

Exhibit 2  
**RECOMMENDED**  
**CONDITIONS OF APPROVAL**

**PLN2014-00044**

**Warren Avenue (Vacant Parcel between 396 and 476 Warren Avenues)**

**Assessor's Parcel Number 77-572-10**

**J. Cannizzaro, Cannizzaro Realty Inc. (Applicant)**

**Jefferson Building Inc. (Property Owner)**

**I. COMPLIANCE WITH APPROVED PLANS**

- A. The project shall comply with Exhibits A through Exhibit F, attached to the Staff Report, dated December 18, 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/Unit Plans (Sheet A-1)

Exhibit B – Exterior Elevations (Sheet A-2)

Exhibit C – Photographs of Existing Conditions (Sheet A-3)

Exhibit D – Landscape Plan (Sheet L-1)

Exhibit E – Landscape Palette and Amenities (Sheet L-2)

Exhibit F – Record Boundary and Topographic Survey

- 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 two (2) years following City Council approval and shall be substantially completed one (1) year thereafter. For the purpose of compliance with this condition, commencement of construction shall be defined as the construction of a substantial portion of the foundations for the homes. Pursuant to Zoning Code Section 3-1024 the developer may request from the Planning Commission renewal of the Planned Development project approval for up to two additional years if it finds the renewal is consistent with the Code and that no substantive change has occurred in conditions or circumstances pertinent to the planned development. 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 Planned Development approval. Denial of a request for renewal of the Planned Development Project approval may be appealed.

**II. PERMITTED USE**

- A. This Planned Development permits construction of a subdivision consisting of four detached, two-story single-family residences at an undeveloped and vacant parcel on Warren Avenue. Units would comprise approximately 1,493 square feet to 1,630 square feet of living area, which includes three bedrooms and three bathrooms. Each unit would have an attached two-car garage. Assessor's Parcel Number 77-572-10.

- 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 single-family project, according to the most current GreenPoint Rated for Single-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, all building plans and specifications shall be submitted for review and approval to the Community Development Director to ensure the quality of the exterior design. Said plans and specifications shall indicate the exact type of horizontal siding, stucco, wood front doors with raised panels and windows, door and window trim, front porch posts and railings, wood brackets, rafter-tails, architectural grade composition shingle, and windows (with true or simulated divided glass) to ensure that the new single-family residences' 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 single-family homes. Said final colors shall at a minimum be two paint color schemes containing the use of three or more colors. Moreover, the final interior depth of the garages shall have a minimum dimension of 20-feet; the building setbacks from the east and west interior side property lines shall maintain a minimum setback of seven (7) feet from said property lines; the garage doors facing the driveway shall be raised panel sectional rollup with glass on the top panels.
- C. 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. At a minimum, the concrete should include a fair amount of lamp black (concrete color additive) for a gray color.
- D. 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.

Said plans shall include all setbacks, private yards, and planters adjacent to the central driveway. In addition, said plans shall include increased tree and shrub planting, and greater coverage of planting versus the mulch finish. 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 the necessary spacing. Paved patio areas and walkways shall also be included in the plans. 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 conform to the Water Efficient Landscape Ordinance as codified in Article 19 of the San Leandro Zoning Code.

- E. Prior to issuance of building permits, the developer shall submit final plans and details for the perimeter 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.
- 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. All electrical, gas, and water meters shall be located such that they will not be visible from the street or common driveway, 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. 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.
- D. 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.
- E. All garage doors shall be a roll-up sectional type with raised panels and all shall be equipped with electronic, remote control garage door openers.

- F. Within the habitable areas of the dwellings, exterior sound transmission control measures shall be provided to prevent the intrusion of exterior noise. Prior to approval of building permits, the developer shall submit evidence that interior noise levels attributable to exterior sources will not exceed 45 dBA in any habitable room. The measures shall include the proper wall construction, window glazing and weather-stripping, exterior doors that are solid-core, well fitted and weather-stripped. In addition, keeping the windows closed would necessitate the installation of mechanical systems to ensure adequate ventilation is provided.

