

**RECOMMENDED
CONDITIONS OF APPROVAL**

PLN2012-00039

13533-13547 Aurora Drive

**Assessor's Parcel Numbers 79A-584-18-1, 79A-584-18-2, 79A-584-19-1 and 79A-584-19-2
S. Fagalde, Aurora Partners, LLC (Applicant and Property Owner)**

I. COMPLIANCE WITH APPROVED PLANS

- A. The project shall comply with exhibits and plans attached to the Staff Report, dated December 20, 2012, 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 - Aurora Cottages - Cover Sheet (Sheet A.1)

Exhibit B - Site Plan, Dimensioned Plan, Project Data (Sheet A.2)

Exhibit C - Two-family First Floor Plan (Sheet A.3.1)

Exhibit D - Two-family Second First Floor Plan (Sheet A.3.2)

Exhibit E - Two-family Exterior Elevations (Sheet A.4)

Exhibit F - Preliminary Landscape Plan

Exhibit G – Topographic Survey (Sheet P.1)

Exhibit H – Preliminary Grading, Drainage, and Utility Plan (Sheet P.2)

Exhibit I - Drainage and Treatment Areas (Sheet P.3)

Exhibit J – Color 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. Construction shall commence within one (1) year 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 is an approval for a Planned Development for 16 residential units which include retaining four single-family residences that are existing and constructing six new two-

family residences (12 new units) at 13533-13547 Aurora Drive; Assessor's Parcel Numbers 79A-584-18-1, 79A-584-18-2, 79A-584-19-1 and 79A-584-19-2.

- B. No application for amendment of the application or Conditions of Approval may be submitted or accepted for processing by the city unless (i) there is full compliance with all other legally binding documents regulating development on the property; and (ii) there is full compliance with all terms of the application and Conditions of Approval, or (iii) the Community Development Director has waived compliance with the terms of the application because they are minor in content.
- C. Construction of the project shall remain in substantial compliance with the approved exhibits and plans. Any change to the project design, materials or colors shall be subject to the review and approval of the Community Development Director who may administratively approve minor changes, or for more substantial changes, require review by the Planning Commission and City Council as a modification to the Planned Development.

III. ADDITIONAL PLAN SUBMITTALS

- A. Prior to issuance of building permits, applicant shall submit a checklist showing that the project meets the minimum green building rating for a multi-family project, according to the most current GreenPoint Rated for Multi-Family projects, or equivalent green building rating system as adopted by the City of San Leandro at the time of submittal for building permits. Features indicated on said checklist shall be incorporated into building permit plans.
- B. Prior to issuance of building permits, the developer shall submit final details and specifications including, but not limited to: material samples for driveways, interior sidewalks, and special building features, for review and approval by the Community Development Director.
- C. Prior to issuance of building permits, the developer shall submit final landscape and irrigation plans for the review and approval of the Community Development Director. The plans shall include such details as, 1) tree size, species and location; 2) shrubs and groundcovers; 3) installation specifications, including tree staking; 4) irrigation details; 5) water conservation techniques; and 6) maintenance programs. Final landscape and irrigation plans shall conform to the Water Efficient Landscape Ordinance as codified in Article 19 of the San Leandro Zoning Code.
- D. Prior to issuance of building permits, the developer shall submit final plans and details for the perimeter fencing, and site lighting (including submittal of a photometric study) for the review and approval of the Community Development Director. The plans and details shall show location, height, decorative features, and construction details showing materials and finishes to be used for construction. No site lighting may spill offsite.
- E. Prior to issuance of 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 these units shall be screened or enclosed.
- B. Prior to approval of the final building plans for building permits, the developer shall submit evidence of compliance with Title 24 Code, to the satisfaction of the Building Official.
- C. Prior to approval of building permits, the developer shall submit evidence of compliance with the California Building Code related to the following accessibility requirements:
 - 1) The entire site needs to be accessible.
 - 2) Accessible path of travel is required to trash enclosures.
 - 3) Common public areas such as the open turf area must be accessible as per CBC Chapter 11B.
- 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.

V. ENGINEERING & TRANSPORTATION DEPARTMENT REQUIREMENTS

- A. The proposed development shall comply with City ordinances, policies and regulations. All improvements shall be in accordance with the City's Design Standards, Specifications and Standard Plans unless otherwise specifically approved by the City Engineer.
- B. Pursuant to Government Code Section 66020, including Section 66020 (d) (1), the City HEREBY NOTIFIES the applicant for this Project that the 90-day approval period (in which the applicant may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) will begin on the date of the conditional approval of this Project. If you fail to file a protest within this 90-day period, complying with all of the requirements of Government Code Section 66020, you will be legally barred from later challenging any such fees, dedications, reservations or other exactions.
- C. Site Improvement Plans for all on-site and off-site improvements shall be approved by the City Engineer prior to the issuance of Building Permits for the project. All improvements shall be designed and constructed in accordance with the City's Design Standards, Specifications and Standard Plans, unless otherwise specifically approved by the City Engineer.

