

RECORDING REQUESTED BY:

City of San Leandro
Planning Services Division
835 East 14th Street
San Leandro, California 94577

WHEN RECORDED MAIL TO:

Tamika Greenwood, City Clerk
City of San Leandro
835 East 14th Street
San Leandro, California 94577



2016042554

02/22/2016 03:58 PM

OFFICIAL RECORDS OF ALAMEDA COUNTY
STEVE MANNING
RECORDING FEE: 0.00



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THIS SPACE FOR RECORDER'S USE ONLY

(No fee pursuant to Government Code Section 27383)

AGREEMENT TO CONDITIONS

**PLN15-0046; Residential Development
875 Alvarado Street
Alameda County Assessor's Parcel Number 75-155-13
Dom Campaign LLC (Applicant and Property Owner)**

THIS AGREEMENT is entered into by and between the CITY OF SAN LEANDRO, a municipal corporation, hereinafter referred to as "City", and Dom Campaign LLC, a California Limited Liability Company, hereinafter referred to as "Applicant" and "Property Owner".

Applicant and Property Owner applied for and received Site Plan Review approval to construct four attached residential townhouse units with attached garages, driveway, landscaping, fencing and related site improvements at 875 Alvarado Street; Alameda County Assessor's Parcel Number 75-155-13.

NOW, THEREFORE, pursuant to the applicable provisions of the Zoning Code, it is mutually agreed as follows:

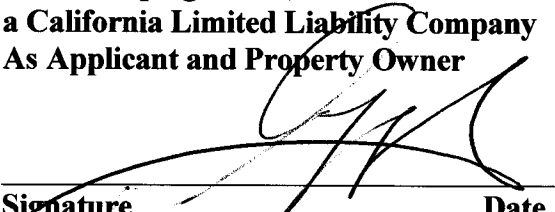
1. Applicant and Property Owner agrees to comply with the Conditions of Approval adopted by the City of San Leandro Zoning Enforcement Official, more specifically described in the list of Conditions of Approval, attached hereto, and as described in the exhibits on file in the Community Development Department, all of which are incorporated herein by this reference.
2. This agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, successors, and assigns.
3. City is authorized to record this agreement and any amendments thereto with the Alameda County Recorder, California. All amendments hereto must be in writing and signed by the appropriate authorities of the City and Applicant. The Applicant will be charged the costs of recordation and agrees to pay same. Conditions run with the land and are binding to future owners of the property.
4. Applicant/Property Owner has read and fully understands all of the foregoing terms and conditions, and hereby agrees that all said terms and conditions are as approved by the City of San Leandro Zoning Enforcement Official in accordance with law, and hereby agree to comply with all of said terms and conditions.

IN WITNESS WHEREOF, duly executed by the parties as of the day and year below written.

All of these changes must be exercised within **ONE YEAR** or it expires.

(Acknowledgment)

**Dom Campaign LLC,
a California Limited Liability Company
As Applicant and Property Owner**



Signature **Date**
ALEXANDER PAVLOVICH LAZAREV

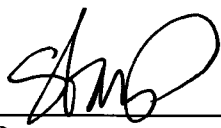
Receipt of Executed Approval: I hereby certify that I am the Zoning Enforcement Official of the City of San Leandro and in that capacity did receive this copy of **PLN2014-00021** Agreement to Conditions fully executed by all parties thereto, and that the effective date of this approval granted herein is **January 4, 2016**.

CITY OF SAN LEANDRO, a municipal corporation

Attest:




Tamika Greenwood, City Clerk



Sally Barros,
Zoning Enforcement Official

Approved as to Form:



Richard Pio Roda, City Attorney

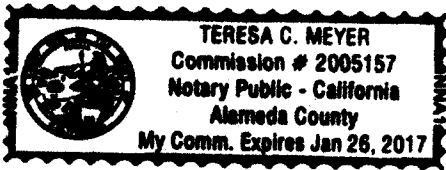
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
) ss.
County of Alameda)

On FEBRUARY 11, 2016 before me, TERESA C. MEYER, NOTARY PUBLIC,
personally appeared SALLY BARROS,

My commission number is 2005157.



who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

My commission expires on January 26, 2017.

