

Exhibit B

**CONDITIONS OF APPROVAL**

**PLN17-0049**

**342 Marina Boulevard**

**Assessor's Parcel Number 75-82-10**

**G.K. Wong, GKW Architects, Inc. (applicant) c/o property owner**

**I. COMPLIANCE WITH APPROVED PLANS**

- A. The project shall comply with Exhibits A through U, dated August 16, 2018, 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 Page and Renderings

Exhibit B - Solar study and Streetscape Elevation

Exhibit C - Existing Site Plan

Exhibit D - Proposed Site Plan

Exhibit E - Floor Plan, Level 1

Exhibit F - Floor Plan, Level 2

Exhibit G - Floor Plan, Level 3

Exhibit H - Roof Plan

Exhibit I - Elevations, North and South

Exhibit J - Elevations, East and West

Exhibit K - Cross Section

Exhibit L - Street Improvements-Standard Plans

Exhibit M - Freestanding Sign Details

Exhibit N - Colors and Materials Board

Exhibit O - Topographic Survey

Exhibit P - Preliminary Civil Utility Plan

Exhibit Q - Preliminary Stormwater Control, Grading and Drainage Plan

Exhibit R - Vesting Tentative Map Tract No. 8475

Exhibit S - Photometric Plan

Exhibit T - Planting Plan

Exhibit U - Hydrozone Plan

- 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 is an approval for a Planned Development, Site Plan Review, and Vesting Tentative Map to permit construction of a single-lot subdivision consisting of six, three-story, townhouse condominiums; 342 Marina Boulevard. Alameda County Assessor's Parcel Number 75-82-10.
- 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 submitted in writing with related exhibits (i.e., plans, details, specifications, etc.) and 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 residential project, according to the most current GreenPoint Rated 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, masonite or wood front doors with raised panels and windows, door and window trim, front porch posts and railings, corbels, wood brackets, metal standing seam roofing, and operable windows to ensure that the new townhouse condominiums' 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 townhomes. Said final colors shall at a minimum be three 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 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 the driveway, interior sidewalks, and special building features, for review and approval by the Community

Development Director. At a minimum, the concrete driveway and walkways shall 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 and Principal Engineer. Said plans shall include all setbacks and planter areas. At a minimum, the planting plan shall include trees with a minimum size of 24-inch box. The minimum size for the shrubs and vines shall be five gallons and the ground cover shall be one gallon or from flats with appropriate spacing for coverage. 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 be prepared and stamped by a California licensed landscape architect and shall conform to the Model Water Efficient Landscape Ordinance as updated by the State of California Department of Water Resources. The landscaping adjacent to the common driveway, within 15 feet of the Marina Boulevard right-of-way line, shall be maintained so it does not exceed three feet in height 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.
- E. A sign permit shall be obtained for the freestanding address sign in the front setback. Prior to issuance of the sign permit said sign location shall be adjusted so that it does not encroach into the 15 feet by 15 feet sight distance triangle when measured along the western edge of the driveway and along the Marina Boulevard face-of-curb, to the satisfaction of the City's Transportation Engineer.
- F. Prior to issuance of building permits, the developer shall submit final plans and details for site lighting (including submittal of a photometric study) for the review and approval of the Community Development Director and Principal Engineer. 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.

#### **IV. BUILDING AND SAFETY SERVICES CONDITIONS**

- A. The following conditions do not constitute a complete building plan review. A formal plan check review will be completed at time of project submittal to the Building Division:
  - 1. The Study room on the ground floor of Unit 6 shall not be used as a sleeping area due to the garage door opening into that study room.
  - 2. Title 24 Building Energy Efficiency shall be satisfied.
  - 3. Egress from all bedrooms shall be provided.
  - 4. Fire separation between the garage ceilings and the upper floors shall be provided.
  - 5. Structural Calculations shall be provided.
  - 6. Geotechnical letter from Geotechnical Consultant shall be required verifying that the foundation plans comply to the geotechnical report.

