

EXHIBIT B

RECOMMENDED CONDITIONS OF APPROVAL

PLN20-0030

511 Estudillo Ave.

Alameda County Assessor's Parcel Number 077-0525-010-02

Tu Dac Kieu (Applicant/Property Owner)

I. COMPLIANCE WITH APPROVED PLANS

1. The project shall comply with Exhibits A through H, attached to the staff report dated May 6, 2021, 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 – Existing Site Plan/Vicinity Map
 - Exhibit B – Proposed Site Plan
 - Exhibit C – Exist Floor Plan
 - Exhibit D – Revised Floor Plan
 - Exhibit E – Exist Elevations
 - Exhibit F – Proposed Elevations
 - Exhibit G – Photos
 - Exhibit H – Landscape Plan
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 Chapter 5.08](#), this approval shall lapse on May 6, 2023, unless a 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 by the Zoning Enforcement Official, and there are no outstanding enforcement complaints. Application for renewal shall be made in writing to the Zoning Enforcement Official not less than 30 days or more than 120 days prior to expiration of the Conditional Use Permit approval. Denial of a request for a renewal may be appealed.

II. PERMITTED USE

1. Scope of Work. This Conditional Use Permit allows for mixed-use residential in the P Professional Office District. This Conditional Use Permit is for the conversion of a portion of an existing commercial building into mixed use residential, with a one bedroom and one bathroom residential unit in the rear and an office in the front at 511 Estudillo Avenue.
2. Parking. A one car carport shall be constructed, in addition to three surface parking spaces, to accommodate the residential unit and the commercial unit.

III. USE RESTRICTIONS

1. Commercial Parking. The business located in the commercial space shall be subject to the minimum parking requirements for the P Professional Office District based on the square footage of the commercial use.
2. No Short Term Rental. Owner agrees that there shall be no rental of the residential unit for terms shorter than 30 days.
3. One Residential Unit. Owners agree that the residential unit shall not be used as more than one residential unit with one kitchen at any time; unless and until it and the property meet all residential, zoning, and permits for multiple dwelling units including but not limited to density (units/acre), parking, setbacks, access and all applicable Building Code provisions.

IV. REQUIRED ON-SITE IMPROVEMENTS

1. Landscape Maintenance. All landscaping improvements shall be maintained in a healthy, growing, and weed-free condition at all times. Any missing, dead, or damaged plant materials shall be promptly replaced with a plant material similar in type and comparable in size to the plant(s) being removed.

V. ENGINEERING AND TRANSPORTATION DEPARTMENT REQUIREMENTS

1. 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 the applicant fails to file a protest within this 90-day period, complying with all of the requirements of Government Code Section 66020, the applicant will be legally barred from later challenging any such fees, dedications, reservations or other exactions.
2. 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.
3. Design review fees, development impact fees, permit fees, inspection fees, and any other fees charged by the City or other reviewing agencies for the review, approval, permitting and inspection of the above listed public improvements shall be paid by the Developer.
4. Applicant shall provide wheel stops at all of the parking stalls to prevent damage to vehicles parking in the stalls and the adjacent improvements.
5. The Applicant shall reduce storm water pollution by implementing the following pollution source control measures:
 - a. All storm drains shall be marked "NO DUMPING, DRAINS TO BAY"
 - b. All on-site storm drains shall be inspected and, if necessary, cleaned at least twice a year including immediately prior to the rainy season.
 - c. 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.

- d. Air conditioning condensate shall be directed to landscaped areas.
 - e. 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.
 - f. 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.
 - g. 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.
 - h. Proper maintenance of landscaping, with minimal pesticide use, shall be the responsibility of the property owner.
 - i. Irrigation shall be appropriate to the water requirements of the selected plants. Irrigation system shall automatically adjust for weather conditions.
 - j. Applicant shall select pest- and disease-resistant plants.
 - k. Applicant shall plant a diversity of species to prevent a potential pest infestation from affecting the entire landscaping plan.
 - l. Applicant shall plant "insectary" plants in the landscaping to attract and keep beneficial insects.
 - m. 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.
6. The notes below shall be included on the Improvement Plans submitted for permitting:
- a. The applicant shall obtain an Encroachment Permit from the Engineering and Transportation Department for any work within the public right-of-way including the use of lifting equipment or the staging of materials. Barricades, traffic cones, and/or caution ribbon shall be positioned around any equipment or materials within the right-of-way to provide a barrier to public access and assure public safety. Any damage to the right-of-way improvements must be promptly repaired by the applicant according to City adopted standards.
 - b. 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.

- c. The applicant shall implement construction best management practices during construction to control erosion, keep sediment from leaving the project site and prevent storm water pollution. The applicant shall protect existing storm drain inlets and conveyances within the project area to prevent sediment from construction activities entering the storm drain system.
7. A one-time Park Facilities Development Impact Fee shall be assessed for the new single-family residential unit, approximately in the amount of \$20,031.00 and is due at the time of building permit issuance. This fee is subject to change at the start of each fiscal year and is not vested until Building Permit issuance.

