

EXHIBIT B

RECOMMENDED CONDITIONS OF APPROVAL

PLN18-0047

844 Alvarado Street, APN: 075-0054-003-00

Maximus Antonio Alvarado LLC (Applicant/Property Owner)

I. COMPLIANCE WITH APPROVED PLANS

- A. The applicant and/or property owner and project shall comply with Plan Exhibits A through K, attached to the staff report dated March 7, 2019, except as hereinafter modified. Plan Exhibits are on file at the City of San Leandro Community Development Department, 835 East 14th Street, San Leandro, California 94577.

Exhibit A – Project Information (A0.0)
Exhibit B – Area Zoning Map (A0.1)
Exhibit C – Area Transit and Parking Map (A0.2)
Exhibit D – Existing Site Photos (A0.3)
Exhibit E – Site Plan/Floor Plan (A1)
Exhibit F – Building Elevations (A2)
Exhibit G – Street Elevation (A3.0)
Exhibit H – Rendered Perspectives (A3.1)
Exhibit I – Irrigation Plan (L-1)
Exhibit J – Landscape Plan (L-2)
Exhibit K – Photometric Study (E1)

- B. The applicant and/or property owner and 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. The Conditional Use Permit and Site Plan Review approval shall lapse after one (1) year following Board of Zoning Adjustments approval of the application unless a grading permit or building permit has been issued, coupled with diligent progress evidencing good faith intention to commence the intended use; or use is established; or an occupancy permit has been issued; or the approval is renewed, as provided in Zoning Code Section 5-2218 and Section 5-2516. Pursuant to Zoning Code Section 5-2218.A and Section 5-2516.B, upon written request, a renewal may be considered by the Zoning Enforcement Official if no substantive change has occurred in conditions or circumstances pertinent to the Conditional Use Permit and Site Plan Review or its approval. Application for a renewal shall be made in writing to the Zoning Enforcement Official prior to expiration of the Conditional Use Permit and Site Plan Review approval.
- D. Prior to issuance of building permits, all building plans and specifications

shall be submitted for review and approval to the Zoning Enforcement Official to ensure consistency with the approved exterior design. 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 that complies with the City's Landscape Ordinance and State Model Water Efficient Landscape Ordinance (MWELO) 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 building permits, the developer shall submit final details and specifications for any freestanding or exterior trash enclosure structures. Said details and specifications shall be in compliance with Alameda County Environmental Health requirements and designed to blend in and complement the new building, to the satisfaction of the Zoning Enforcement Official.
- G. Prior to issuance of building permits, the developer shall submit final plans and details for site lighting (including submittal of final photometric plans) for the review and approval of the Zoning Enforcement Official and the City Engineer. The plans and details shall show the location, height, decorative features, and construction details including cut sheets, materials and finishes to be used for construction. All outdoor lighting shall be contained in fixtures that direct light below the horizontal plane. No site lighting may spill offsite or create off-site glare.
- H. Prior to issuance of building permits, applicant shall submit and identify on the final site plan the location of on-site bicycle parking location, counts, details and bicycle parking fixture specifications, for the review and approval of the Zoning Enforcement Official and the City Engineer. Bicycle parking shall be located in a visible area near the front entrance to the building, consisting of securely anchored loops or lockers with sufficient strength to resist vandalism and theft.
- I. Prior to issuance of a building permit for the proposed building, a green building and water-efficient landscape checklist shall be completed and incorporated into building permits for this project. For the purposes of this condition, the checklists shall be the Build it Green GreenPoint Rated

checklist for New Industrial Buildings, or an equivalent rating system.

- J. Prior to issuance of any Certificate of Occupancy on the property, the improvements outlined above shall be completely installed to the satisfaction of the Community Development Director and the City Engineer.
- K. Modifications to the approved Conditions of Approval and Plan Exhibits, including changes to paint colors and building materials, shall require resubmittal of a revised Site Plan Review application in accord with Zoning Code Section 2-2516.C, "Changed Plans." The Zoning Enforcement Official shall review the application to determine if the proposed substitutions or alterations necessitate further consideration by the Board of Zoning Adjustments. The Zoning Enforcement Official may approve changes to approved plans or Conditions of Approval without a public hearing upon determining that the changes in conditions are minor and are consistent with the intent of the original approval.

II. PERMITTED USE

- A. This Conditional Use Permit and Site Plan Review allows for Filarmonica Artista Amadora de San Leandro (FAASL) Music Conservatory, a new 4,326 square foot building at 844 Alvarado Street. The building space will consist of a music conservatory, office/meeting room, student lounge, storage, and kitchen space. A total of 15 on-site parking stalls will be provided. Alameda County Assessor's Parcel Number 075-0054-003-00.
- B. An Executed Parking Agreement with Wells Fargo to allow FAASL overflow special event parking at 960 Davis Street shall be submitted to the Zoning Enforcement Official prior to issuance of a Certificate of Occupancy. Additional parking and/or alternative parking options shall be required to compensate for parking deficiencies prior to issuance the Certificate of Occupancy if this parking agreement is not able to be executed. The Zoning Enforcement Official shall have the discretion to review and approve overflow special event parking alternatives. The City has the authority to impose additional conditions on parking in order to address issues that may arise in the future, including but not limited to requiring parking permits for the use of surrounding public streets and/or placing restrictions on street parking.
- C. 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 legal 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.

