

RECORDING REQUESTED BY:

City of San Leandro
Planning Services Division
835 East 14th Street
San Leandro, California 94577

WHEN RECORDED MAIL TO:

Tamika Greenwood, City Clerk
City of San Leandro
835 East 14th Street
San Leandro, California 94577



2017278935

12/19/2017 02:55 PM

OFFICIAL RECORDS OF ALAMEDA COUNTY
STEVE MANNING
RECORDING FEE: 0.00



11 PGS

THIS SPACE FOR RECORDER'S USE ONLY

(No fee pursuant to Government Code Section 27383)

AGREEMENT TO CONDITIONS

PLN17-0002

84 Oakes Boulevard

Alameda County Assessor's Parcel Number 76-420-3

RongKang Wang (Applicant/Property Owner)

THIS AGREEMENT is entered into by and between the CITY OF SAN LEANDRO, a municipal corporation, hereinafter referred to as "City", and RongKang Wang, hereinafter referred to as "Applicant/Property Owner".

Applicant applied for and received a Conditional Use Permit and Site Plan Review Approval, for a multi-family residential project where two new residential units with covered parking are proposed behind an existing single family residence, on a substandard lot, at 84 Oakes Boulevard, Alameda County Assessor's Parcel Number 76-420-3. A total of seven covered parking spaces will be added to the site, four of the parking spaces will be within garages and the remaining three will be within carports. The existing house will be slightly modified to allow for driveway access and the existing detached garage will be demolished. For the new units, the middle unit will be located above a proposed garage and the carports and will be approximately 1,337 square feet with two bedrooms and two bathrooms. The rear unit will be approximately 1,317 square feet and will have three bedrooms and two bathrooms with an attached garage.

NOW, THEREFORE, pursuant to the applicable provisions of the Zoning Code, it is mutually agreed as follows:

1. Applicant/Property Owner agrees to comply with the Conditions of Approval adopted by the City of San Leandro Board of Zoning Adjustments, more specifically described in the list of Conditions of Approval, attached hereto, and as described in the exhibits on file in the Community Development Department, all of which are incorporated herein by this reference.

2. This agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, successors, and assigns.

3. City is authorized to record this agreement and any amendments thereto with the Alameda County Recorder, California. All amendments hereto must be in writing and signed by the appropriate

authorities of the City and Applicant. The Applicant\Property Owner will be charged the costs of recordation and agrees to pay same. Conditions run with the land and are binding to future owners of the property.

4. Applicant\Property Owner has read and fully understands all of the foregoing terms and conditions, and hereby agrees that all said terms and conditions are as approved by the San Leandro Board of Zoning Adjustments in accordance with law, and hereby agree to comply with all of said terms and conditions.

IN WITNESS WHEREOF, duly executed by the parties as of the day and year below written.

This **CONDITIONAL USE PERMIT** must be exercised within **ONE YEAR** or it expires.

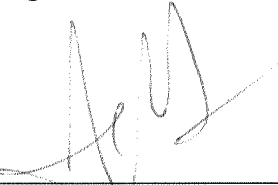
(Acknowledgment)

RongKang Wang, as Applicant/Property Owner.


RongKang Wang 12/3/2017
Signature Date

RongKang Wang
Print Name

Receipt of Executed Approval: I hereby certify that I am the Secretary to the Board of Zoning Adjustments of the City of San Leandro and in that capacity did receive this copy of **PLN17-0002** Agreement to Conditions fully executed by all parties thereto, and that the effective date of this zoning approval granted herein is **November 2, 2017**.

Attest: 
Tamika Greenwood, City Clerk

CITY OF SAN LEANDRO, a municipal corporation


Andrew Mogensen, AICP, Secretary
Board of Zoning Adjustments

Approved as to Form:


Richard Pio Roda, City Attorney

California All-Purpose Certificate of Acknowledgment

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of

Alameda

S.S.