## **V. ENGINEERING & TRANSPORTATION DEPARTMENT REQUIREMENTS**

- A. 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.
- B. The proposed development shall comply with City ordinances, policies and regulations. All improvements shall be in accordance with the City's Design Standards, Specifications and Standard Plans unless otherwise specifically approved by the City Engineer.
- C. The applicant shall submit, obtain approval, record and pay review fees for the subdivision of the property into four small lot detached single-family residential units. Prior to the issuance of the building permits for this project, the Parcel Map shall be approved by the City Council and recorded with the County Recorder's Office. The Parcel Map application can be found at the following link, on City website: <https://www.sanleandro.org/civicax/filebank/blobdload.aspx?blobid=3778>
- D. Prior to the approval of the Subdivision Map for the project, the Subdivider shall submit five sets of the Declaration of Conditions, Covenants and Restrictions (CC&Rs) for the review and approval of the City of San Leandro. The CC&Rs shall specify responsibilities of the Homeowners' Association with respect to maintenance of the common property, structures on the property and perimeter fencing.
- E. Site Improvement Plans for all on-site and off-site improvements shall be designed and stamped by a civil engineer registered to practice within the State of California, and 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.
- F. Prior to the issuance of the Building Permit, the property owner shall pay the Sewer Connection fee, Engineering Review and Inspection Fees, and other fees as required by City Ordinances and regulations.

- G. A Development Fee for Street Improvements (DFSI) of \$1,304.07 shall be assessed per housing unit, and shall be paid prior to issuance of the building permit. These fees are subject to change each fiscal year, but will be locked at the time of filing of the Parcel Map.
- H. A Park Facilities Development Impact Fee of \$15,303.48 shall be assessed per single family unit, and shall be paid prior to issuance of a building permit. These fees are subject to change at the start of each fiscal year. The fees are locked at the time of filing of the Parcel Map.
- I. The applicant shall service all units via underground facilities and each unit shall have its own utility laterals.
- J. The 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 of Certificate of Occupancy.
- K. Any abandoned driveway(s) shall be removed and replaced with City standard sidewalk, curb and gutter prior to issuance of Certificate of Occupancy.
- L. 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.
- M. 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.
- N. Final plans for Building Permits shall show two new on-street no parking red-curbed zones next to the proposed central driveway: 20 feet along the east of the driveway, and 10 feet along the west of the driveway. In addition, said final plans shall show a 25-foot long center yellow line (Detail 22) placed in the center of the driveway starting from the property line and inward. A stop limit line shall be placed along the property line at the driveway for the exiting vehicular traffic only. A “STOP” pavement marking and a straight pavement arrow facing southward shall be placed for the exiting vehicular traffic, and a straight pavement arrow facing northward shall also be placed for the entering vehicular traffic.
- O. The applicant shall obtain grading permit for the subject improvements.
- P. Landscaping adjacent to the parking areas and driveway shall be low growing vegetation and maintained at a height no greater than three feet tall to maintain adequate sight distance for vehicles entering and exiting the site.

- Q. The 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](http://www.cleanwaterprogram.org).
- R. The project design shall include storm water treatment measures per C.3 requirements. Storm water runoff shall be treated prior to leaving the site and entering the City storm drain system. More information may be found at [www.cleanwaterprogram.org](http://www.cleanwaterprogram.org).
- S. The applicant must complete an Operations and Maintenance of Stormwater Agreement for any on-site storm water treatment facilities, prior to issuance of Certificate of Occupancy.
- T. Roof drains shall discharge to an unpaved area wherever practicable.
- U. Landscaped areas, including the area behind the public sidewalk, shall be graded so that irrigation and storm water does not run off.
- V. The developer shall install a full trash capture device at the downstream catch basin at East 14th Street and Sybil Avenue. Work shall be coordinated with Engineering and Transportation Department and the Public Works Department.
- W. The developer and contractor shall use standard construction best management practices (BMP's) to prevent storm water pollution as a result of the development.
- X. Applicant shall reduce storm water pollution by implementing the following pollution source control measures: :
1. All storm drains inlets on site shall be marked "NO DUMPING, DRAINS TO BAY."
  2. All on-site storm drain inlets shall be inspected and, if necessary, 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.
  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.
- Y. During construction the following high standards for sanitation shall be 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. The improvement shall construct stabilized gravel entrance per City Standard Detail Drawing Number 606. Inspections, conducted as part of the regular construction compliance, will be conducted to ensure compliance of the Applicant and contractors with this requirement.

