

Exhibit B
Conditions to Vesting Tentative Map and Proposed Planned Development

RECOMMENDED CONDITIONS OF APPROVAL

PLN2009-00006

2450 Washington Apartments

(2.85 acre site on east side of Washington Avenue);

Assessor's Parcel Numbers 77-556-104 and 77D-1410-25

Wm. Mathews Inc. (Applicant and Property Owner)

Conditions written in italics denote those added after the Planning Commission, in response to outside agencies commenting during the public review period;

Conditions written in bold italics were added by the Planning Commission upon its vote to recommend approval during the October 20, 2011 public hearing

I. COMPLIANCE WITH APPROVED PLANS

- A. The project shall comply with exhibits and plans attached to the Staff Report, dated November 21, 2011, 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 – Illustrative Development Plan/Vicinity Map (1)

Exhibit B – Building Elevations (A1)

Exhibit C – Standard Elevations (A2)

Exhibit D – Gatehouse Elevations (A3)

Exhibit E – Main Floor Plan (A4)

Exhibit F – Upper Floor Plan (A5)

Exhibit G – Roof Plan (A6)

Exhibit H – Site Section (A7)

Exhibit I – Shadow Studies (A8)

Exhibit J – Elevations, Recreation (Community) Building (A9)

Exhibit K – Elevations, Recreation (Community) Building (A10)

Exhibit L – Recreation (Community) Building Floor and Roof Plan (A11)

Exhibit M – Utility Structures (A12)

Exhibit N – Details (A13)

Exhibit O – Code and Accessibility Analysis (A14)

Exhibit P – Code and Accessibility Analysis (A14.2)

Exhibit Q – Dimensioned Site Plan (E1)

Exhibit R – Landscape Plan (L-1)

Exhibit S – Plant List

Exhibit T – Washington Avenue Streetscape

Exhibit U – Vesting Tentative Map, Tract 8003, for One Lot Condominium

Exhibit V – Boundary and Topographic Map

Exhibit W – Dimensional Site Plan

Exhibit X – Preliminary Grading and Utility Plan

Exhibit Y – Typical Sections

Exhibit Z – Truck Turning Exhibit

- 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. Construction shall commence within 10 (ten) years, per the Development Agreement, following City Council approval and shall be substantially completed 18 (eighteen) months thereafter. For the purpose of compliance with this condition, commencement of construction shall be defined as the construction of a substantial portion of the private street improvements and infrastructure.

II. PERMITTED USE

- A. This is an approval for a Planned Development and Vesting Tentative Map to develop twelve apartment buildings and a community building with a total of 48 two-bedroom and 18 one-bedroom units, on approximately 2.85 acres on Washington Avenue rezoned to RM-1800; Assessor's Parcel Numbers 77-556-104 and 77D-1410-25.
- 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. 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. 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 multi-family project, according to the most current GreenPoint Rated for Multi-Family projects, 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, the developer shall submit final details and specifications including, but not limited to: material samples for driveways,

interior sidewalks, and special building features, for review and approval by the Community Development Director.

- C. 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 such details 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 conform to the Water Efficient Landscape Ordinance as codified in Article 19 of the San Leandro Zoning Code.
- D. Prior to issuance of building permits, the developer shall submit final plans and details for the perimeter walls, fencing, and site lighting (including submittal of a photometric study) for the review and approval of the 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.
- E. *Prior to issuance of building permits, the developer shall submit final plans and details for all attached garages that include noise attenuation structural upgrades to create a quiet interior (45 dBA), for the review and approval of the Community Development Director and the Chief Building Official. Said plans shall contain design elements to decrease noise from the attached garages impacting the adjacent residential units within the building.*
- 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. MITIGATION OF ENVIRONMENTAL IMPACTS

- A. All mitigation measures indicated in the Mitigated Negative Declaration shall be included and are hereby incorporated as Conditions of Approval. Said mitigation measures are also listed in the Mitigation Monitoring Plan and the developer shall comply with and implement all provisions of said Mitigation Monitoring Plan.

V. BUILDING AND SAFETY SERVICES CONDITIONS

- A. All 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.
- B. Prior to approval of the final building plans for building permits, the developer shall submit evidence of compliance with Title 24 Code, to the satisfaction of the Building Official.