WITNESS my hand and official seal.

Teresa C. Meyer, Notary Public
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Agreement to Conditions: 875 Alvarado Street

Document Date: January 4, 2016

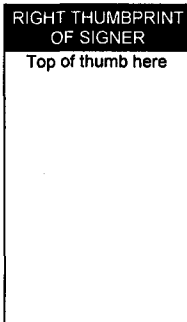
Number of Pages: 2

Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

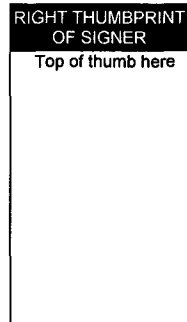
- Individual
- Corporate Officer – Title(s): _____
- Partner – Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer – Title(s): _____
- Partner – Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer is Representing: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of SANTA CLARA)

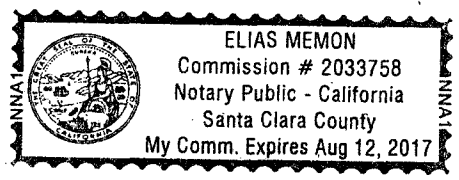
On 01/11/2016 before me, ELIAS MEMON, NOTARY PUBLIC,
Date Here Insert Name and Title of the Officer

personally appeared ALEXANDER PAVLOVICH LAZAREV
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Elias Memon
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: AGREEMENT TO CONDITIONS Document Date: _____
Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
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 Other: _____
Signer Is Representing: _____

CONDITIONS OF APPROVAL

**PLN15-0046; Residential Development
875 Alvarado Street
Alameda County Assessor's Parcel Number 75-155-13
Dom Campaign LLC (Applicant and Property Owner)**

I. COMPLIANCE WITH APPROVED PLANS

- A. The project shall comply with Exhibits A through Q, dated December 17, 2015, 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 – Cover Street, Project Data and Perspective (Sheet CS)
Exhibit B – Site Plan (Sheet A1.0)
Exhibit C – Floor Plan and Details (Sheet A1.1)
Exhibit D – Elevations and Building Sections (Sheet A2.1)
Exhibit E – Shadow Studies (Sheet A6.1)
Exhibit F – Context Photographs of Existing Site Conditions (Sheet A7.1)
Exhibit G – Landscape Plan and Photograph Details (Sheet L0.1)
Exhibit H – Enlarged Common Rear Yard Plan and Rendering (Sheet L0.2)
Exhibit I – Plant Data Sheet (Sheet L0.3)
Exhibit J – Plant Data Sheet (Sheet L0.4)
Exhibit K – Boundary and Topographic Survey of Existing Conditions (Sheet 1 of 1)
Exhibit L – Aerial Birdseye Perspective View (Sheet 1)
Exhibit M – Alvarado Street Perspective View (Sheet 2)
Exhibit N – South and East Perspective View (Sheet 3)
Exhibit O – North and West Perspective View (Sheet 4)
Exhibit P – North and East Perspective View (Sheet 5)
Exhibit Q – Color, Material and Sample Board

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

II. PERMITTED USE

- A. This Site Plan Review approval permits construction of four, attached, four-story residential townhouse units on a vacant parcel at 875 Alvarado Street. The residential units would comprise between 1,950 to 2,060 square-feet of habitable space and consist of three bedrooms, two and one-half bathrooms and attached two car garages. Alameda County Assessor's Parcel Number 75-155-13. A Parcel Map (Subdivision Map), Condominium Plan, and Covenants, Conditions and Restrictions (CC&Rs) shall be required prior to the sale of any unit.
- B. No application for amendment of the application or Conditions of Approval may be submitted or accepted for processing by the city unless (i) there is full compliance with all other legally binding documents regulating development on the property; and (ii) there is full compliance with all terms of the application and Conditions of Approval, or (iii) the Community Development Director has waived compliance with the terms of the application because they are minor in content.
- C. Construction of the project shall remain in substantial compliance with the approved exhibits and plans. The Zoning Enforcement Official may approve changes to approved plans or in conditions of approval without a public hearing upon determining that the changes in conditions are minor and are consistent with the intent of the original approval. Revisions involving substantial changes in project design or conditions of approval shall be treated as new applications, to be reviewed as a new project.