## **VI. 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 20 foot 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.

## **VII. 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 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.
- E. The trash and recycle bins shall be kept inside the designated space inside the closets/storage enclosures inside the building and kept out of public view, except when it is necessary to bring them to 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 garages 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 rear private yard areas, with the exception that the rear yards can be furnished with plants and patio furniture. Provisions of this condition shall be included in the Declaration of Covenants, Conditions and Restrictions (CC&Rs) for the development.

## **VIII. 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 Warren 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.
- I. Pest and vermin control shall be instituted prior to the demolition and construction of the project

## **IX. POLICE DEPARTMENT REQUIREMENTS**

- A. 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 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.

## **X. ENVIRONMENTAL SERVICES DIVISION REQUIRMENTS**

- A. The applicant shall clearly indicate on the floor plans the proposed location and dimensions of each enclosed solid waste/recycling storage area. The plan shall include the proposed size, number, and type of solid waste and recycling containers to be stored in each closet/storage enclosure. Refer to the City of San Leandro Solid Waste/Recycling Enclosure Guidelines for detailed requirements.

## **XI. 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 and building plans shall be provided for review and approval.
- B. Automatic sprinkler systems shall be required in all of the new buildings.
- C. Plans shall designate red curb fire lanes to ensure Fire Department access is maintained. Said red curb fire lanes shall be implemented to the satisfaction of the Fire Department.
- D. The distance from the nearest fire hydrant to subject property to the rear of the furthest building shall not exceed 600 feet.
- E. Fire flow shall be based on individual buildings not exceeding 3,600 square feet. Fire hydrant shall have the flow of 1,000 gallons per minute (g.p.m) at 20 pounds per square inch (p.s.i.) for two (2) hours. In the event the buildings exceed 3,600 square feet additional fire flow shall be required.

## **XII. INCLUSIONARY CONDITION**

- A. Prior to issuance of building permit, the applicant shall pay to the City's Affordable Housing Trust Fund an in-lieu fee equivalent to 0.6 of the median sales price of a single-family dwelling unit in San Leandro, minus the Affordable Ownership Cost, as determined by the Community Development Director. Note: As of December 2014 the in-lieu fee was estimated at \$28,140. The fee may change as it will be recalculated in the future at the time of the building permit.

## **XIII. GENERAL CONDITIONS**

- A. Prior to issuance of building permits, a lighting plan and specific street (interior driveway) 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 Building Permit approval.
- C. A Homeowners Association shall be required for this residential subdivision and a Homeowners Association shall be referenced in the CC&Rs. The Homeowners Association shall be required to maintain the common areas such as the central driveway and landscaping that will serve as storm water retention and/or treatment.
- D. These conditions of approval shall be recorded against each created parcel to include a provision in which the homeowners and/or residents of the property shall not park

or store boats, trailers, camper tops, inoperable vehicles and the like outside the buildings, within the project. In addition, the recorded conditions shall include a provision in which the homeowners shall not obstruct the garage to prevent its use for vehicle parking. Furthermore, the recorded conditions shall include a provision prohibiting the use of the rear private yard areas for outdoor storage and prohibiting the areas from appearing cluttered. The conditions shall state the rear yards can be furnished with plants and patio furniture. These conditions shall be included in the CC&Rs.

- E. 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.
- F. Prior to issuance of building permits, the applicant shall pay school fees as mandated by the State of California.
- G. 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.