

**RECOMMENDED  
CONDITIONS OF APPROVAL  
PLN17-0047  
2882 Darius Way  
W. Ma (applicant and property owner)**

**I. COMPLIANCE WITH APPROVED PLANS**

- A. The project shall comply with Exhibits A through O, attached to the staff report dated February 1, 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 Sheet (A-1)

Exhibit B - Site Plan (A-2)

Exhibit C - Existing Conditions, Photograph Montage (A-2.1)

Exhibit D - Proposed Garage (Basement) Floor Plan (A-3)

Exhibit E - Proposed First Floor Plan (A-4)

Exhibit F - Proposed Second Floor Plan (A-5)

Exhibit G - Roof Plan and Daylight Analysis (A-6)

Exhibit H - Proposed Building Front and Rear Elevations (A-7)

Exhibit I - Proposed Building Side Elevations and Section (A-8)

Exhibit J - Building Façade Details (A-9)

Exhibit K - Site Survey (SU-1)

Exhibit L - Landscape Plan (L-1)

Exhibit M - Irrigation Plan (L-2)

Exhibit N - Lighting and Electrical Plan, First and Second Floor (E-1)

Exhibit O - Lighting and Electrical Plan, Garage (Basement) (E-2)

- B. The 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.
- C. Construction shall commence within one (1) year following Board of Zoning Adjustments approval of the Major View Preservation/Site Plan Review and Height Exception, and shall be substantially completed one year after commencement of construction. For the purpose of compliance with this condition, commencement of construction shall be defined as the construction of a substantial portion of the building foundation.
- D. Prior to issuance of building permits, detailed elevations shall be submitted, showing all materials for exterior siding. Said plans shall include architectural details that match the existing homes in the Darius Way cul-de-sac, with architectural details that provide visual interest to the street-facing elevations. Plans shall be subject to the review and approval of the Zoning Enforcement Official.
- E. Prior to issuance of building permits, all building specifications shall be submitted for review and approval to the Zoning Enforcement Official to ensure the quality of the exterior design. Said building specifications include but are not limited to:

1. The selected window sizes and window trim details for all windows on all sides of the homes.
2. The specifications and sample of proposed roof material.
3. The final colored elevations and actual color samples.

## **II. PERMITTED USE**

- A. This is an approval for a Height Exception and Major Site Plan Review/View Preservation to build a new single-family home, with livable area of 3,938 square feet, comprised of four bedrooms and four bathrooms, and a 981 square-foot attached three-car garage at 2882 Darius Way; Assessor's Parcel Number 79-20-47-4. These Conditions of Approval shall supersede PLN2008-00035.
- B. Construction of the project shall remain in substantial compliance with the approved exhibits and plans, including any changes to the interior room configurations. Specifically, the crawl space indicated on plans shall not be converted to livable area. Any change to the project design, grading of the project site, exterior materials or colors 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 to appropriate application approval listed above at a public hearing.
- C. The subject residence shall be limited to single-family occupancy, only. For the purposes of this condition, installation of any appliances for cooking, including, but not limited to a stove, hot plate or microwave oven, in any room other than the individual kitchen in the existing dwelling unit within the single-family home, shall be deemed the creation of an additional kitchen and therefore creation of an additional dwelling unit. Specifically, bedrooms or any room other than the designated kitchen in the homes on the property shall not have any other kitchen and shall not be acknowledged as a separate dwelling unit at the subject property. Prior to issuance of building permits, the property owner shall have notarized and filed with the County Assessor's Office a Deed Restriction of Use, limiting the residence to a single-family use. Planning staff will prepare the document for the applicant.

## **III. PROJECT SITE IMPROVEMENTS**

- A. All garage doors shall be roll-up sectional type and garages shall have electronic, remote control garage door openers.
- B. Within the habitable areas of the dwellings, exterior sound transmission control measures shall be provided to prevent the intrusion of exterior noise. Interior noise levels attributable to exterior sources shall not exceed 45 dBA in any habitable room with windows closed.

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

- A. Building shall meet New Applicable Code 2016 for Cal Green, Energy requirements and requirements of California Residential Code (CRC) 2016.

- B. The materials and construction methods for exterior shall meet the Wildfire Exposure, CRC, Section R337. (Note: The parcel is located in High Fire Hazard Area).
- C. Prior to issuance of building permits, the developer shall submit evidence that the residence complies with Title 24 Code, to the satisfaction of the Chief Building Official.