## V. ENGINEERING & TRANSPORTATION DEPARTMENT REQUIREMENTS

### A. Municipal Regional Stormwater Permit Provision C.3 (Clean Water Program)

1. All proposed onsite and offsite storm drain inlets shall be marked “NO DUMPING, DRAINS TO BAY” as per the City of San Leandro Standard Plan Dwg. No. 204. All proposed storm drain inlets downstream of the bioretention areas shall have “United Storm Water” trash capture devices..

### B. Storm Drainage

1. Sheet C2.0 shows a new 15-inch RCP storm drain line connecting to the existing storm drain facility at the intersection of Marina Boulevard and Clarke Street. This existing line is operated and maintained by Alameda County Flood Control and Water Conservation District and is called “Line A”. Connections to Line A may require a permit from the District. An Encroachment Permit shall be obtained from the City to perform work in the public right-of-way.

### C. Tract Map

1. A Tract Map for condominium purposes shall be prepared for the project. Map shall be prepared by a licensed Land Surveyor, and a Tract Map application shall be completed and submitted to the City of San Leandro Engineering and Transportation Department, and shall be consistent with the submitted Vesting Tentative Map. Tract map shall be approved and recorded at the Alameda County Recorder’s office prior to issuance of any building permits.
2. Submittal of the Tract Map shall include the development’s Covenants, Conditions and Requirements (CC&Rs) for review and approval by the City.
3. Public Utility Easements and Fire Department Access Easements shall be provided over the private driveway serving the project. The Homeowner’s Association shall maintain all common area facilities within the private property.

### D. Off-Site

1. All electrical and telecommunication utility connections for the project shall be placed underground.
2. Any work in the Public Right-of-Way shall require an encroachment permit from the City of San Leandro Engineering and Transportation Department.

### E. Grading

1. A Grading Permit shall be obtained for the project. The requirements for said permit are indicated in San Leandro Municipal Code §7-12. The permit will be issued prior to or concurrent with the Building Permit. The San Leandro Municipal Code can be found at [http://www.sanleandro.org/about/municipal\\_code.asp](http://www.sanleandro.org/about/municipal_code.asp).

F. Site Lighting and Photometric

1. A lighting plan and photometric study shall be developed and submitted for approval along with the building permit application to assure sufficient illumination for the safety and security of the future building occupants.

G. Other

1. A Park Facilities Development Impact Fee shall be assessed for six (6) dwelling units (du) as follows:

Park Land Acquisition Fee (Multi-Family):	\$13,557.00/du	or	\$81,342.00
Park Improvement Fee (Multi-Family):	\$2,170.00/du	or	\$13,020.00

Credits

Park Land Acquisition Fee (Single-Family):	\$15,511.00/du	or	\$15,511.00
Park Improvement Fee (Single-Family):	\$2,482.00/du	or	\$2,482.00

Total Park Impact Fee (including credits):	\$76,369.00		
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(These fees above are subject to change at the start of each fiscal year).

2. The Development Fee for Street Improvement (DFSI) shall be assessed in the amount of \$6,947.10 which is calculated at \$1,389.42 per housing unit. This includes a credit for the existing single-family residence in the amount of \$1,389.42. The DFSI fee is subject to change at the start of each fiscal year.
3. The Marina Boulevard/Interstate 880 Interchange Traffic Impact Fee shall be assessed in the amount of \$3,494.30 which is calculated at \$698.86 per housing unit. This includes a credit for the existing single-family residence in the amount of \$698.86. This fee is subject to change at the start of each fiscal year.
4. The property is outside the Marina Boulevard Underground Utility District. Therefore, no Underground Utility Fee is due for this project.

**VI. ALAMEDA COUNTY FIRE DEPARTMENT REQUIREMENTS**

- A. The Tract Map shall include Fire Department Access Easements.
- B. Prior to issuance of building permit and fire clearance for occupancy, the following shall be submitted for Alameda County Fire Department review and approval:
  1. The plans shall specify the installation of a NFPA 13D fire sprinklers.
  2. Plans shall comply to the Occupancy Type R-3 single-family residential.
  3. The plans shall detail and specify five (5) foot fire rated assembly along the roof installed on each side of the common walls.
  4. The plans shall note that the exterior units shall not lock gates of the secondary exits of the middle (interior) units.

