

Exhibit B

CONDITIONS OF APPROVAL

PLN17-0061

**1604 and 1642 San Leandro Boulevard
S. Criscimagna, Eden Housing, Inc. (Applicant)
Parrott Street Investors, LLC (Property Owner)**

I. COMPLIANCE WITH APPROVED PLANS

- A. The project shall comply with Exhibits A through CC, dated January 4, 2018 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).

Exhibit A - Coversheet A0.0
Exhibit B - Project Data A0.1
Exhibit C - Existing Site Conditions A0.2
Exhibit D - Site Plan A1.0
Exhibit E - Building Plan (Ground Level and Podium Level) A2.0
Exhibit F - Building Plan (Level 3 and Level 4) A2.1
Exhibit G - Building Plan (Level 5 and Roof Plan) A2.2
Exhibit H - Courtyard Exiting Diagram A2.3
Exhibit I - Elevations (San Leandro Boulevard) A3.0
Exhibit J - Elevations (Parrott Street) A3.1
Exhibit K - Sections A4.0
Exhibit L - Architectural Details (Windows) A6.0
Exhibit M - Architectural Details (Windows and Stoops) A6.1
Exhibit N - Architectural Details (Signage) A6.2
Exhibit O - Lighting Fixtures A6.3
Exhibit P - Egress Windows A6.4
Exhibit Q - Color and Material Board A7.0
Exhibit R - Perspective (Parrott Street) A8.0
Exhibit S - Perspective (San Leandro Boulevard) A8.1
Exhibit T - Landscape Concept Plan L1.1
Exhibit U - Landscape Concept Plan (Podium Level 2) L1.2
Exhibit V - Landscape Concept Plan (Site Furnishings) L1.3
Exhibit W - Landscape Concept Plan (Plant Images) L1.4
Exhibit X - Existing Conditions C1.1
Exhibit Y - Preliminary Grading and Drainage C1.2
Exhibit Z - Preliminary Utility Plan and Offsite Improvements C1.3
Exhibit AA - Preliminary Stormwater Control Plan C1.4
Exhibit BB - Joint Trench Title Sheet INT1
Exhibit CC - Joint Trench INT2

- B. 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.

- C. Site Plan Review approval shall lapse after one (1) year following Board of Zoning Adjustments approval of the application unless a grading permit or building permit has been issued, coupled with diligent progress evidencing good faith intention to commence the intended use; or an occupancy permit has been issued; or the approval is renewed, as provided in Section 5-2218.E. Pursuant to Zoning Code Section 5-2218.E. upon written request the approval may be renewed by the Zoning Enforcement Official for one (1) year, with one additional (1) one-year renewal allowed for a total period not to exceed two (2) years without notice or public hearing if the findings required by Section 2-580.H. remain valid. Application for renewal shall be made in writing to the Community Development Director not less than 30 days or more than 120 days prior to expiration of the Site Plan Review approval. Denial of a request for renewal of the Project approval may be appealed.

II. PERMITTED USE

- A. This Site Plan Review approval permits construction of a 62-unit multi-family residential building that includes 22 studio units, 22 one-bedroom units and 18 two-bedroom units, at 1604 and 1642 San Leandro Boulevard (southeast corner of San Leandro Boulevard and Parrott Street). The proposed new building would be four-story construction above a parking level that would contain 31 parking spaces. Assessor's Parcel Numbers 75-28-1-2 and 75-28-11-2.
- B. 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 other legally binding documents regulating development on the property; and (ii) there is full compliance with all terms of the application and Conditions of Approval, or (iii) the Community Development Director has waived compliance with the terms of the application because they are minor in content.
- C. Construction of the project shall remain in substantial compliance with the approved exhibits and plans. The Zoning Enforcement Official may approve changes to approved plans or in 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. Revisions involving substantial changes in project design or conditions of approval shall be treated as new applications, to be reviewed as a new project.

III. ADDITIONAL PLAN SUBMITTALS

- A. 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.
- B. 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 the quality of the exterior design. Said plans and specifications shall indicate the exact type of stucco, windows and framing, front doors, door and window trim, deck and porch

railings, garage door, solid waste/recycling room door, and light fixtures to ensure that the new building's exterior materials and finishes meet the standards illustrated in the approved exhibits. In addition, a final paint colors board shall be submitted for the exterior of the building.

