

EXHIBIT 1

**RECOMMENDED
CONDITIONS OF APPROVAL**

PLN16-0009; Modification of Planned Development, PD-91-3

Heron Bay Residential Subdivision

Alameda County Assessor's Parcel Numbers 80G-1325-5-1, 80G-1406-26, and 80G-1406-29

J. Tepper (Applicant); Heron Bay Homeowners Association c/o B. Ritter, HSS, Inc. and

F. Simon Association President (Property Owner)

I. COMPLIANCE WITH APPROVED PLANS

- A. The project shall comply with revised Exhibit A and Exhibits B through D, dated October 20, 2014, 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 – Site Map (to be revised as per Condition II F)

Exhibit B – Enlarged Partial Site Plan and Floor Plan

Exhibit C – Perspectives, Colors and Materials

Exhibit D – Elevations

Exhibit E - Anchorage Drive Improvements (to be deleted as per Condition II. F.)

II. PERMITTED USE

- A. This is an approval for a Modification of Planned Development, PD-91-3, to construct a new 183 square foot kiosk for an attendant, including a restroom and small storage closet, on the Heron Bay Park near the Lewelling Boulevard entry circle of the Heron Bay residential development; Alameda County Assessor's Parcel Numbers: 80G-1325-5-1, 80G-1406-26, and 80G-1406-29.
- B. The kiosk shall only be for use by an attendant/security personnel hired by the Heron Bay Homeowners Association. It shall not be used for living such as sleeping and cooking. It shall not be used for commercial or office use.
- C. Attendants/security personnel are prohibited from detaining, stopping, or impeding any members of the public utilizing the public access easement and public right-of-way, including any pedestrian, bicycle or vehicular traffic. At all times the operation of the kiosk shall be in full compliance with San Francisco Bay Development Conservation (BCDC) and City of San Leandro requirements in maintaining public access to and from the San Francisco Bay Trail and City of San Leandro Shoreline Area. Any incidents of public detainment or impeding public access to the shoreline shall be immediate grounds for the revocation of this Planned Development Modification.
- D. The installation or addition of any security features, deterrents, or obstacles not identified with this Planned Development Modification approval, including gates, fences, misleading signage, rock walls, lighting, shrubbery or other blockages placed within the

public access easement or the public right-of-way which have the purpose or effect of limiting or discouraging public shoreline access shall be prohibited.

- E. The kiosk's Front Elevation (south facing Bayfront Drive) and the Right Elevation (east facing the Lewelling Boulevard circle), shall include BCDC directional signage identifying the Bay Trail, Public Shore and/or Parking. BCDC standard sign details can be found at: <http://www.bcdc.ca.gov/pdf/planning/SSSG.pdf>. Furthermore, as part of the Building Permit application submittal, a plan shall be provided showing additional Public Access signs installed along Bayfront Drive clearly informing and directing public access to the City's Shoreline area and the Bay Trail to the satisfaction of the Community Development Director. The removal or relocation of any required BCDC public access signage shall be prohibited without prior written approval from the Community Development Director.
- F. No gate and no barrier shall be permitted at Anchorage Drive. Exhibit A shall be revised and submitted to the Planning Services Division prior to submittal of Building and Engineering permits to identify no changes to the current design of Anchorage Drive and Exhibit E shall be removed.
- G. In the event a permit is required from BCDC for any component of this project, said permit shall be obtained from BCDC.
- H. 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.
- I. Construction of the project shall remain in substantial compliance with the approved exhibits and plans. Any change to the project design, materials or colors shall be subject to the review and approval of the Community Development Director who may administratively approve minor changes, or for more substantial changes, require review by the Planning Commission and City Council as a modification to the Planned Development.

III. BUILDING AND SAFETY SERVICES, ENGINEERING & TRANSPORTATION DEPARTMENT, ALAMEDA COUNTY FIRE DEPARTMENT REQUIREMENTS

- A. All required Building Permits shall be obtained prior to construction of the kiosk, gate arm structure, and raised barrier for the Heron Bay residential development.
- B. Prior to issuance of Building Permit, the Permit application shall be supplemented with required construction documents and they shall include but not be limited to the showing the following:
 - 1. An American Disabilities Act (ADA) accessible walkway is required and shall show connection from the entry kiosk to the existing sidewalk.

2. Easement information shall be shown on the drawings. All the easements shall be labelled. Refer to previous tract maps for reference.
3. Utility connections for electricity, gas, water and sewer shall be shown on the drawings. Label or create a legend for all the utility lines. Refer to previous utility drawings for reference.
4. The kiosk location shall be shown on the drawings with respect to existing joint utility trench. Joint Trench Composite Plan is on record with the City of San Leandro, Engineering and Transportation Department, Case 1201 Drawings 509 and 510.

VI. PUBLIC WORKS DEPARTMENT REQUIREMENT

- A. Passage rights shall be maintained for City of San Leandro Public Works Environmental Services Inspectors for performing inspections of the Alameda County Pump Station or Livermore Amador Valley Water Management Association (LAVWMA) pump station, which are located within Heron Bay, and for responding to spills or illicit discharge complaints either when within Heron Bay or when needing to access the marsh area adjacent to Heron Bay.

V. FENCING AND SCREENING REQUIREMENTS

- A. Electrical, gas, and water meters shall be located such that they will not be visible from the street, or these units shall be screened or enclosed. The screen or enclosure shall be painted to match the color of the exterior building wall that it is affixed to.
- B. Barbed or razor wire shall not be installed on any fence, wall or building on the project site.

VI. MAINTENANCE

- A. The project site shall be well maintained and shall be kept free of litter, debris and weeds at all times; during construction, the site shall be well maintained and shall be kept free of litter, debris and weeds.
- B. Any graffiti shall be promptly removed from building walls, perimeter soundwalls and/or fences..
- C. All landscaping improvements shall be maintained in a healthy, growing condition at all times.

VII. 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. 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 building under construction.

- B. Construction activity shall not create dust, noise or safety hazards for adjacent residents and properties. Dirt and mud shall not be tracked onto Lewelling Boulevard 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. Procedures with the highest noise potential shall be scheduled for daylight hours, when ambient noise levels are highest.
- D. The contractor(s) shall be required to employ the quietest among alternative equipment or to muffle/control noise from available equipment.

VIII. GENERAL CONDITION

- A. 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.