## **V. ENGINEERING & TRANSPORTATION 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 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.
- 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 Principal Engineer.
- C. Geotechnical Investigation and Geologic Hazards Evaluation prepared by GeoTrinity Consultants, Inc. for proposed project shall be signed and stamped and final copy shall be submitted to the Engineering & Transportation Department prior to issuance of Grading Permit.
- D. All the site grading and foundation work shall be in accordance with the Geotechnical Investigation and Geologic Hazards Evaluation prepared by GeoTrinity Consultants, Inc. for the proposed project.
- E. Prior to issuance of Grading Permit, the Geotechnical Investigation shall be amended to include interlocking pervious pavers as shown on Sheet A-2.
- F. Prior to issuance of Grading Permit, the Geotechnical Investigation shall explain why the boring depths are shown shallower than the deepest excavation.
- G. Since the impervious area created due to project exceeds 2,500 square feet, the site is considered as small project per Alameda County C.3 Stormwater Technical Guidance. As per Appendix L "Site Design Requirements for Small Projects", the project shall implement at least one of the following site design measures:
  - 1. Direct roof runoff into cisterns or rain barrels for use.
  - 2. Direct roof runoff onto vegetated areas.
  - 3. Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas.
  - 4. Direct runoff from driveways/uncovered parking lots onto vegetated areas.
  - 5. Construct sidewalks, walkways, and/or patios with permeable surfaces.

6. Construct bike lanes, driveways, and/or uncovered parking lots with permeable surfaces.
- H. Darius Way is a public street as per Resolution No. 92-61. The following note shall be added on the Building Permit plans and list the work that will require Encroachment Permit: “The applicant shall obtain an Encroachment Permit from the Engineering and Transportation Department for any work within public right-of-way. Contractors shall be properly licensed, have a valid Business License, and submit proof of insurance. Applicable fees/deposits shall be paid.”
- I. For building permit submittal, Sheet A-2 shall be revised to show the sewer cleanout on the property near the property line.
- J. The applicant shall locate all new electric and communications utilities serving the site underground prior to Certificate of Occupancy.
- K. Plans shall show that the water heater drain lines are directly or indirectly connected to the sanitary sewer system and shall not discharge to the storm drain system.
- L. For building permit, the following notes shall be included on the plans:
1. In the event, design and/or construction of any site improvements requires encroachment onto neighboring property, written agreement with that property owner shall be submitted to the City Engineer for review and approval, prior to issuance of the building permit.
  2. 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.
  3. 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.
- M. A Grading Permit shall be required for the project prior to issuance of building permit. The requirements for Grading Permit are indicated in San Leandro Municipal Code §7-12. Applicant shall submit a City of San Leandro Grading Permit application, inspection deposit in the amount of \$2,000.00, itemized cost estimate for Erosion and Sediment Control to determine the amount of Erosion and Sediment Control Bond that is required for the Grading Permit. Contact the Engineering and Transportation Department for information and visit the City of San Leandro website for the application.

- N. Submit grading plans, site drainage plans, erosion and sediment control plans, and truck route for soil export prior to Grading Permit issuance. Grading plans shall also show cross section and subdrain system for the pervious paving proposed for the driveway including connection of the subdrain system to the offsite storm drain system.
- O. Sheet A-2 for the building permit submittal shall be revised to show no tree in the Public Utility Easement (3' PUE), unless a plan is shown confirming the type of public utilities including the depths.
- P. Sheet A-2 shows that existing concrete V-gutter has a low point at 269.64. Building Permit plans shall show existing storm drain system that carries water from this low point to the offsite storm drain system.
- Q. The applicant shall reduce storm water pollution by implementing the following pollution source control measures:
1. Structures shall be designed to discourage the occurrence and entry of pests into buildings, thus minimizing the need for pesticides. The trash area shall be separated from the rest of the building by concrete or masonry walls so that pests that gain access to the area are less likely to access the rest of the building.
  2. 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.
  3. Interior floor drains (if any) shall not be connected to the storm drain system.
  4. Air conditioning condensate shall be directed to landscaped areas. Any air conditioning condensate that discharges to land without flowing to a storm drain shall 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, plans 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. Selection of the plants that will require minimal pesticide use.
  9. Irrigation shall be appropriate to the water requirements of the selected plants.
  10. The applicant shall select pest and disease resistant plants.
  11. The applicant shall plant a diversity of species to prevent a potential pest infestation from affecting the entire landscaping plan.
  12. The applicant shall plan insectary plants in the landscaping to attract and keep beneficial insects.
- R. A Development Fee for Street Improvements (DFSI) shall be assessed for the proposed single-family unit in the amount of \$1,389.42 which is calculated at \$1,389.42 per General Residential unit and shall be paid prior to issuance of the building permit. (Note: These fees are subject to change each fiscal year and will not be vested until issuance of building permit).
- S. A Park Facilities Development Impact Fee shall be assessed for the proposed single-family unit as follows:

Park Land Acquisition Fee:	\$15,511.00/du or \$15,511.00
Park Improvement Fee:	\$2,482.00/du or \$2,482.00
Total Park Impact Fee:	\$17,993.00/du or <u>\$17,993.00</u>

Note: These fees are subject to change at the start of each fiscal year and will not be vested until issuance of building permit.