- C. Prior to issuance of building permits, the developer shall submit final details and specifications including, but not limited to: material samples for driveways, private walkways, and special building features, for review and approval by the Zoning Enforcement Official.
- D. Prior to issuance of building permits, the developer shall submit final landscape and irrigation plans for the review and approval of the Zoning Enforcement Official and Principal Engineer. Said plans shall include all setbacks, common areas (i.e., planter at podium level in northwest corner, raised pots), and planters adjacent to the driveway. At a minimum, the planting plan shall include trees with a minimum size of 15 gallons. The minimum size for the shrubs and vines shall be five gallons and the ground cover shall be one gallon or from flats with appropriate spacing for coverage. Said 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.
- E. Prior to issuance of building permits, the developer shall submit final plans and details for the site lighting and specific street lighting details regarding location, candle power, and light levels (by submittal of a photometric study) for the review and approval of the City Engineer and Community Development Director. The plans and details shall show location, height, decorative features, and construction details showing materials and finishes to be used for construction. No site lighting may spill offsite or create glare offsite.
- F. 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. BUILDING AND SAFETY SERVICES REQUIREMENTS

- A. The project shall meet all Non-Residential CalGreen requirements.
- B. Building permit plans shall include Accessible ready units.
- C. Building permit plans shall show Accessible path of travel from Accessible garage parking spaces.
- D. Building permit plans shall show the mechanical unit on the Courtyard space and provide all the details and specifications to how and what the mechanical unit is servicing (i.e., mechanical venting).

- E. Building permit plans shall show the Courtyard occupancy and exiting that satisfies required Building and Fire Codes.

V. ENGINEERING AND TRANSPORTATION DEPARTMENT REQUIREMENTS

A. General Conditions of Approval:

- 1. The project is proposed to occur over two existing parcels. The Applicant shall merge the two parcels through a Lot Line Adjustment/Lot Merger application with the Engineering and Transportation Department. The application can be found at the following link: <https://www.sanleandro.org/civicax/filebank/blobdload.aspx?blobid=3617>.

B. Storm Drainage Conditions of Approval:

- 1. The parking garage does not appear to have any overland release in case of wind driven rain enters the garage, or an emergency event such as flooding. Building permit plans shall either lower the elevation at the garage door or raise the floor elevation of the garage to allow any water that enters the garage space to gravity flow out to Parrott Street.
- 2. The storm drainage pipe proposed across Parrott Street, from the catch basin immediately north of the project site to the catch basin on the north side of Parrott Street, shall be Class IV RCP due to shallow bury depth. The storm drainage pipe from the catch basin on the north side of Parrott Street to the proposed new manhole at the corner of Parrott Street and San Leandro Boulevard shall be Class III RCP.

C. Clean Water Program Conditions of Approval:

- 1. Because the project creates or replaces more than 10,000 square feet 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). All requirements of the Stormwater Requirements Checklist (Reference 6 above) shall be followed prior to issuance of a Grading and/or Building Permit.
- 2. The Applicant shall provide an Operations and Maintenance Agreement (O&M) for the storm drain media filter prior to the issuance of a Grading Permit.
- 3. All proposed storm drain onsite and offsite inlets shall be marked “NO DUMPING, DRAINS TO BAY” as per the City of San Leandro Standard Plan Dwg. No. 204. All proposed storm drain inlets that are not within bioretention areas shall have “United Storm Water” or equivalent trash capture devices.
- 4. 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.

5. 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.

D. Off-Site Improvements Conditions of Approval:

1. There are existing decorative crosswalks adjacent to the project site, across Parrott Street and San Leandro Boulevard. The Applicant shall replace any damaged or removed sections of the decorative crosswalks that result from utility trenching or other construction activities.
2. The irrigation for the new street trees shall tie-in to the proposed on-site irrigation system.
3. Any work within the Public Right-of-Way shall be performed per City of San Leandro standards as well as current standards for disabled accessibility, and shall require an Encroachment Permit from the City of San Leandro Engineering and Transportation Department.
4. The Applicant shall use the red curb already proposed (20 feet west and 19 feet east of the new driveway on Parrott Street) for the storage of trash containers on trash pickup days. The 50 foot long trash container pickup zone proposed on the drawings (i.e., Exhibit Z - Preliminary Utility Plan and Offsite Improvements C1.3) shall not be used because it will displace public curb parking.

E. Grading Conditions of Approval:

1. A Grading Permit shall 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.
2. There appear to be two ramps in the hallway of the first floor of the building, but the finished floor elevations in the units, hallway and stairwell are all shown the same. Building permit plans and grading permit drawings shall clarify how the grades will change throughout the first floor.

