

**RECOMMENDED  
CONDITIONS OF APPROVAL**

**PLN18-0030  
2101 and 2109 West Avenue 136  
J.E. Gutierrez (Applicant)  
S. Samreuang (Property Owner)**

**I. COMPLIANCE WITH APPROVED PLANS**

- A. The project shall comply with Exhibits A through F, attached to the staff report dated August 2, 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–Site Plan, Map No. 10574

Exhibit B–As Built Unit 2101 First Floor Plan (Front Dwelling)

Exhibit C–As Built Unit 2101 Second Floor Plan (Front Dwelling)

Exhibit D–As Built Unit 2101 Elevations (Front Dwelling)

Exhibit E–As Built Unit 2109 Ground Floor Plan and Roof Plan (Rear Dwelling)

Exhibit F–As Built Unit 2109 Elevations (Rear Dwelling)

- B. 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.

**II. PERMITTED USES**

- A. This Conditional Use Permit is an approval to convert two existing single-family homes into condominiums to allow for individual ownership of the two units at 2101 and 2109 West Avenue 136, also known as Alameda County Assessor's Parcel Number 79A-508-7.
- B. Pursuant to Article 16 of the Zoning Code pertaining to fencing in the RO Residential Outer District, the maximum height of fencing on the property shall be six feet except in the required 20-foot front yard setback where the maximum height shall not exceed three feet tall.

**III. REQUIRED REPORTS**

- A. Prior to approval of the Parcel Map, a Physical Elements Report shall be submitted to the Chief Building Official. A report on the physical elements of all structures and facilities shall be submitted, containing the following:
1. A report by a California-licensed structural or civil engineer detailing the structural condition, useful life, and any apparent deferred maintenance of all elements of the property, including, but not limited to, foundations, electricity, plumbing, utilities, walls, ceilings, windows, frames, recreational facilities,

sound transmissions of each building, mechanical equipment, parking facilities, fire protection, drainage facilities, and parking conditions and potential problems. Such report also shall describe the condition of refuse disposal facilities; swimming pools, saunas, and fountains; stone and brickwork; fireplaces; and exterior lighting.

2. A report by a California-licensed appliance repair contractor detailing the age, condition, expected size, and the cost of replacement for each appliance and mechanical equipment for heating and cooling. The report shall identify any defective or unsafe appliances and set forth the proposed corrective measures to be employed.
3. A report by a California-licensed structural termite and pest control specialist certifying whether or not all attached or detached structures are free of infestation and structural damage caused by pests and dry rot. The report shall describe what procedures would be necessary to eliminate infestation or damage, if present. Such report shall be updated within six (6) months after the close of escrow, and any infestation shall be remedied prior to sale.
4. Existing soils reports shall be submitted for review with a statement regarding any known evidence of soils problems relating to the structures.
5. A report by a California-licensed painting contractor verifying the condition of the painting throughout the project, including building interior and exterior surfaces, and an estimate of the remaining physical life of the paint. A statement that new paint will be applied on all building interior and exterior surfaces may take the place of such report. Such statement shall include the brand name of the paint and the exterior colors to be used.
6. A report by a California-licensed roofing contractor verifying the condition of the roofs of all structures and an estimate of the remaining physical life of the roofs and the cost of replacement. A statement that new roof material will be applied may take the place of such report. Such statement shall include the type, grade, and color of the proposed roofing material.

#### **IV. ENGINEERING 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 two condominium units. 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. The owner shall send each tenant written notification of intention to convert at least 60 days prior to the filing of a Parcel Map, consistent with Section 66427.1(a)(2)(A).
- E. The owner shall send each tenant of the proposed condominium a written notification within 10 days after approval of a final map for the proposed conversion.
- F. The owner shall send each tenant written one hundred and eighty (180) days' notice of intention to convert, provided prior to termination of tenancy due to the conversion or proposed conversion pursuant to Section 66452.19, but not before the local authority has approved the planning application.
- G. The Owner shall send notice to each tenant of an exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that the unit will be initially offered to the general public or terms more favorable to the tenant pursuant to Section 66452.20. The exclusive right to purchase shall commence on the date the Parcel map gets recorded and shall run for a period of not less than 90 days, unless the tenant gives prior written notice of his or her intention not to exercise the right.
- H. If a rental agreement was negotiated in Spanish, Chinese, Tagalog, Vietnamese, or Korean, the owner shall issue all required written notices in that language, per Section 66427.1(d).

## **V. BUILDING DIVISION REQUIREMENTS**

- A. Prior to approval of a Parcel Map, to create a condominium lot, all required building permits and required work for the dwellings to be condominiums shall be completed.

## **VI. MAINTENANCE**

- A. The site shall be well maintained and shall be kept free of litter, debris and weeds.
- B. Any graffiti shall be promptly removed from all structures, building walls and property line fences.
- C. All of the trash and recycle bins shall be kept inside the designated space inside the attached garages 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. This condition shall be included in the CC&Rs.

- D. All landscape improvements shall be maintained in a healthy growing condition at all times. Practices for maintaining the landscaping in a healthy growing condition shall include but is not limited to periodical pruning and fertilizing.

## **VII. 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 0.30 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.

## **VIII. GENERAL CONDITIONS**

- A. Covenants, Conditions and Restrictions (CC&Rs) shall be submitted with the Parcel Map and Condominium Plan application to the City's Engineering and Transportation Department.
- B. Conditions of approval shall be recorded against each created parcel 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 rear yards can be furnished with plants and patio furniture. These conditions shall be included in the CC&Rs.
- C. Pursuant to Article 17 of the Zoning Code pertaining to Residential Parking within the minimum front yard, parking in other than on the driveway, is prohibited. No vehicles, whether motorized or non-motorized, shall be parked within the minimum required front yard (i.e., within that portion of the front yard required as a minimum building setback) in a residential district with a single-family dwelling use unless on a paved driveway which provides access to a parking space, covered or uncovered, that is required by this Article. This condition shall be included in the CC&Rs.
- D. 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.
- E. 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 Community Development Director waives compliance with the terms of the application and Conditions of Approval pending application for the amendment.

- F. Pursuant to Zoning Code Section 5-2218, this approval shall lapse on August 2, 2019 unless a) a Parcel Map has been issued, coupled with diligent progress evidencing good faith intent to commence the intended use, or b) a written request for a one-year extension of the use permit is approved by the Zoning Enforcement Official.