- D. Prior to the issuance of the Building Permit, the property owner shall pay the Sewer Connection fee, Engineering Review and Inspection Fees, and other fees as required by City Ordinances and regulations.
- E. A Development Fee for Street Improvements (DFSI) is required and is equal to \$1221.67 per housing unit. However, a credit for the existing 4 residential units offsets this fee and therefore DFSI fee for 12 units is due. The Marina/I 880 Traffic Impact Fee per residential unit is \$614.48 and will be due for 12 units. These fees are subject to change at the start of each fiscal year.
- F. A Park Facilities Development Impact Fee of \$14,749.69 per unit, for 12 units, shall be paid prior to issuance of a building permit. These fees are subject to change at the start of each fiscal year.
- G. Applicant shall service all units via underground facilities and each unit shall have its own utility laterals.
- H. Applicant shall remove any broken and uplifted driveway, sidewalk, curb and gutter along the full project frontage and shall construct new City standard driveway, sidewalk, curb and gutter in the same location and alignment as the existing facilities prior to issuance of Certificate of Occupancy.
- I. All abandoned driveways shall be removed and replaced with City standard sidewalk, curb and gutter prior to issuance of Certificate of Occupancy.
- J. Prior to the issuance of building permits for the project, the Applicant shall obtain an Encroachment Permit from the Engineering and Transportation Department for any work within the public right-of-way.
- K. 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.
- L. Prior to the issuance of the Building Permit, a lot line adjustment shall be submitted and processed through the San Leandro Engineering & Transportation Department for the merger or combining of four parcels in to one parcel.
- M. 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.
- N. Runoff from trash enclosures, recycling areas, or similar facilities shall not discharge to the storm drain system. Trash enclosure areas for a dumpster(s) shall be covered and designed to avoid run-on to the trash enclosure area, details subject to the review and approval of the Chief Building Official, City Engineer and Environmental

Services Manager. Enclosures for rolling bins with covers not exceeding 96 gallons in size are not required to be covered.

- O. Roof drains shall discharge to an unpaved area wherever practicable.
- P. Applicant must complete an Operations and Maintenance Stormwater Agreement.
- Q. 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. Any air conditioning condensate that discharges to land without flowing to a storm drain may be subject to the requirements of the State Water Resources Control Board’s (SWRCB) Statewide General Waste Discharge Requirements (WDRs) for Discharges to Land with a Low Threat to Water Quality.
 - 5. Landscaping shall be designed to minimize irrigation and runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to storm water pollution.
 - 6. Where feasible, landscaping shall be designed and operated to treat storm water runoff by incorporating elements that collect, detain, and infiltrate runoff. In areas that provide detention of water, plants that are tolerant of saturated soil conditions and prolonged exposure to water shall be specified.
 - 7. Plant materials selected shall be appropriate to site specific characteristics such as soil type, topography, climate, amount and timing of sunlight, prevailing winds, rainfall, air movement, patterns of land use, ecological consistency and plant interactions to ensure successful establishment.
 - 8. Proper maintenance of landscaping, with minimal pesticide use, shall be the responsibility of the property owner.
 - 9. Irrigation shall be appropriate to the water requirements of the selected plants. Irrigation system shall automatically adjust for weather conditions.
 - 10. Applicant shall select pest- and disease-resistant plants.
 - 11. Applicant shall plant a diversity of species to prevent a potential pest infestation from affecting the entire landscaping plan.
 - 12. Applicant shall plant “insectary” plants in the landscaping to attract and keep beneficial insects.
 - 13. Pool (including swimming pools, hot tubs, spas and fountains) discharge drains shall not be connected directly to the storm drain or sanitary sewer system

14. Storage areas containing non-hazardous liquids shall be covered by a roof and drain to the sanitary sewer system, and be contained by berms, dikes, liners, vaults or similar spill containment devices.
 15. Storm water treatment areas shall be located within the common area(s) or at on-site locations acceptable to the City where such locations shall be accessible to City Staff for periodic inspection under the City's operation and maintenance verification inspection program.
- R. 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.
 - S. During construction the following high standards for sanitation are required: Garbage cans, construction dumpsters, and debris piles shall be removed on a minimum weekly basis. All food related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers only and shall be regularly removed from the site. The improvement shall construct stabilized gravel entrance per City Standard Detail Dwg 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.
 - T. Landscaped areas, including the area behind the public sidewalk, shall be graded so that irrigation and storm water does not run off.
 - U. Parking spaces in garages shall be 10 feet wide and 20 feet deep, minimum. Applicant shall demonstrate that common moving trucks such as class WB-40 can navigate the main driveway.
 - V. Pedestrian pathways on site shall be designed as The Americans with Disabilities Act (ADA) accessible.