On December 3, 2017 before me,

Doug Ricardo (Notary Public)

personally appeared

Rongkang Wang

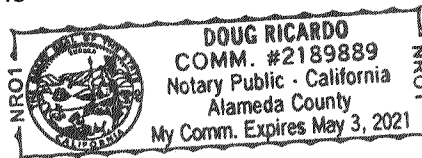
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Doug Ricardo

Signature of Notary Public



OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on this attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of

"Agreement to conditions"

containing pages, and dated

The signer(s) capacity or authority is/are as:

☒ Individual(s)

☐ Attorney-in-fact

☐ Corporate Officer(s)

☐ Guardian/Conservator

☐ Partner - Limited/General

☐ Trustee(s)

☐ Other:

representing:

Additional Information

Method of Signer Identification

Proved to me on the basis of satisfactory evidence:

☒ form(s) of identification ☐ credible witness(es)

Notarial event is detailed in notary journal on:

Page # Entry #

Notary contact:

Other

☐ Additional Signer ☐ Signer(s) Thumbprints(s)

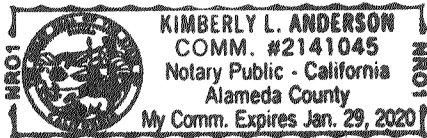
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
) ss.
County of Alameda)

On December 4, 2017 before me, KIMBERLY L. ANDERSON, NOTARY PUBLIC,
personally appeared Andrew Mogensen,

My commission number is 2141045.



who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

My commission expires on January 29, 2020.

WITNESS my hand and official seal.

Kimberly L. Anderson
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Agreement to Conditions, PLN17-0002; 84 Oakes Blvd.

Document Date: November 2, 2017

Number of Pages: 9

Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer – Title(s): _____
☐ Partner – ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer – Title(s): _____
☐ Partner – ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

CONDITIONS OF APPROVAL

PLN17-0002
84 Oakes Boulevard
Alameda County Assessor's Parcel Number 76-420-3
RongKang Wang (Applicant/Property Owner)

I. COMPLIANCE WITH APPROVED PLANS

- A. The project shall comply with Exhibits A through G, approved November 2, 2017, except as herein modified. Exhibits are on file at the City of San Leandro, Community Development Department, 835 East 14th Street, San Leandro, California.

Exhibit A – Proposed Site Plan, Streetscape
Exhibit B – Proposed Ground Floor Plan
Exhibit C – Proposed Second Floor Plan
Exhibit D – House Elevations
Exhibit E – Proposed Landscape and Drainage Plan
Exhibit F – Building Cross Section A-A
Exhibit G – Existing Floor Plan, Elevations, Site Demolition Plan

- B. The property owner and/or applicant 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 Conditional Use Permit and Site Plan Review; 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 structures.
- D. 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 plans shall indicate the exact type of wood siding, composition shingles, wood trims and corbels, light fixtures, and window and door manufacturers to ensure that exterior materials and finishes match the existing dwelling and meet the standards specified in the approved exhibits. Any changes to the approved building specifications must be made in writing to the Zoning Enforcement Official, who may either administratively approve the modification or bring it back to the Board of Zoning Adjustments for review. In addition, a final color and materials board shall be submitted for the exterior for the review and approval of the Zoning Enforcement Official, prior to issuance of building permits.

- E. Prior to issuance of building permits a final landscape and irrigation plan shall be submitted to the Zoning Enforcement Official for review and approval. Said plans shall include, but is not limited to, trees with a minimum size of 15 gallons, a pallet of shrubs and ground cover planting that is flowering plants, or plants that have colorful foliage. The minimum size for the shrubs shall be five gallons and the ground cover shall be one gallon or shall be from flats with the necessary spacing to cover the planter areas in one growing season.
- F. Prior to issuance of a Certificate of Occupancy for the new units, the final landscaping and irrigation specified on the final landscape and irrigation plan shall be completely installed to the satisfaction of the Zoning Enforcement Official.
- G. Prior to issuance of building permits, the applicant shall submit final details and specifications and a sample of the proposed concrete (color or wash details) driveway, and/or concrete/stone pavers to be used for the project for the review and approval of the Zoning Enforcement Official and City Engineer.
- H. Prior to issuance of building permits, applicant shall submit a checklist showing that the project meets the minimum green building rating for a residential buildings, according to the most current GreenPoint Rated for Newly-Constructed Residential Buildings, 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.