## **VI. POLICE DEPARTMENT REQUIREMENTS**

- A. Prior to issuance of the Certificate of Occupancy, the applicant shall submit typical details and specifications for the security of the new residence; details subject to the review and approval of the City of San Leandro Police Department and the Chief Building Official.
- 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, Alameda County Fire Marshal and the Zoning Enforcement Official, prior to issuance of building permits.

## **VII. ALAMEDA COUNTY FIRE DEPARTMENT REQUIREMENTS**

- A. The project shall comply with the applicable Building and Fire Codes. Site and building plans shall be provided to the Alameda County Fire Department for review and approval.
- B. A fire sprinkler system, NFPA 13D system, shall be submitted for the required Building/Fire permit.

- C. Prior to issuance of Building Permit, the project plans shall comply with the California Building Code 7A. Said Code requires specific roof construction, attic ventilation, eave protection, exterior wall ratings/covering, decking surfaces and under floor protection. (Note: The project is located in a high fire hazard severity zone).

## **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 or buildings on the project site.
- C. Prior to issuance of Certificate of Occupancy, all electrical or gas meters, utility switch boxes, telephone interface cabinets, outdoor refuse, or other utility areas shall be screened from view by a fence, wall or landscaping; details subject to approval of the Zoning Enforcement Official.

## **IX. MAINTENANCE**

- A. The project site shall be well maintained and shall be kept free of litter, debris and weeds at all times.
- B. Any graffiti shall be promptly removed from building walls and/or fences. The applicant 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. Any trees by the sidewalks shall be maintained so as not to interfere or obstruct the public right-of-way for pedestrians and vehicles. Landscaping in the rear (northernmost) portion of the site shall be pruned on a regular basis to prevent view blockage for adjacent neighbors to the north and shall not exceed 18 feet in height.
- D. Trash and recycle containers shall have designated areas, which shall be out of public view, except on days that collection is required.

## **X. CONSTRUCTION PROVISIONS**

- A. Construction activity shall not create dust, noise or safety hazards for adjacent residents and properties. Dirt and mud shall not be tracked onto Darius Way from the project site during construction.
- B. Construction activity shall not commence prior to 7:00 a.m. and shall cease by 7:00 p.m. Monday through Friday, and construction activity shall not commence prior to 9:00 a.m. and shall cease by 5:00 p.m. on Saturday. No construction is permitted on Federal holidays or Sundays. 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.

- C. 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 excavation, paving etc., shall be scheduled in the early morning and other hours when wind speeds are low.
- D. Procedures with the highest noise potential shall be scheduled for daylight hours, when ambient noise levels are highest. The contractor(s) shall be required to employ the quietest among alternative equipment or to muffle/control noise from available equipment.
- E. 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.
- F. Construction workers on the project shall be provided a portable toilet as a minimum sanitary facility for use during all phases of construction.

## **XI. GENERAL CONDITIONS**

- A. Exterior changes which may affect the appearance of the approved plans, including but not limited to additions, patios, storage sheds, fence alterations, shall be subject to the provisions of the City of San Leandro Zoning Code, except as regulated by the conditions herein.
- B. 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 and Principal Engineer. Said plans shall include all setbacks and planters adjacent to the driveway. Tree sizes shall be planted per Exhibit L - Landscape Plan (L-1). 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 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.
- C. Garages shall be maintained for the parking of vehicles and no storage of any kind shall obstruct the minimum dimensions required for off-street parking.
- 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 Zoning Enforcement Official. This condition shall not apply to wireless cable receivers that do not exceed three feet in diameter.



- E. A range of energy conservation measures, such as use of energy-conserving appliances and indoor and outdoor lighting, shall be incorporated into the final building plans, to substantially reduce average per capita daily consumption.
- F. Cable Television (Cable TV) facilities for the project shall be installed in conformance with the City's design and Construction Standards for ground-mounted Cable TV facilities.
- 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.
- H. 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 terms of the application and Conditions of Approval; or (ii) the Community Development Director can waive compliance with the terms of the application if they are minor in content.
- G. Pursuant to Zoning Code Section 5-582 D.8.b., this approval shall lapse on **February 1, 2019** unless a) a grading permit or building permit has been issued, coupled with diligent progress evidencing good faith intention to commence the intended use; or b) an occupancy permit has been issued; or c) the approval is renewed, as provided for in Section 5-2218 (E).