F. Utility Conditions of Approval:

1. The applicant shall locate all electric and communications utilities serving the site underground.

G. Other Conditions of Approval:

1. The Development Fee for Street Improvement (DFSI) is calculated for the project using the rate of \$1,389.42 per residential unit, for a total of \$80,586.36. This fee includes a

credit for the existing four unit residential building, and shall be 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.

2. The Marina Boulevard/Interstate 880 Interchange Traffic Impact Fee is calculated for the project using the rate of \$698.86 per residential unit, for a total of \$40,533.88. This fee includes a credit for the existing four unit residential building, and shall be 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.
3. The Park Land Acquisition and Improvement fees is calculated for the project using the rate of \$15,727.00 per multi-family residential unit, for a total of \$912,166.00. This fee includes a credit for the existing four unit residential building. 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 \$125,860.00, and the required park land dedication is 0.42 acres. These fees shall be 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.
4. The Applicant shall pay an in-lieu fee for undergrounding of utilities along Parrott Street, per the City's Underground Utility District Master Plan, adopted September 16, 1985, amended April 20, 1992. The fee is estimated to be in the amount of \$42,835.73, which is calculated using the residential unit rate of \$1,488.09 per unit and pro-rated for approximately 130 feet of frontage along Parrott Street. This fee shall be due at the time of building permit issuance. This fee is subject to change on July 1 of each year.

VI. ENVIRONMENTAL SERVICES REQUIREMENTS

- A. If the building is going to install a standby electrical generator or a fire pump with an attached fuel tank, that storage tank shall comply with all requirements of the 2016 California Fire Code.
- B. The storage of hazardous materials in quantities equal to or greater than 55 gallons, 200 cubic feet or 500 pounds requires submittal of a Hazardous Materials Business Plan (HMBP). HMBP submittal shall be completed via the California Environmental Reporting System (CERS) online database. An HMBP shall be submitted prior to issuance of a certificate of occupancy or placement of the registerable chemicals on to the site, whichever occurs first. The plan is subject to the review and approval of Environmental Services.
- C. Generation of any amount of hazardous waste requires notification via the CERS online database and may require hazardous material inventories also on CERS.
- D. The elimination of exposure of materials, processes or equipment to the maximum extent practicable shall be required to prevent contamination of rainwater. Exposures that cannot be eliminated shall require use of Best Management Practices (BMPs), both engineered and administrative, to prevent remaining exposures from impacting rainwater runoff.

- E. The discharge of anything other than rainwater to the storm water collection system, including area drains, sidewalks, parking areas, street curb or gutter, is strictly prohibited.
- F. Container Management of Trash, Solid Waste and/or Recyclables shall be required to prevent exposure to or contamination of rainwater, creating illicit discharges or impacting receiving surface waters. Planned outdoor activities may require the installation of structural BMPs to address trash control plan reduction requirements.

VII. ALAMEDA COUNTY FIRE DEPARTMENT REQUIREMENTS

- A. The project shall comply with all building and fire codes in effect at the time of building permit submittal.
- B. Aerial apparatus access for this project shall be from San Leandro Boulevard and shall comply with requirements set forth in Appendix D.
- C. The fire pump (if required) shall be located in a room that is directly accessible from the exterior.
- D. Additional fire hydrants and/or modifications to the existing East Municipal Utility District (EBMUD) system shall be made by the applicant (if required) to comply with fire code requirements.
- E. A gurney accessible elevator that complies with Section 3002.4A shall be provided. Alternative designs are not acceptable.
- F. A straight run stair shall be provided from the ground level to the podium level.

VIII. PUBLIC WORKS DEPARTMENT REQUIREMENTS

- A. Plans for Building Permit submittal shall note each individual unit having sufficient internal dedicated storage and collection space for trash, recyclables and organics. In addition, Plans for Building Permit shall indicate dimensions of trash areas/rooms and chute vestibules, trash room dimensions, dimensions of trash/recycling chutes, proposed size, number and types of all containers (compactor, dumpster, etc.) – see Commercial Establishment Guidelines for additional information at www.RecycleSanLeandro.org.
- B. The trash enclosure shall be large enough to keep one dumpster under each chute, plus enough space to keep a spare dumpster for each for service days. Indicate the size of additional containers on plans.
- C. Trash chute room(s) shall observe requirements of the current California Building Code regarding accessibility to solid waste collection containers for persons with disabilities (CCR Title 24, Part 2).
- D. The building shall provide readily accessible solid waste disposal area(s). Disposal area(s) shall be located within a reasonable walking distance from each unit served.