III. ADDITIONAL PLAN SUBMITTALS

- A. Prior to issuance of building permits, applicant shall submit a checklist showing that the project meets the minimum green building rating for a residential buildings, according to the most current GreenPoint Rated for Newly-Constructed Residential Buildings, or equivalent green building rating system as adopted by the City of San Leandro at the time of submittal for building permits. Features indicated on said checklist shall be incorporated into building permit plans.
- B. Prior to issuance of building permits, all building plans and specifications shall be submitted for review and approval to the Zoning Enforcement Official to ensure the quality of the exterior design. Said plans and specifications shall indicate the exact type of horizontal siding, stucco, windows and framing, front doors, door and window trim, balcony railings, aluminum sectional garage doors with glass panels, and light fixtures to ensure that the new 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 multi-family residential building. Moreover, the final interior depth and width of the two-car garages shall have a minimum dimension of 20-foot free and clear.
- C. Prior to issuance of building permits, the developer shall submit final details and specifications including, but not limited to: material samples for driveways, private walkways, and special building features, for review and approval by the Zoning Enforcement Official.

- D. Prior to issuance of building permits, the developer shall submit final landscape and irrigation plans for the review and approval of the Zoning Enforcement Official. Said plans shall include all setbacks, common areas and planters adjacent to the central driveway. At a minimum, the planting plan shall include trees with a minimum size of 15 gallons. The minimum size for the shrubs and vines shall be five gallons and the ground cover shall be one-gallon or from flats with 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 Zoning Enforcement Official. The plans and details shall show location, height, decorative features, and construction details showing materials and finishes to be used for construction. Perimeter fencing shall be a minimum of six feet tall and a maximum of eight feet tall except within the established front yard setback where the maximum height of the fence shall not exceed three feet tall for the purpose of sight distance. 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 equipped with electronic remote controlled garage door openers.

V. ENGINEERING AND 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 condominium 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 (5) sets of the 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. The applicant shall obtain a Grading Permit from the Engineering and Transportation Department and pay associated fees prior to obtaining a Building Permit. The applicant shall submit Erosion Control plans and a detailed maintenance plan for the post construction storm water treatment measures. Applicant shall implement all applicable items listed in the model list of source control measures, published by the Alameda Countywide Clean Water Program.
- F. 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.
- G. 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.

- H. A Development Fee for Street Improvements (DFSI) of \$1,337.20 shall be assessed per housing unit, and shall be paid prior to issuance of the building permit. Credit will be given for the pre-existing single family residence. These fees are subject to change each fiscal year, but will be locked at the time of filing of the Parcel Map.
- I. A Marina Boulevard/Interstate 880 Traffic Impact Fee of \$672.59 shall be assessed per housing unit, and shall be paid prior to issuance of the building permit. Credit will be given for the pre-existing single family residence. These fees are subject to change each fiscal year, but will be locked at the time of filing of the Parcel Map.
- J. A Park Facilities Development Impact Fee of \$16,078.90 shall be assessed per single family unit, and shall be paid prior to issuance of a building permit. Credit will be given for the pre-existing single family residence. 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.
- K. The applicant shall service all units via underground facilities and each unit shall have its own utility laterals.
- L. A Sanitary Sewer Easement shall be provided over the private driveway to serve the project, assuming a mainline will be installed with laterals to each residential unit. A mainline-to-mainline connection to the City's sanitary sewer system in Alvarado Street shall be made using a manhole.
- M. 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.
- N. All abandoned driveways shall be removed and replaced with City standard sidewalk, curb and gutter prior to issuance of Certificate of Occupancy.
- O. 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.
- P. In the event, the design and construction 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.
- Q. Two new on-street no parking red-curbed zones next to the proposed driveway shall be provided to the satisfaction of the City Engineer. Said no parking red-zoned curbs shall include a 20 feet long segment the north side of the new driveway and a 10 feet long segment along the south side of the new driveway.
- R. 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.