VI. ALAMEDA COUNTY FIRE DEPARTMENT REQUIREMENTS

Please note that these conditions do not constitute a complete fire and building code review. A formal plan check review will be completed at time of building permit submittal. The building will need to comply with all building and fire code requirements in affect at time of building permit submittal.

1. A Fire protection system meeting the requirements of NFPA 13D shall be provided for the residential portion of the building. It is recommended the whole structure is provided with a fire protection system.
2. Smoke alarms shall be provided per the CBC 2019 edition.
3. Carbon monoxide detectors shall be installed per the CFC 2019 edition.
4. A Monument address shall be provided with a separate address that can be obtained by the San Leandro Building Department.

VII. BUILDING & SAFETY SERVICES REQUIREMENTS

1. Title 24 required
2. Construction and Demolition per CalGreen
3. CalGreen Residential Mandatory Measures Checklist
4. Egress windows for bedrooms
5. Fire rating for walls, roof and roof eaves within 5' of property line
6. Fire separation between units, and MEP penetration's all rated assemblies shall be listed
7. Plans shall be wet stamped by a licensed professional
8. Existing office what is the occupancy and occupant load
9. Provide accessible parking for office
10. Provide accessible path of travel from public right of way and accessible parking to office
11. Common use areas shall accommodate accessible activities or provide equivalent facilitation

12. All egress routes shall have accessible compliant hardware
13. Provide accessible clearances for all accessible spaces
14. Existing office restroom shall be accessible
15. Provide smoke detectors in new residential unit and CO if gas appliances are being used
16. MEP shall not be a deferred submittal

VIII. CONSTRUCTION PROVISIONS

1. Construction Hours. Construction on the project site shall not begin prior to 7:00 am Monday through Friday, and prior to 8 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.
2. 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 Estudillo Avenue from the project site during construction.

IX. GENERAL CONDITIONS

1. Maintenance. 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.
2. Solid Waste Service Requirement. Applicant is required to have sufficient number and size of containers and service frequency for all waste generated (garbage, recycling and organics). 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.
3. 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.
4. Business License. A City business license shall be obtained prior to start of business. Any complaints regarding this business may be grounds for a review hearing by the Board of Zoning Adjustments or revocation of the business license by the City Finance Department.
5. Parking. The garage and driveway shall be accessible at all times for vehicle parking.
6. The proposed use and all vehicle parking on the site shall be undertaken in a neat and orderly manner at all times.
7. All uses and activities shall comply with the provisions of the San Leandro Noise Regulations (Title IV, Chapter 1 of the Municipal Code).

8. No use, activity, or process shall produce vibrations that are perceptible without instruments by a reasonable person at the property lines of a site.
9. No use, process, or activity shall produce dust that is perceptible without instruments by a reasonable person at the property lines of a site.
10. All exterior mechanical equipment such as air conditioning/heating units and antennas shall be screened from view so as not to be visible from adjacent properties or streets to the satisfaction of the Zoning Enforcement Official.
11. Any graffiti shall be promptly removed from the property. Any graffiti shall be promptly removed from building walls, perimeter sound walls 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.
12. All fencing and walls on the project site shall be structurally sound, graffiti-free and well maintained at all times. The perimeter fencing shall be structurally sound and well maintained at all times. Any damage to the fencing shall be promptly replaced or repaired. Any rusted fencing shall be replaced.
13. Barbed or razor wire installed on the fencing, walls, or buildings on the property is prohibited within three hundred feet of the public street frontage.
14. No Outdoor Storage. There shall be no outdoor storage of any type in loading or parking stalls. Those areas shall be kept free of obstruction and available for their designated use at all times.
15. Signage. All signage must conform to the regulations in Chapter 4.12 of the Zoning Code. Neon signs or flashing signs are prohibited on the property, including in windows. The signs on the property shall be well maintained at all times. Any damage to the signs shall be promptly repaired or replaced. Window signs, whether painted or adhered to the glass or within eight feet of the window excluding merchandise display, shall be no larger than twenty-five percent of the window in which they are located. No temporary or unauthorized signs shall be placed on the property, including but not limited to banners, balloons, streamers, and pennants, unless approved by the City under a Special Event Permit.
16. On-Site Lighting. On-site lighting shall be LED or other energy-conserving lighting and shall be 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 the Community Development Director. After installation, the Community Development Director reserves the right to require adjustment of light fixtures to comply with this requirement prior to approval of occupancy.
17. The project and use shall remain in substantial compliance with the approved plans and exhibits. Any change to project design shall be subject to the review and approval of the Zoning Enforcement Official who may administratively approve or require review by the Board of Zoning Adjustments as a modification.

18. 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.
19. Any outstanding Planning Services deposit fees or balance shall be paid prior to issuance of a building permit.
20. 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.