

EXHIBIT B

CONDITIONS OF APPROVAL PLN21-0030

1411 Bancroft Avenue APN 77-526-1

Allen Leung, 1411 Bancroft Avenue, LLC (Applicant and Property Owner)

I. COMPLIANCE WITH APPROVED PLANS

1. The Project shall comply with the Plans and Exhibits, attached to the staff report dated February 2, 2023, 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- Sheet A001: Cover Sheet

Exhibit B- Sheet A002: General Notes & Parking Requirements

Exhibit C- Sheet A004: Operation Letter, Existing Areas

Exhibit D- Sheet A100: Existing Site Plan

Exhibit E- Sheet A101: Proposed Site Plan

Exhibit F- Sheet A103: Landscape Site Plan

Exhibit G- Sheet A200: Proposed Floor and Site Plan

Exhibit H- Sheet A201: Existing and Proposed Floor Plans

Exhibit I- Sheet A300: Existing and Proposed Elevations

Exhibit J- Sheet A301: Existing and Proposed Elevations

Exhibit K- Sheet A302: Colored Elevations

Exhibit L: Sheet A400: Material Board

2. The Applicant and/or Property Owner shall be responsible for assuring that any successor in interest who assumes responsibility for this zoning approval is informed of its terms and conditions.
3. Pursuant to Zoning Code Section 5.08.136, this approval shall lapse on February 2, 2025, unless a renewal is requested and approved by the Zoning Enforcement Official.

The Project and use shall remain in substantial compliance with the approved plans and exhibits. Proposed changes to the Conditional Use Permit or approved plans shall be made in writing to the Zoning Enforcement Official, who may either administratively approve a minor modification or bring it back to the Board of Zoning Adjustments for review.

II. PERMITTED USE

4. Scope of Work. The approval of the Conditional Use Permit allows the establishment of a residential care facility for the elderly, a "Group Housing" land use, to serve 15 elderly residents over the age of 60 and modify two of the three existing buildings on site and do associated site, circulation, parking and

landscaping improvements on a 14,325 square foot parcel located at 1411 Bancroft Avenue. Building 1, 5,425 square feet, is proposed to be converted from a five (5) unit multi-family apartment building to a residential care facility with 11 bedrooms and three 3 bathrooms that accommodate 15 beds and residents. Building 2, 1,040 square feet, is a single-family house which will remain a single-family house and is proposed to be occupied by a staff member of the residential care facility. Building 3 consists of a storage room, a carport with four covered parking spaces, and a trash room. The storage room is proposed to be converted to a laundry room for the residential care facility's use. The existing site has five parking spaces, and the site is proposing to provide 11 parking spaces. The subject Property is zoned Residential Multi-Family (RM) located at 1411 Bancroft Avenue.

5. **Parking Spaces.** Plans submitted for building permit issuance shall show a total of 11 parking spaces provided on site that comply with minimum dimensions for parking and circulation areas, subject to review and approval by the Engineering and Transportation and Planning Staff. A minimum of 10 parking spaces shall be made available on site for the use of employees and visitors. A minimum of one additional parking space shall be designated as a loading space.
6. **Parking Use and Agreement.** All residents or their legally appointed guardian shall be required to sign an agreement prior to occupying the site acknowledging that personal vehicles are prohibited on site. This agreement shall be kept on file by the Applicant and shall be available and provided on request by Community Development staff.
7. **Loading Space.** The one loading parking space shall be used exclusively for vendors to drop off and pick up of goods, meals, equipment, residents, and materials associated with the Group Housing use. The vehicles that use the loading space shall arrive in staggering times.
8. **Idling.** Vehicle idling shall be actively discouraged and restricted to a maximum of two minutes. A sign shall be prominently posted to identify this requirement to drivers.
9. The City shall maintain the ability to hold a public hearing to revoke this Conditional Use Permit or impose additional conditions to correct problems that may arise related to property maintenance, nuisance conditions, and/or Code violations.

III. REQUIRED ON-SITE IMPROVEMENTS

10. **Exterior Paint and Materials.** Exterior paint and building materials shall be approved by Planning prior to building permit issuance. Color swatches and material samples shall be provided for review and approval and on-site swatches may be required prior to painting as a condition of building permit approval.
11. **Railing Materials.** The railings shall be constructed of galvanized metal/aluminum. Metal handrails, spindles and hardware shall be powder-coated to be compatible with the color/trim of the home.
12. **Parking Stall Dimensions.** All new or modified parking stalls shall be a minimum of 9' by 18.5'. Parking stall number 4 shall retain a 9' width and shall be reflected

on plans submitted to the Building Division and reviewed and approved by Planning Staff prior to the issuance of building permits.