- E. Applicant shall provide a plan for servicing bins at curbside. See Multi-Family Dwelling Enclosure Guidelines at <http://sanleandro.org/civicax/filebank/blobdload.aspx?blobid=15085>, for more information. (Note: Solid waste & recycling service provider is Alameda County Industries).
- F. Applicant shall comply with Alameda County Mandatory Recycling Ordinance No. 2012-01. For more information, see www.RecyclingRulesAC.org.
- G. The project is subject to Construction & Demolition Debris Recycling Ordinance per Chapter 3-7 of the San Leandro Municipal Code, which states: all asphalt and concrete and 50% of all other materials generated at a project site shall be recycled for projects with a valuation in excess of \$100,000. Permit applicants shall demonstrate compliance by completing and submitting an online Waste Management Plan using Green Halo Systems prior to permit issuance. Applicants shall 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 the Green Halo Systems.

IX. FENCING AND SCREENING REQUIREMENTS

- A. All fencing and walls on the project site shall be structurally sound, graffiti-free and well maintained at all times.
- B. Barbed or razor wire shall not be installed on any fence, wall or building on the project site.
- C. All walls, fences, and landscaping within the front setback or driveway shall be maintained at a height of not more than 36 inches above the top of the nearest adjacent curb and gutter to allow for adequate sight distance, or unless otherwise approved by the City's Transportation Engineer.
- D. All exterior mechanical equipment such as air conditioning/heating units and radio/television antennas shall be screened from view so as not to be visible from adjacent properties or streets to the satisfaction of the Community Development Director. This condition shall not apply to wireless cable receivers that do not exceed three feet in diameter.

X. MAINTENANCE

- A. The project site and public right-of-way shall be well maintained and shall be kept free of litter, debris and weeds at all times; during construction. Post construction, the project site and public right of way shall be well maintained and shall be kept free of litter, debris and weeds. The property owner shall be responsible for the maintenance of the project site and adjacent public right-of-way.
- B. Any graffiti shall be promptly removed from building walls or fences. 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.

- C. All landscaping improvements located on the project site and within the adjacent public right of way shall be maintained by the property owner in a healthy, growing condition at all times.
- D. During the construction phase, the site shall be enclosed with a security fence and shall be well maintained in a neat manner, free of weeds, litter and debris.
- E. 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 curbside on days that the contents of the containers are picked up for disposal.
- F. There shall be no parking or storage of boats, trailers, camper tops, inoperable vehicles and the like outside the buildings, within the project. In addition, the parking garage shall not be used for storage, converted to living area, or any other use that would obstruct the garage to prevent its use for vehicle parking. Furthermore, there shall be no outdoor storage permitted in the common yard (courtyard) area, with the exception that said courtyard can be furnished with plants and patio furniture.
- G. 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.

XI. CONSTRUCTION PROVISIONS

- A. 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. As provided in this 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 or private right-of-way, streets, structures, utilities, facilities, or other similar property. Construction activities carried on in violation of this Article may be enforced as provided in Section 4-11-1130, 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.
- B. Construction activity shall not create dust, noise or safety hazards for adjacent residents and properties. Dirt and mud shall not be tracked onto San Leandro Boulevard or Parrott Street from the project site during construction. 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.

- C. 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 Transportation Administrator prior to receipt of the grading permit.
- D. Truck hauling activities shall be restricted to 8:00 a.m. to 5:00 p.m. There shall be no truck hauling activity on Saturdays, Sundays and Federal holidays.
- E. Procedures with the highest noise potential shall be scheduled for daylight hours, when ambient noise levels are highest.
- F. The contractor(s) shall be required to employ the quietest among alternative equipment or to muffle/control noise from available equipment.
- G. 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.
- H. The property shall be secured during construction with a six (6) foot tall chain link fence and any other security measures in accordance with recommendation of the San Leandro Police Department.
- I. Pest and vermin control shall be instituted prior to the demolition and construction of the project.

XII. GENERAL CONDITIONS

- A. 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.
- B. Prior to issuance of building permits, the applicant shall pay school fees as mandated by the State of California.
- C. All mechanical equipment shall be designed and maintained to comply with City noise standards.
- D. On-site lighting shall be designed and located so as to not interfere with traffic on adjacent streets and so as not to shine on adjacent properties, details subject to the approval of the City Engineer and the Community Development Director.
- E. 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.