- C. Prior to approval of building permits, the developer shall submit evidence of compliance with the California Building Code related to the following accessibility requirements:
- 1) Accessible path of travel from nearest public bus stop to the site is required.
 - 2) The entire site needs to be accessible.
 - 3) Accessible path of travel is required to trash enclosures.
 - 4) Common public areas such as Recreation area, swimming pool and parking area must be accessible as per CBC Chapter 11B.
 - 5) Apartment accessibility must be based on CBC Chapter 11A.
- D. Prior to approval of building permits, the plans shall show installation of fire sprinklers as required for R-2 Occupancy.
- E. The developer shall employ the engineer responsible for the structural design, or another engineer designated by the engineer responsible for the structural design, to perform structural observation in accordance with the Building Code. Structural observation means the visual observation of the structural system, for general conformance to the approved plans and specifications at significant construction stages and at completion of the structural system.
- F. In addition to the inspections required by the Building Code, the developer or the engineer or architect of record acting as the developer's agent shall employ one or more special inspectors who shall provide inspections during construction as required by the California Building Code. The special inspector shall be approved by the Chief Building Official. Per City Ordinance, the City reserves the right to impose structural standards that exceed the requirements of the Uniform Building Code.
- G. 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 Building Official.

VI. ENGINEERING & TRANSPORTATION REQUIREMENTS

- A. The proposed development shall comply with City ordinances, policies and regulations. All improvements shall be in accordance with the City's Design Standards, Subdivision Improvement Standards, Specifications and Standard Plans unless otherwise specifically approved by the City Engineer.
- B. Pursuant to Government Code Section 66020, including Section 66020 (d) (1), the City HEREBY NOTIFIES the applicant for this Project that the 90-day approval

period (in which the applicant may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) will begin on the date of the conditional approval of this Project. If you fail to file a protest within this 90-day period, complying with all of the requirements of Government Code Section 66020, you will be legally barred from later challenging any such fees, dedications, reservations or other exactions.

- C. Site Improvement Plans for all on-site and off-site improvements shall be approved by the City Engineer prior to the issuance of Building Permits for the project. All improvements shall be designed and constructed in accordance with the City's Design Standards, Specifications and Standard Plans, unless otherwise specifically approved by the City Engineer.
- D. Prior to the issuance of the Building Permit, the property owner shall pay the Underground Sewer Connection fee, Engineering Review and Inspection Fees, as required by City Ordinances and regulations.
- E. A Development Fee for Street Improvements (DFSI) is required for each housing unit. However, a credit for the existing 43,200 square feet of office space offsets this fee and therefore, no fee is payable.
- F. Applicant shall pay a Park Facilities Development Impact Fee of prior to issuance of a building permit. A credit for land dedicated to recreational space will be assessed. Credit is offered for public spaces at 100% of value, for private spaces with heavy use at 50% of value, for private space with light use at 25% of value. The determination on the use of space is based solely on the judgment of the City Engineer or his designee.
- G. Applicant shall pay an Underground utility fee prior to approval of the final map.
- H. Applicant shall remove any broken and uplifted driveway, sidewalk, curb and gutter along the full project frontage and shall construct new City standard driveway, sidewalk, curb and gutter in the same location and alignment as the existing facilities prior to issuance Certificate of Occupancy.
- I. All abandoned driveways shall be removed and replaced with City standard sidewalk, curb and gutter prior to issuance of Certificate of Occupancy.
- J. Prior to the issuance of building permits for the project, the Applicant shall obtain an Encroachment Permit from the Engineering and Transportation Department for any work within the public right-of-way.
- K. Applicant shall obtain an encroachment permit from Oro Loma Sanitary District sewer line connection prior to issuance of building permit.