13. Landscaping. New landscaping shall be installed in the front setback along Bancroft Avenue and in existing landscaping strips in front of the project site on Bancroft Avenue and Joaquin Avenue. Proposed landscaping shall be included in the final landscaping plans submitted to the Building Division and reviewed and approved by Planning Staff prior to the issuance of building permits.
14. Landscape Improvements and Maintenance. All landscaping improvements shall be maintained in a healthy, growing, and weed-free condition at all times. Any missing, dead, or damaged plant and groundcover material shall be promptly replaced with a material similar in type and comparable in size to the plant(s) or groundcover being removed. Irrigation shall be maintained in good condition and repaired as needed.
15. Existing Mechanical Equipment. All existing exterior mechanical equipment, including roof-mounted equipment, including but not limited to air conditioning/heating units, emergency generators, wireless antennas and exhaust systems shall be either removed from the site or fully screened from view so as not to be visible from adjacent properties or streets to the satisfaction of the Zoning Enforcement Official. Removal of existing equipment or proposed screening shall be shown on plans submitted for building permit issuance subject to review and approval by Planning Staff.

IV. ENGINEERING AND TRANSPORTATION DEPARTMENT REQUIREMENTS

16. A callout shall be added on the project plans at the Building Permit Submittal to replace the section of damaged sidewalk adjacent to the driveway curb cut on Joaquin Avenue per City of San Leandro Standard Detail 100 and 102.
17. 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 the requirements of Government Code Section 66020, you will be legally barred from later challenging any such fees, dedications, reservations or other exactions.
18. The Applicant shall remove any unused driveways or damaged driveways, sidewalk, and curb and gutter along the full property frontage and shall construct new City standard driveway, sidewalk, curb, and gutter in place of the removed items.
19. 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.
20. The Applicant shall pay design review fees, permit fees, inspection fees, sewer connection fees, and any other fees charged by the City or other reviewing

agencies for the review, approval, permitting and inspection of the public and/or private improvements.

21. The Applicant shall obtain an Encroachment Permit from the Engineering and Transportation Department and pay encroachment permit fees for any work within the public right-of-way prior to the issuance of building permits for the project.
22. The Applicant shall have site improvements designed and stamped by a civil engineer registered to practice within the State of California. The Applicant shall obtain approval of the City Engineer for all on and off-site improvements prior to the issuance of Building Permits for the project.
23. If the design of any site improvement requires encroachments onto neighboring properties during construction, the Applicant shall submit written agreements with that property owner to the City Engineer, for review and approval, prior to approval of the building permit.
24. The Applicant shall comply with the following high standards for 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 this requirement.
25. 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 recover 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.

V. BUILDING AND SAFETY SERVICES

26. The following conditions in the Building and Safety Services Section shall be addressed prior to Building permit issuance.
27. Building Codes and Ordinances. All Project construction shall conform to all building codes and ordinances in effect at the time of building permit submittal.
28. All bedroom access to the new exterior porch shall be accessible.
29. All submittals shall include required mechanical, electrical, and plumbing plans. No deferred MEP.
38. All revision clouds and deltas added during Planning approval must be removed prior to submitting to Building for permit.

VI. ALAMEDA COUNTY FIRE DEPARTMENT REQUIREMENTS

39. A formal plan check review shall be completed at time of building permit submittal. The following conditions of approval shall be met prior to the issuance of a building permit and fire clearance for occupancy.

40. An Occupancy Classification shall be approved as a R-2.1 Occupancy (310.3.1 CBC 2022 ed).
41. Building Construction is required to be 1-hr rated. Non fire resistive construction is prohibited (435.4 CBC 2022 ed.).
42. A Fire Protection System meeting the requirements of NFPA 13 shall be provided (435.7.1 CBC 2022 ed.).
43. A Fire Alarm System meeting the requirements of NFPA 72 shall be provided. (435.7.2 CBC 2022 ed.).
44. An Engineered Fire System meeting the requirements of UL300 shall be provided for any Type I Kitchen hoods.
45. Smoke alarms shall be provided per section 435.7.3 CBC 2022 ed.
46. Carbon monoxide detectors shall be provided per section 915 CFC 2022 ed.
47. Fire Extinguishers shall be provided per section 906 CBC 2022 ed. Fire sprinklers and Fire alarm systems must follow adopted standards at time of submittal.
48. Emergency lighting shall be provided with an average of 1-foot candle at the floor per section 1008.3 CBC 2022 ed.
49. Illuminated Exit signs shall be installed indicating the means of egress route (1013.3 CBC 2022 ed.).
50. Exiting shall conform per section 435.8.3 CBC 2022 ed. A minimum of 2 exits shall be provided which terminate at the public way.
51. Fences and gates shall be provided per section 435.8.8 CBC 2022 ed.
52. Delayed egress locks shall be provided section 435.8.10 CBC 2022 ed.