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. Electrical transformers shall be vaulted underground. In the event that the transformer cannot be undergrounded, it shall be screened from view consistent with the access requirements of PG&E. Details for screening shall be subject to the review and approval of the Community Development Director.

- D. All walls, fences, and landscaping within 25 feet of any street intersection or driveway shall be maintained at a height of not more than 36 inches above the top of the nearest adjacent curb and gutter to allow for adequate sight distance, or unless otherwise approved by the City's Transportation Engineer.

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, perimeter soundwalls and/or fences. The developer and its successors in interest shall comply with the rules and regulations of the City's graffiti removal program and shall grant a license and right of entry as requested to enforce the terms of such program.
- C. All landscaping improvements shall be maintained in a healthy, growing condition at all times.
- D. During the construction phase, the site shall be enclosed with a security fence and shall be well maintained in a neat manner, free of weeds, litter and debris.
- E. The trash and recycle bins shall be kept inside the designated space inside the screened enclosures 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. This condition shall be included in the lease agreements with residents living in the development. In addition, this condition shall be strictly enforced by the landlord.

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. Interior construction such as sheet rock taping and texturing, painting, tile installation and similar activity shall be permitted outside the above hours provided that construction noise shall not be detectable outside of the buildings under construction or renovation.
- B. Construction activity shall not create dust, noise or safety hazards for adjacent residents and properties. Dirt and mud shall not be tracked onto Aurora Drive 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.

IX. POLICE DEPARTMENT REQUIREMENTS

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

X. ENVIRONMENTAL SERVICES DIVISION REQUIRMENTS

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

XI. ALAMEDA COUNTY FIRE DEPARTMENT REQUIREMENTS

- A. Fire hydrant shown on the exhibits shall have the flow of 1,500 gallons per minute (g.p.m) at 20 pounds per square inch (p.s.i.) for two hours. The minimum roadway width where hydrant is located shall be 26 feet wide.
- B. Automatic sprinkler systems shall be required in all of the new buildings.
- C. Emergency vehicle access roads (minimum 20 feet wide except as described in item A., above) shall be provided. Red curbs or signage (labeled “NO STOPPING FIRE LANE CVC 22500.1”) shall be provided where parking would block the access roads including in the hammerhead turnaround.
- D. The hammerhead turn around shall be designed, constructed and maintained per the Fire Code.
- E. 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.

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. All exterior mechanical equipment such as air conditioning/heating units and radio/television antennas shall be screened from view so as not to be visible from adjacent properties or streets to the satisfaction of the Community Development

Director. This condition shall not apply to wireless cable receivers that do not exceed three feet in diameter.

- D. Prior to issuance of building permits, the applicant shall pay school fees as mandated by the State of California.
- E. The landlord shall disclose to potential residents and include as a disclosure in the lease agreements that the Proposed Development is near The Golf Course and its corporation yard that commences operations in early morning hours and generates noise which includes but is not limited to the normal and customary maintenance and operation of the Golf Course, such as the operation of mowing and spraying equipment, and the washing of maintenance equipment. Furthermore, the Proposed Development is near The Golf Course driving range, restaurant, clubhouse with banquet facility and related parking areas which also has activities by the general public which includes but is not limited to noise from their vehicles, common noise levels associated with the activities of The Golf Course and its restaurant and banquet operations conducted from the clubhouse of The Golf Course during early morning and until late evening and operation of lighting for the driving range and golf facilities during hours of darkness. In addition, the disclosure shall include The Golf Course has no obligation to preserve any view over and across the Golf Course property from the Proposed Development. The Golf Course has no obligation to prune or thin trees or other landscaping, and has the right to add trees and other landscaping from time to time. The Golf Course has the right to change or add improvements to The Golf Course that may affect the view of The Golf Course from the Proposed Development area. Furthermore, the disclosure shall specify that The Golf Course is not responsible for potential overspray of herbicide, fungicides, pesticides, fertilizers due to wind factor, over portions of the Proposed Development area. Moreover, The Golf Course is not responsible for maintenance or repair of the new fence between The Proposed Development and The Golf Course; and The Golf Course is not responsible for any damage to the Proposed Development or injury to persons on the Proposed Development by errant golf balls during and after completion of the Proposed Development.
- F. Pest and vermin control shall be instituted prior to the demolition and construction of the project.
- 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.