5. All addresses shall be illuminated.
6. A Knox Box shall be required for all common area enclosures.

## **VII. PUBLIC WORKS SOLID WASTE & RECYCLING REQUIRMENTS**

- A. The following conditions do not constitute a complete building plan review. A formal plan check review will be completed at time of project submittal to the Building Division:
1. Solid waste (trash), recycling and organics bins shall not be stored in view from the street, unless stored in a side yard location flush with the wall of the residence or main structure, and so long as the lid for such container is closed. Outdoor storage of trash receptacles is permitted if said receptacles are screened from view from the street or any public right of way. Receptacles may be placed adjacent to the street for pick-up by the City's franchised waste hauler on normal trash and recycling pick-up days.
  2. Trash, recycling and organics bins shall be placed curbside no more than 24 hours prior to scheduled service day(s). Bins shall be removed from the curb no more than 12 hours after collection service.
  3. Recycling Requirements – Applicant shall be subject to Alameda County Mandatory Recycling Ordinance#2012-01. For more information, see [www.RecyclingRulesAC.org](http://www.RecyclingRulesAC.org).
  4. Project shall comply with all City and State construction and demolition debris recycling requirements. Permit applicants shall demonstrate compliance by completing and submitting an online Waste Management Plan using Green Halo Systems ([www.GreenHaloSystems.com](http://www.GreenHaloSystems.com)) prior to permit issuance. Applicants shall submit recycling and disposal receipts online and submit the waste management report before scheduling the final inspection. Note: Project will not be finalized until all recycling and disposal tags have been registered into Green Halo Systems.
  5. Solid waste and recycling service provider is Alameda County Industries (ACI). Applicant shall note the City of San Leandro holds an exclusive franchise agreement for solid waste and recycling services with ACI.

## **VIII. INCLUSIONARY CONDITION**

- A. Prior to recordation of the Final Map for the subdivision and condominium plan, the applicant/property owner shall pay to the City's Affordable Housing Trust Fund an in-lieu fee equivalent to 0.90 of the median sales price of a condominium dwelling unit in San Leandro, minus the Affordable Ownership Cost, as determined by the Community Development Director.

## **IX. 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 located away from the public right-way and screened from view consistent with the access requirements of Pacific Gas and Electric Company (PG&E). Details for location and screening shall be subject to the review and approval of the Community Development Director.
- D. All walls, fences, and hedges within the front yard setback 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.

## **X. 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.

## **XI. CONSTRUCTION PROVISIONS**

- A. Pest and vermin control shall be instituted prior to the demolition and/or grading of the project.
- B. 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.
- C. Construction activity shall not create dust, noise or safety hazards for adjacent residents and properties. Dirt and mud shall not be tracked onto Marina Boulevard 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.

- D. 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.
- E. 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.
- F. Procedures with the highest noise potential shall be scheduled for daylight hours, when ambient noise levels are highest.
- G. The contractor(s) shall be required to employ the quietest among alternative equipment or to muffle/control noise from available equipment.
- H. 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.
- I. 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.

## **XII. POLICE DEPARTMENT REQUIREMENTS**

- A. All trees planted to be mature enough and located far 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. Specific property addresses will be assigned by the Building Division of the Community Development Department.

## **XIII. GENERAL CONDITIONS**

- A. 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 driveway and landscaping.

- B. Conditions of approval shall be recorded against each created condominium 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 private yards can be furnished with plants and patio furniture. These conditions shall be included in the CC&Rs.
- C. Prior to issuance of building permits, a lighting plan and specific street lighting details regarding location, candle power, and light levels (by submittal of a photometric study) shall be reviewed and approved by the City Engineer and Community Development Director.
- 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.
- E. The approvals granted by the City as a result of this application, as well as the Conditions of Approval, shall be recorded in the Office of the County Recorder of Alameda County.