II. PERMITTED USE

- A. This is an approval of a Conditional Use Permit and Site Plan Review Approval, for a multi-family residential project where two new residential units with covered parking are proposed behind an existing single family residence, on a substandard lot, at 84 Oakes Boulevard, Alameda County Assessor's Parcel Number 76-420-3. A total of seven covered parking spaces will be added to the site, four of the parking spaces will be within garages and the remaining three will be within carports. The existing house will be slightly modified to allow for driveway access and the existing detached garage will be demolished. For the new units, the middle unit will be located above a proposed garage and the carports and will be approximately 1,337 square feet with two bedrooms and two bathrooms. The rear unit will be approximately 1,317 square feet and will have three bedrooms and two bathrooms with an attached garage.

- 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 Zoning Enforcement Official 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 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. Revisions involving substantial changes in project use, design, or conditions of approval shall be treated as new applications, to be reviewed as a new project.

III. ENGINEERING AND 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. A Development Fee for Street Improvements (DFSI) shall be assessed for the two proposed dwelling units approximately in the amount of \$2,669.68 which is calculated at \$1,334.84 per housing unit and shall be paid prior to issuance of the building permit. These fees are subject to change each fiscal year and will not be vested until issuance of building permit.
- D. A Park Facilities Development Impact Fee shall be assessed assuming 2 dwelling unit (du) will be added to the property as follows:

Park Land Acquisition Fee:	\$12,681.94/du or \$25,237.88
Park Improvement Fee:	\$2,123.42/du or \$4,246.84
Total Park Impact Fee:	\$14,805.36/du or <u>\$29,610.72</u>

Please note that this is an estimated amount. These fees are subject to change at the start of each fiscal year and will not be vested until issuance of building permit.

IV. 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 property.
- C. All walls, fences, and landscaping within the 10 foot front setback 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.
- D. 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 enclosed or screened from view by a fence, wall or landscaping; details subject to approval of the Zoning Enforcement Official. The enclosure or screen shall be painted to match the color of the exterior of the building wall that it is affixed to.

V. MAINTENANCE

- A. The project site and public right-of-way 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. Post construction, the project site and public right of way shall be well maintained and shall be kept free of litter, debris and weeds. The property owner shall be responsible for the maintenance of the project site and adjacent public right-of-way.
- B. Any graffiti shall be promptly removed from building 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.
- C. All landscaping improvements located on the project site and within adjacent public right-of-way 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. The landscaping adjacent to the driveways and in the parkway strips 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.

- D. The trash and recycle bins shall be kept inside the designated trash enclosure space and kept out of public view, except when it is necessary to place them at the curbside on days that the contents of the containers are picked up for disposal.
- E. 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.

VI. CONSTRUCTION PROVISIONS

- A. 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 8:00 a.m. and shall cease by 7:00 p.m. on Sunday and Saturday. No such construction is permitted on Federal holidays. 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 right-of-way, streets, structures, utilities, facilities or similar property. Construction activities carried on in violation of this Article may be enforced as provided in Section 4-1-1130, 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.
- B. Construction activity shall not create dust, noise, or safety hazards for adjacent residents and properties. Dirt and mud shall not be tracked onto Oakes Boulevard from the project site. 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.
- I. Pest and vermin control shall be instituted prior to the demolition and construction of the project.

VII. FIRE DEPARTMENT REQUIREMENTS

- A. A Fire Protection system will be required for the project (all residences).
- B. A Fire Alarm System meeting the requirements of monitoring will be required for this project.
- C. All emergency egress windows shall have the ability to achieve a rescue ladder angle of 65 degrees.
- D. Carbon monoxide detectors are required in all units per the California Building and Fire Code.
- E. Smoke Alarm are required for per the California Building Code.
- F. A Monument sign for address will be required for this project.

VIII. GENERAL CONDITIONS

- A. 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.
- B. All garage doors shall be equipped with electronic remote controlled garage door openers.

- C. Garage and carport parking spaces shall only be used for passenger vehicle parking.
- 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.
- 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 facilities for the project shall be installed in conformance with the City's design and Construction Standards for ground mounted Cable TV facilities.
- G. Any outstanding planning deposit fees shall be paid prior to issuance of a building permit.
- H. 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.
- I. 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.
- J. 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 Zoning Enforcement Official can waive compliance with the terms of the application if they are minor in content.
- K. Pursuant to Zoning Code Section 5-2218.A and 5-2516.B, this approval shall lapse on **November 2, 2018** 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.