VII. PUBLIC WORKS

53. California state law, SB 1383, mandates that compostable and recyclable materials be separated from landfill materials and properly recycled. In San Leandro, SB 1383 will be implemented and enforced under the Alameda County Organics Reduction and Recycling Ordinance. For more information, visit www.stopwaste.org/rules#Business.
54. Solid waste & recycling bins shall be stored out of public view. Trash enclosure guidelines for commercial establishments are available at: <https://www.sanleandro.org/civicax/filebank/blobdload.aspx?blobid=15084>.
55. The trash enclosure/trash room shall be easily accessible to collection vehicles. Driveways shall provide unobstructed access for collection vehicles. Applicant must ensure that there is adequate space for a collection vehicle to enter and exit the property in order to service containers.
56. The applicant is subject to Alameda County Mandatory Recycling Ordinance. For more information, visit www.RecyclingRulesAC.org.

57. The Project falls within the Alameda County Industries (ACI) service area. The City of San Leandro holds an exclusive franchise agreement for solid waste and recycling services with ACI.

VIII. ENVIRONMENTAL SERVICES

58. The handling, which includes storage, of oxygen as a compressed gas in quantities equal to or greater than 1,000 cubic feet requires submittal of a Hazardous Materials Business Plan (HMBP). HMBP submittal shall be completed via the California Environmental Reporting System (CERS) online at <http://cers.calepa.ca.gov/>. An HMBP shall be submitted prior to placement of registerable material onsite. The plan is subject to the review and approval of Environmental Services. Per Government Code Section 65850.2, the City shall not issue a final certificate of occupancy or its equivalent until the HMBP requirements are met. Information on the HMBP program is available on the City's website at <https://www.sanleandro.org/depts/pw/env/envhazmat.asp>.

59. Per §3-14-340 of the City of San Leandro Uniform Wastewater Discharge Regulations, installation of garbage grinders (in-sink disposals) is prohibited.

60. The Project is subject to §3-14-345 of the City of San Leandro Uniform Wastewater Discharge Regulations regarding prohibitions on discharge of patient-care wastes to the sanitary sewer.

IX. CONSTRUCTION AND MAINTENANCE PROVISIONS

61. Construction Hours. Construction on the Project site shall comply with the Noise Ordinance (Article 11 of SLMC Chapter 4-1) and shall not begin prior to 7:00 am Monday through Friday, and prior to 8:00 am on Saturday and Sunday, and shall cease by 7:00 pm each evening, unless otherwise approved by the Chief Building Official. There shall be no construction on Federal holidays. Interior construction shall be permitted outside the above hours provided that construction noise shall not be detectable outside of the structures being built.

62. Construction Activity. Construction activity shall not create dust, noise or safety hazards for adjacent residents and properties. Dirt and mud shall not be tracked onto surrounding streets from the Project site during construction. All air quality and dust control mitigation measures identified in the Mitigation Monitoring and Reporting Program shall be adhered to at all times.

63. Construction Site Maintenance. During the construction phase, the site shall be well maintained in a neat manner, free of weeds, litter and debris.

64. Secure Construction Site. The property shall be secured during construction with a temporary six (6) foot high chain link fence with green screening and any other security measures in accordance with recommendation of the San Leandro Police Department. Alternative temporary fencing is subject to prior approval from the Zoning Enforcement Official. Temporary fencing shall be maintained and kept free of graffiti.

65. Pest and Vermin Control. Pest and vermin control shall be instituted prior to the demolition and construction of the Project.

66. Construction Facilities. Potable water and temporary sanitary facilities shall be provided to workers during construction activities. Temporary sanitary facilities shall be kept in a clean and odorless condition, secured, and located away from nearby businesses.
67. Construction Contact. Adjacent businesses and residents shall be provided with the contact information of the responsible site foreman or managing general contractor during periods of grading and construction.
68. Property Maintenance. 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. 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.
69. Fencing and Walls. All fencing and walls on the Project site shall be structurally sound, graffiti- free and well maintained at all times.
70. Signage. No temporary or unauthorized signs including but not limited to banners, streamers and pennants shall be placed on the property, unless approved by the City under a Temporary Sign Permit or Special Event Permit. The use of spotlights, feather signs, animated or inflatable signs, balloons, and lasers shall be prohibited at all times.
71. Construction Emissions. Project's construction contractor shall comply with the current Bay Area Air Quality Management District (BAAQMD) Best Management Practices for reducing construction emissions of PM10 and PM2.5. All Mitigation Monitoring and Reporting Program requirements shall be adhered to during the construction of the Project.
72. Enforcement. Construction activities carried on in violation of these Conditions may be enforced as provided in the San Leandro Municipal Code and may be enforced by issuance of a stop work order and/or revocation of any or all permits issued for such construction activity.