- L. Applicant shall obtain an encroachment permit from Alameda County for storm line connection prior to issuance of building permit.
- M. The developer shall install City Standard Tree Grates at all street trees located on the Washington Avenue frontage if they are included in the project, prior to Certificate of Occupancy. Sidewalk along the frontage shall be no less than 6' wide. Sidewalk adjacent to a tree grate shall be no less than 48" wider per City Standard Detail 438A.
- N. Applicant shall comply with the regulations and provisions contained in the City's Grading Ordinance, the City's Storm Water Pollution Prevention Permit, and the National Pollutant Discharge Elimination System (NPDES), to the satisfaction of the City Engineer. More information may be found at www.cleanwaterprogram.org. Stormwater from this site needs to be treated before it is discharged to the storm drain.
- O. Applicant is advised that stormwater quality and treatment as shown on the Vesting Tentative Map submitted October 5, 2011 must meet the most current standards as required by the Alameda County Clean Water Program. The stormwater filtering devices must be the best available technology. Contech Stormfilter is acceptable. Dynamic separators are not best available technology. Please provide calculations showing that this unit can handle the flow for the entire site.
- P. Applicant will be required to complete a Stormwater Maintenance Agreement with the City prior to issuance of building permits.
- Q. Runoff from trash enclosures, recycling areas, or similar facilities shall not discharge to the storm drain system. Trash enclosure areas shall be covered and designed to avoid run-on to the trash enclosure area.
- R. Roof drains shall discharge to an unpaved area wherever practicable. Runoff from all impervious surfaces must be routed through the storm water treatment measures.
- S. Applicant shall reduce storm water pollution by implementing the following pollution source control measures:
- 1) All storm drains shall be marked "NO DUMPING, DRAINS TO BAY"
 - 2) All on-site storm drains shall be inspected and cleaned at least twice a year including immediately prior to the rainy season.
 - 3) 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.
- 4) 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.
 - 5) 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.
 - 6) 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, plants that are tolerant of saturated soil conditions and prolonged exposure to water shall be specified.
 - 7) 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.
 - 8) Proper maintenance of landscaping, with minimal pesticide use, shall be the responsibility of the property owner.
 - 9) Irrigation shall be appropriate to the water requirements of the selected plants. Irrigation system shall automatically adjust for weather conditions.
 - 10) Applicant shall select pest- and disease-resistant plants.
 - 11) Applicant shall plant a diversity of species to prevent a potential pest infestation from affecting the entire landscaping plan.
 - 12) Applicant shall plant "insectary" plants in the landscaping to attract and keep beneficial insects.
 - 13) Pool (including swimming pools, hot tubs, spas and fountains) discharge drains shall not be connected directly to the storm drain or sanitary sewer system
 - 14) Storage areas containing non-hazardous liquids shall be covered by a roof and drain to the sanitary sewer system, and be contained by berms, dikes, liners, vaults or similar spill containment devices. Storage areas containing non-hazardous liquids shall be covered by a roof and contained by berms, dikes, liners, vaults or similar spill containment devices.
 - 15) Wastewater from vehicle and equipment washing operations shall not be discharged to the storm drain system. New residential complexes of 25 units or greater shall either provide a roofed, bermed area for washing activities or discourage vehicle/equipment washing by removing hose bibs (faucets) and installing signs prohibiting such uses.
 - 16) Vehicle/equipment washing areas shall be paved, designed to prevent run-on to or runoff from the area, and plumbed to drain to the sanitary sewer. A sign shall be posted indicating the location and allowed uses in the designated wash area.

T. If the design of any site improvements requires encroachments onto neighboring properties during construction, written agreements with that property owner shall

be submitted to the City Engineer, for review and approval, prior to issuance of the building permits.

- U. During construction the following high standards for sanitation are required: 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 this requirement. Landscaped areas, including the area behind the public sidewalk, shall be graded so that irrigation and storm water does not run off.
- V. Parking spaces in garages must be 10' wide and 20' deep, minimum.
- W. Site retaining walls shall be constructed of durable material. Wood or wood products shall not be used for retaining walls.
- X. Site work shall include a stop sign at the back of the public sidewalk on Washington and where the two minor drive aisles intersect the main drive aisle in a T configuration. A yield sign shall be included where the minor drive aisle intersects the roundabout. Three minor drive aisles approaching the drive aisle shall also add the stop limit line, and the corresponding "STOP" or "YIELD" pavement legend accordingly.
- Y. Applicant shall record a final map before the expiration of the tentative map. A final map is required before building permits will be issued.
- Z. Applicant shall execute a Subdivision Improvement Agreement with the City prior to approval of the final map.
- AA. Applicant shall prepare covenants, conditions, and restrictions (CC&R's) specifying (1) that the Property Owners Association (POA) shall maintain all common areas and (2) that all property owners shall direct the POA. This provision of the CC&R's shall be approved by the City prior to acceptance of the final map.

VII. 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. Graffiti-proof type paint/coating to be applied to walls as needed as determined by the City's graffiti unit.
- B. Barbed or razor wire shall not be installed on any fence, wall or building on the project site.

- C. Electrical transformers shall be vaulted underground. In the event that the transformer cannot be undergrounded, it shall be screened from view consistent with the access requirements of PG&E. Details for screening shall be subject to the review and approval of the Community Development Director.
- D. All walls, fences, and landscaping within 25 feet of any street intersection 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.

VIII. 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. 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 shall be maintained 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.