- S. The applicant shall install a new 15-gallon tree of equivalent species to replace the existing street tree to be removed.
- T. 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. Stormwater from this site needs to be treated before it is discharged to the storm drain.
- U. 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.
- V. Roof drains shall discharge to an unpaved area wherever practicable.
- W. Landscaped areas, including the area behind the public sidewalk, shall be graded so that irrigation and storm water does not run off.
- X. The applicant shall complete an Operations and Maintenance of Stormwater Agreement for any on-site storm water treatment facilities, prior to issuance of Certificate of Occupancy.
- Y. The developer and contractor shall use standard construction best management practices (BMP's) to prevent storm water pollution as a result of the development.
- Z. 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, 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.
 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.
- AA. 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 applicant shall construct stabilized gravel entrance per City Standard Detail Drawing No. 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. ENVIRONMENTAL SERVICES REQUIREMENTS

- A. All fees and charges related to Environmental Services programs shall be paid promptly in full. Failure to keep accounts current shall be grounds for revocation of the Site Plan Review permit.
- B. Discharge of anything other than rainwater to the stormwater collection system, which includes area drains, sidewalks, parking areas, street curb and gutter, shall be prohibited.
- C. The elimination of exposure of materials, processes or equipment to the maximum extent practicable shall be required to prevent contamination of rainwater. Exposures that cannot be eliminated require use of Best Management Practices (BMPs), both engineered and administrative, to prevent remaining exposures from impacting rainwater runoff.
- D. Sites subject to installation of structural stormwater treatment BMPs per section C3 of the Municipal Regional Permit shall complete a Stormwater Structural Treatment BMP Operation & Maintenance agreement with the City. The agreement shall be submitted to the City's Engineering Department prior to finaling of the grading permit. Change of property owners association, management, operator, maintenance contractor, structural treatment, the Operation and Management Plan (O&M Plan), or any other information contained in the agreement shall be provided to the City by submittal of a revised

agreement 30 days prior to the effective date of the change. Post construction notifications shall be directed to the City's Environmental Services Section.

- E. Container Management of Trash, Solid Waste and/or Recyclables shall be required to prevent exposure to or contamination of rainwater, creating illicit discharges or impacting receiving surface waters.
- F. New or modified connections to the City's storm water collection system shall be protected from trash loading by Regional Water Quality Control Board (RWQCB) approved full trash capture structural Best Management Practices (BMPs).

VII. 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. Each residential unit shall be provided with fire sprinklers in accordance with NFPA 13D.
- C. Each residential unit shall be provided with a second exit from the fourth floor bedroom unit.
- D. Documentation shall be provided from EBMUD at the time of building permit submittal verifying that the required fire flow of 1,500 gallons per minute (gpm) for 2 hours at 20 pounds per square inch (psi) is provided.
- E. An illuminated monument with an address shall be installed at the street. In addition all building addresses shall be placed in such a position as to be plainly seen from the driveway. Said numbers shall contrast with their background and be visible at night. Details including the monument, number size and location shall be submitted for the review and approval of the Fire Marshal and the Community Development Director, prior to issuance of building permits. Specific property addresses will be assigned by the Building Division of the Community Development Department.

VIII. 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 10 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.
- D. All exterior mechanical equipment such as air conditioning/heating units and radio/television antennas shall be screened from view so as not to be visible from

adjacent properties or streets to the satisfaction of the Community Development Director. This condition shall not apply to wireless cable receivers that do not exceed three feet in diameter.

