Vermin Control. Pest and vermin control shall be instituted prior to the demolition and construction of the project.
98. Construction Facilities. Potable water and temporary sanitary facilities shall be provided to workers during construction activities. Temporary sanitary facilities shall be kept in a clean and odorless condition, secured, and located away from nearby residences.
99. Construction Contact. Adjacent businesses and residents shall be provided with the contact information of the responsible site foreman or managing general contractor during periods of grading and construction.
100. Conditions of Approval. A copy of these Conditions of Approval shall be identified on the plans submitted with the building permit application and posted or made available on the job site during construction.

X. BUILDING AND SAFETY DIVISION

101. Building shall comply with 2019 Building and Fire codes for building height, size, exiting, travel distance, MEP penetration's and shafts, and provide egress windows for bedrooms.
102. Compliance with Title 24 is required.

103. CalGreen. Construction and Demolition shall be as per CalGreen and CalGreen Residential Mandatory Measures Checklist.
104. Chapter 11A. All floors being served by an elevator are considered a ground floor and shall comply with Chapter 11A requirements.
105. Fire rating for walls, roof and roof eaves within 5' of property line
106. Fire separation between units, stairs, hallways, utility room, elevator shaft and MEP penetration's all rated assemblies shall be listed.
107. ADA Accessibility/Fair Housing Act Compliance. Provide adaptable accessible units and accessible path of travel from public right of way and accessible parking to the following: leasing office, individual units, elevator, amenities spaces, laundry room, mail room, and site. Common use areas shall accommodate accessible activities or provide equivalent facilitation. Residential roof top deck shall be accessible. All egress routes shall have accessible compliant hardware. Provide accessible clearances for all accessible spaces.
108. Occupancy Information. Provide occupancy type and occupant load for all residential amenity locations and occupant load for commercial exterior spaces.
109. Signage. Provide residential and commercial signage per 2019 CBC.
110. Non-residential Building Commissioning is required.
111. Deferred Submittals. List all deferred submittals. Mechanical, Electrical and Plumbing (MEP) shall not be a deferred submittal.

XI. MAINTENANCE

112. Maintenance. The project site and public right of way shall be well maintained and shall be kept free of litter, debris and weeds. Street trees and tree wells shall be maintained. The property owner shall be responsible for the maintenance of the project site and adjacent public right-of-way.
113. Balconies and Patios. Balconies and patio areas shall be kept in a neat and clean condition at all times and shall not be used for storage. Access to patio doors shall be maintained unobstructed for emergency access.
114. Pet Waste. Pet waste shall be promptly removed and properly disposed from all property sidewalks, pet areas, and landscaping. An outdoor pet waste disposal receptacle shall be provided and maintained if pets are permitted in common areas.
115. Fencing and Walls. All fencing and walls on the project site shall be structurally sound, graffiti-free and well maintained at all times.
116. Trees and Landscaping. All landscaping improvements shall be maintained by the property owner in a healthy, growing condition at all times. Street trees and tree wells shall be maintained. All trees shall be planted so that at maturity they are located far enough away from the sidewalk so that their branches are at least eight (8) feet above the sidewalk area and 14 feet above the roadway/vehicle traveled way. Tree removal, trimming, and other vegetation removal shall be completed between outside of bird nesting season.

117. No Graffiti. Any graffiti shall be promptly removed from building walls, common areas and/or equipment. The developer and its successors in interest shall comply with the rules and regulations of the City's graffiti removal program and shall grant a license and right of entry as requested to enforce the terms of such program.
118. Temporary Signage. No temporary or unauthorized signs including but not limited to banners, streamers and pennants shall be placed on the property, unless approved by the City under a Temporary Sign Permit or Special Event Permit. The use of spotlights, feather signs, animated or inflatable signs, balloons, and lasers shall be prohibited at all times.