X. GENERAL CONDITIONS

73. Final Landscape and Irrigation Plans. Prior to issuance of building permits, the developer shall submit Final Landscape and Irrigation Plans for the review and approval of Planning Staff. The plans shall include details such as: 1) tree size, species and location; 2) shrubs and groundcovers; 3) installation specifications, including tree staking; 4) irrigation details; 5) water conservation techniques; and 6) maintenance programs. Final landscape and irrigation plans shall be prepared and certified by a California licensed landscape architect and shall conform to the Model Water Efficient Landscape Ordinance (MWELO) as updated by the State of California Department of Water Resources.
74. The property owner, occupants, and tenants shall maintain the Project site and ensure that it is free of litter, weeds, and other debris in accordance with San Leandro Municipal Code §3-15-215.

75. The tenant and/or property owner shall regularly maintain the parking areas and shall be responsible for the prompt clean up and removal of litter, oil stains and spilled vehicle fluids. Parking areas shall be well maintained and kept free of litter and debris at all times.
76. Employees, vendors and contractors shall not load or unload from the public right-of-way without prior approval of an encroachment permit. Loading and unloading shall not obstruct the flow of traffic in driving aisles or on surrounding streets.
77. These conditions of approval shall be made accessible to all employees and vendors on the property.
78. Vehicle idling shall be actively discouraged and restricted to a maximum of two minutes. A sign shall be prominently posted to identify this requirement to drivers.
79. Outdoor loudspeakers and public announcement systems shall be prohibited from installation and use.
80. Solid Waste Service Requirement. Sufficient number and size of containers and service frequency for all waste generated (garbage, recycling and organics) are required. Management of trash, solid waste and/or recyclables containers shall be required to prevent exposure to or contamination of rainwater, creating illicit discharges or impacting receiving surface waters.
81. All dumpsters or trash containers shall be kept in the trash enclosure except for the day(s) the collection company is scheduled for pick-up. Immediately after pick-up all dumpsters or trash containers shall be returned to the trash enclosure, out of public view.
82. All uses and activities shall comply with the provisions of the San Leandro Noise Regulations (Title IV, Chapter 1 of the Municipal Code). Property management shall take proactive measures to avoid and reduce noise generated by delivery vehicles' audible reverse back-up signals and to ensure that loading and delivery activities are in compliance during the City's established quiet hours and do not pose a public nuisance during other times.
83. No use, activity, or process shall produce vibrations that are perceptible without instruments by a reasonable person at the property lines of a site.
84. No use, process, or activity shall produce dust that is perceptible without instruments by a reasonable person at the property lines of a site.
85. All new electrical, gas, and water meters shall be located such that they will not be visible from the streets, or these units shall be screened or enclosed. The location and screening details of any new meters shall be included on plans submitted for building permits and are subject to the review and approval of Planning Staff
86. Any graffiti shall be promptly removed from the property. Any graffiti shall be promptly removed from building walls. 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.

87. Sidewalk areas shall be kept free of obstruction and available for their designated use at all times. Building egress and accessible paths of travel shall remain unobstructed.
88. On-Site Lighting. New or replacement on-site lighting shall be LED or other energy-conserving lighting and shall be fully shielded, 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 Planning Staff . After installation, the Zoning Enforcement Official reserves the right to require adjustment of light fixtures to comply with this requirement. Details of proposed lighting fixtures shall be included on plans submitted for building permit issuance, subject to review and approval by Planning Staff. .
89. Pet waste shall be promptly removed and properly disposed from all property sidewalks, parking lots and landscaping. An outdoor pet waste disposal receptacle shall be provided and maintained if pets are allowed on the premises.
90. Any outstanding Planning, Engineering or Building deposit fees or balances shall be paid prior to issuance of building permits.
91. Amendments. No application for amendment of the application or Conditions of Approval may be accepted or submitted for processing by the City unless (i) there is full compliance with all terms of the application and Conditions of Approval; or (ii) the Zoning Enforcement official waives compliance with the terms of the application and Conditions of Approval pending application for the amendment.
92. Recorded Approvals and Conditions of Approval. 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 prior to issuance of building permits.