IX. MAINTENANCE

- A. The project site and public right-of-way shall be well maintained and shall be kept free of litter, debris and weeds at all times; during construction. Post construction, the project site and public right of way shall be well maintained and shall be kept free of litter, debris and weeds. The property owner shall be responsible for the maintenance of the project site and adjacent public right-of-way.
- B. Any graffiti shall be promptly removed from building walls or fences. The developer and its successors in interest shall comply with the rules and regulations of the City's graffiti removal program and shall grant a license and right of entry as requested to enforce the terms of such program.
- C. All landscaping improvements located on the project site and within the adjacent public right of way shall be maintained by the property owner in a healthy, growing condition at all times.
- D. During the construction phase, the site shall be enclosed with a security fence and shall be well maintained in a neat manner, free of weeds, litter and debris.
- E. The trash and recycle bins shall be kept inside the designated space and kept out of public view, except when it is necessary to place them at the curbside on days that the contents of the containers are picked up for disposal.
- F. There shall be no parking or storage of boats, trailers, camper tops, inoperable vehicles and the like outside the buildings, within the project. In addition, the 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 common yard area, with the exception that said rear yard can be furnished with plants and patio furniture.
- G. All trees shall be planted so that at maturity they are located far enough away from the sidewalk so that their branches are at least eight (8) feet above the sidewalk area and 14 feet above the roadway/vehicle traveled way.

X. 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 Alvarado Street, Antonio Street and Davis Street from the project site during construction. Standard construction dust control procedures, such as wetting, daily roadwashing and other maintenance functions to control emissions, shall be implemented at all times during outdoor construction. Dust generating activities such as grading, excavation, paving, etc. shall be scheduled the early morning and other hours when wind speeds are low. All construction activities entailing soil disturbance shall cease when winds exceed 30 miles per hour as an hourly average.
- C. The developer shall prepare a construction truck route plan that would restrict trucks to arterial streets that have sufficient pavement section to bear the heavy truck traffic, thereby minimizing noise and traffic impacts to the community. The construction truck route plan shall be reviewed and approved by the City Transportation Administrator prior to receipt of the grading permit.
- D. Truck hauling activities shall be restricted to 8:00 a.m. to 5:00 p.m. There shall be no truck hauling activity on Saturdays, Sundays and Federal holidays.
- E. Procedures with the highest noise potential shall be scheduled for daylight hours, when ambient noise levels are highest.
- F. The contractor(s) shall be required to employ the quietest among alternative equipment or to muffle/control noise from available equipment.
- G. All construction contracts shall include the following requirements: 1) Unpaved construction sites shall be sprinkled with water at least twice per day; 2) Trucks hauling construction materials shall be covered with tarpaulins or other effective covers; 3) Streets surrounding demolition and construction sites shall be swept at least once per day; and 4) Paving and planting shall be done as soon as possible. City shall charge developer, and developer shall pay, for all costs of sweeping city streets in the vicinity of the project as necessary to control dust and spillage.
- H. The property shall be secured during construction with a six (6) foot tall chain link fence and any other security measures in accordance with recommendation of the San Leandro Police Department.
- I. Pest and vermin control shall be instituted prior to the demolition and construction of the project.

XI. 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 condominium unit in San Leandro, minus the Affordable Ownership

Cost, as determined by the Community Development Director. Note: As of September 2015 the in-lieu fee was estimated at \$38,761. The fee may change as it will be recalculated in the future at the time of the building permit.

XII. 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 created and required for this residential condominium 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 condominium unit 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 private balcony areas for outdoor storage and prohibiting the areas from appearing cluttered. The conditions shall state the common rear yard can be furnished with plants and patio furniture. These conditions shall be included in the CC&Rs.
- E. Prior to issuance of building permits, the applicant shall pay school fees as mandated by the State of California.
- F. 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.