IX. 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 buildings under construction or renovation.
- B. Construction activity shall not create dust, noise or safety hazards for adjacent residents and properties. Dirt and mud shall not be tracked onto Washington Avenue 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.

X. POLICE DEPARTMENT REQUIREMENTS

- A. All trees planted to be mature enough and located are enough away from the sidewalk so their branches are at least 8 feet above the sidewalk area and 14 feet above the roadway.
- B. All building addresses shall be placed in such a position as to be plainly visible and legible from the street. Said numbers shall contrast with their background and be visible at night. Details including number size and location shall be submitted for the review and approval of the City of San Leandro Police Department, Fire Marshal and the Community Development Director, prior to issuance of building permits. Street names shall be approved by the City of San Leandro Police Department, Fire Marshal and the Community Development Director. Specific property addresses will be assigned by the Building Division of the Community Development Department.

XI. ENVIRONMENTAL SERVICES DIVISION REQUIRMENTS

- A. Applicant shall comply with the City of San Leandro's Construction and Demolition Ordinance for job site recycling. Permit Applicant must demonstrate compliance by submitting a Debris Recycling Statement before building permit issuance and by submitting recycling and disposal documentation at the conclusion of the project.
- B. The applicant must clearly indicate on the site plan the proposed locations and dimensions of each solid waste/recycling storage area including an enclosure detail. The plan must also include the proposed size, number, and type of solid waste and recycling containers to be stored in each enclosure. Refer to the Solid Waste/Recycling Enclosure Guidelines for detailed requirements. Enclosure plans are subject to review by the Engineering Department.

XII. ALAMEDA COUNTY FIRE DEPARTMENT REQUIREMENTS

- A. The project shall comply with the applicable building and fire codes as adopted by the City of San Leandro. Site, building and fire protection system plans shall be provided for review and approval by the Fire Department.
- B. Fire hydrants and fire flow are required for the project per the California Fire Code Appendix B and C. The required fire flow for the site is 1500 gpm. Provide fire flow information for the site. The fire flow information is available from EBMUD.
- C. Each residential building shall be provided with an automatic sprinkler system. The sprinkler systems are required to be monitored by an approved supervising station.
- D. A Knox box is required at the entry to each building. A Knox key switch is required at the gate in the driveway.
- E. Prior to issuance of building permits, project plans shall show that all private roads are marked "No Parking" and painted red, including the hammerhead turnaround on the south portion of the site as well as any required fire lanes.

XIII. GENERAL CONDITIONS

- A. Prior to issuance of building permits, a lighting plan and specific street lighting details regarding location, candle power, and light levels (by submittal of a photometric study) shall be reviewed and approved by the City Engineer and Community Development Director.

- B. Developer shall pay its City development, permitting, and plan checking fees in accordance with the fee schedules in effect at the time of the approval of each final map for development per the Development Agreement.
- C. 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.
- D. Prior to issuance of building permits, the applicant shall pay school fees as mandated by the State of California.
- 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.

XIV. STATE OF CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCE CONTROL

- A. *If previously unidentified hazardous substances, sumps, underground tanks, or any other structures are encountered during excavation and grading, the applicant shall inform Department of Toxic Substance Control (DTSC) and they will need to be addressed as part of this project. For example, if hazardous substances were encountered, the project should include: (1) an assessment of air impacts and health impacts associated with the excavation activities; (2) identification of any applicable local standards which may be exceeded by the excavation or demolition activities; including dust levels and noise; (3) transportation impacts from the removal or remedial activities; and (4) risk of public upset should there be an accident at the subject site.*

XV. ALAMEDA COUNTY PUBLIC WORKS AGENCY

- A. *Prior to the issuance of any building permits on this site, a detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist may be submitted to our office for review. The proposed curb elevations are not to be less than 1.25 feet above the hydraulic grade line, as shown in figure 14 of the Hydrology and Hydraulics Criteria Summary, and at no point shall the curb grade be below the energy grade line.*
- B. *Do not augment runoff to adjacent properties. If development associated with a higher runoff coefficient (C'-value) than the originally anticipated value is proposed, the augmented storm runoff will have to be mitigated.*
- C. *Do not block runoff from adjacent properties. The drainage area map developed for the hydrology design shall clearly indicate all areas tributary to the project area.*

- D. An encroachment permit shall be obtained from Alameda County Flood Control and Water Conservation District prior to commencement of any work within District right of way and for the construction, modification or connection to District-maintained facilities. All workmanship, equipment, and materials shall conform to District Standards and specifications.*