XII. PARKING MANAGEMENT

119. Parking Conversion. Spaces within the parking garage shall not be converted to storage cages or any other uses that would obstruct or prevent its use for vehicle parking without prior approval from the Community Development Director.
120. Motorcycles. Unused portions of the parking garage that are too small to accommodate a standard vehicle may be modified to accommodate additional bicycle parking and/or motorcycle parking spaces subject to approval of the Community Development Director.
121. Prohibited Vehicles. The parking and storage of boats, trailers, camper tops, cargo containers and inoperable vehicles on the subject property shall be prohibited at all times.
122. Parking Maintenance. The property owner shall regularly maintain the parking areas and shall be responsible for the prompt clean up and removal of litter, oil stains and spilled vehicle fluids. Parking areas shall be well maintained and kept free of litter and debris at all times. Parking lifts shall be regularly maintained and in operable condition to ensure optimal vehicle capacity.
123. Parking Management. Parking spaces shall be actively managed for optimal utilization. The City shall have the authority to require modifications and/or impose additional limitations on parking in order to address issues that may arise in the future, including but not limited to requiring residential parking permits for the use of surrounding public streets, subsidized transit passes for residents and/or employees, permitting overflow parking in the adjacent City parking garage, and/or modifying restrictions on street parking.
124. Car-sharing. Car-sharing shall be deemed a permitted accessory use. Parking spaces may be assigned or designated for car-sharing vehicles subject to review and approval by the Zoning Enforcement Official. No employees or agents of a car-sharing business or organization shall perform vehicle repairs/services or operate a permanent business office on the subject property.
125. Loading. Deliveries and Moving Trucks shall not load or unload from the public right-of-way without prior approval of an encroachment permit. Loading and unloading shall not obstruct the flow of traffic on surrounding streets.
126. Smoking within all parking garage areas shall be prohibited.
127. Bicycle parking and/or lockers shall be provided as a complimentary amenity to the residents and shall not be separately leased to residents at an additional cost.

128. Street parking adjacent to the property shall be subject to the City's downtown parking management and enforcement program.

XIII. GENERAL CONDITIONS

129. Any outstanding Planning deposit fees or balance shall be paid prior to issuance of a building permit.

130. Developer shall pay its City development, permitting, and plan checking fees in accordance with the fee schedules in effect at the time of the Building Permit approval.

131. Prior to issuance of building permits, the applicant shall pay school fees as mandated by the State of California.

132. Smoking and vaping shall be prohibited within 25 feet of all common areas. A no-smoking sign shall be prominently displayed outdoors in the vicinity of common areas. All residents shall be notified of those areas where smoking and vaping is prohibited in accord with California Civil Code §1947.5.

133. The property manager shall maintain a copy of these Conditions of Approval in the leasing office and shall provide a copy to tenants and residents of the buildings upon request.

134. No use, activity, or process shall produce vibrations that are perceptible without instruments by a reasonable person at the property lines of a site.

135. No use, process, or activity shall produce dust that is perceptible without instruments by a reasonable person at the property lines of a site.

136. No objectionable odors or vibration emanating from the project site shall be detectable beyond the subject property. The City may require installation of vibration control measures or odor control measures including but not limited to the installation of air filters, misting systems, carbon adsorbers, odor control blocks, passive or active vibration control measures, or wind screens and/or require changes in site operations.

137. The solid waste and recycle containers shall be kept inside the designated space and kept out of public view, except when it is necessary to place them at the trash staging area on days that the contents of the containers are picked up for disposal. The property owner shall be responsible for securing trash, recycling and composting waste containers and preventing the theft of recycled materials. Property owner shall provide keys or cards to the franchised waste hauler or service company for access to any locked gates or enclosures if services are not provided by on-site maintenance staff. The property owner shall be responsible for ensuring solid waste and recycle containers are secured and waste enclosures are locked promptly after collection.

138. The property owner shall be responsible for the regular cleaning and maintenance of all trash, organics and recycling enclosure areas and receptacles and shall ensure organics collection receptacles are maintained in an odor-free condition.

139. Vehicle idling shall be actively discouraged and restricted to a maximum of two minutes. A sign up to 3 square feet in size shall be clearly posted at the entry to notify drivers of this requirement.
140. All exterior mechanical equipment such as air conditioning/heating units and communications equipment shall be screened from view so as not to be visible from adjacent properties or streets to the satisfaction of the Community Development Director.
141. All electrical, gas, and water meters shall be located such that they will not be visible from the streets, or these units shall be screened or enclosed.
142. The property shall comply with all City noise ordinance standards. The operation of any instrument, audio equipment, television set, machine or similar device between the hours of 10:00 p.m. and 8:00 a.m. in a manner as to be plainly audible at a distance of fifty (50) feet from the building shall be prohibited.
143. Outdoor loudspeakers and public announcement systems shall be prohibited from installation and use.
144. Noise from any mechanical equipment, elevators or generators shall be minimized and insulated from adjacent residential units and shall comply with the City's Noise Ordinance.
145. All mechanical equipment shall be designed and maintained to comply with City noise standards.
146. Any future wireless telecommunications facilities proposed on the subject property considered through a separate permit shall be fully screened and incorporated wholly within the building's architecture. All service equipment and conduit shall be accommodated within the building's interior. No conduit, panels or equipment shall be permitted to be mounted on the building's exterior walls. No conduit, panels or mechanical equipment may be mounted in a visible location or manner on the sides of the building.
147. 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.
148. No application for amendment of the application or 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 Community Development Director waives compliance with the terms of the application and Conditions of Approval pending application for the amendment.