- D. These conditions of approval shall be posted conspicuously inside the building prior to Certificate of Occupancy and a copy shall be identified on the plans submitted for a building permit.

III. CONSTRUCTION PROVISIONS

- A. Pest and vermin control measures shall be incorporated into the demolition and construction of the project.
- B. During construction the following high standards for sanitation are required: 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. At no time shall debris remain on site unattended within the front yard setback of the property. Inspections will be conducted as part of the regular construction compliance, to ensure compliance of the applicant and contractors with this requirement.
- C. 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 Saturday and Sunday. No construction is permitted on Federal holidays. As provided in the 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 4-1-1130, 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. 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.
- D. Construction activity shall not create dust, noise or safety hazards for adjacent residents and properties. Dirt and mud shall not be tracked onto Alvarado Street, Antonio Street, or Davis Street 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 excavation, paving etc., shall be scheduled in the early morning and other hours when wind speeds are low. 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 applicant, and applicant shall pay, for all costs of sweeping city streets in the vicinity of the project as necessary to control dust and spillage.

- E. The applicant 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.
- F. Construction-related 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.
- G. 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.
- H. Construction workers on the project shall be provided clean drinking water, portable toilets and handwashing stations as sanitary facilities for use during all phases of construction. Said portable toilets shall be screened from view from the public right-of-way or located to the interior or rear of the site.

IV. ALAMEDA COUNTY FIRE DEPARTMENT REQUIREMENTS

- A. The project shall comply with all building and fire code requirements in effect at time of building permit submittal.
- B. A NFPA 13 Fire Protection System is required.
- C. A NFPA 72 Fire Alarm System is required (Monitoring System).
- D. A UL 300 Ansul System is required under a Type 1 hood.
- E. 2A10B:C fire extinguishers shall be provided (1 for 1,500 sq./ft.) with signs above them indicating the location.
- F. Emergency lighting shall be provided on the interior and exterior of the building to the public way.
- G. Illuminated Exit signs shall be provided indicating the means of egress route.
- H. An "Occupant Load" sign will be required to be mounted near the main entrance.

- I. A "Seating Chart" must be submitted and approved for Assembly Use.
- J. Panic hardware shall be provided for egress doors.
- K. An illuminated address is required.
- L. A Knox Box is required for Fire Department Access.

V. BUILDING & SAFETY SERVICES REQUIREMENTS

- A. Site and building shall be fully ADA compliant.
- B. Code Compliance for Cal Green, Electrical, and Mechanical is required and must be incorporated onto building permit plans.
- C. Complete Energy calculation is required and must be incorporated onto building permit plans.
- D. C & D Construction Waste compliance information shall be provided with building permit submittal.
- E. Geotechnical soils report shall be provided with building permit submittal.
- F. Plans shall conform to the currently adopted codes and standards at time of building permit submittal.

VI. ENGINEERING AND TRANSPORTATION REQUIREMENTS

- A. Applicant shall implement the site design measures, source controls, and construction best management practices identified in the Stormwater Requirements Checklist submitted with the project application. Prior to Building Plan approval, the grading, improvement, and site plans shall reflect the implementation of the stormwater requirements identified in the Stormwater Requirements Checklist submitted with the project application.
- B. All drainage structures and design elements that are not standard to the City of San Leandro shall be adequately detailed in the final improvement plans.
- C. An encroachment permit will be required for any work contemplated within the City of San Leandro right-of-way or easements. The installation of the sewer laterals, storm drain lateral, fire water service, domestic water service, curb, gutter, and sidewalk, where necessary, will trigger the requirement of an encroachment permit.
- D. The damaged existing curb, gutter and sidewalk along the project frontage shall be removed and replaced as part of this project. In addition, the

existing drive approach at the southwest corner of the development shall be removed and replaced with new curb, gutter and sidewalk per the City of San Leandro standards.

- E. The proposed drive approach shall meet the City of San Leandro standard plan drawing number 102 for a "Concrete Driveway Approach."
- F. The project plans show numerous utility cuts in the street directly in front of the project. This will cause unacceptable ride quality and accelerated deterioration of the street surface. The pavement condition index (PCI) of Alvarado Street shall be assessed before and after construction. Appropriate remediation measures based on any change in the PCI shall be required as part of the project approvals. At a minimum, slurry seal shall be applied to all public streets along the frontage of the project. Pretreatments such as pothole patching, crack sealing, and dig outs shall be performed where they are needed before the application of slurry seal. The City of San Leandro may, by agreement, delay the paving to coincide with the Antonio & Alvarado development across the street. If paving is delayed, hot mix asphalt shall be used to repair the trenches according to the City of San Leandro Standards. A prorated share cost agreement for the necessary pavement treatment along Alvarado Street may also be considered.
- G. The recommendations of the Preliminary Geotechnical Engineering Services Report shall be adhered to for the design of the parking lot. The Preliminary recommendations identify Light Duty (Automobile Parking; TI=5) as having 3 inches of Asphalt Concrete over 8 inches of Class II Aggregate Base. Alternatives are discussed in the report. This recommendation also states that supplemental R-value testing be required to confirm preliminary recommendations.
- H. The project submittal shows that the water service is existing. Please confirm that this is correct and that the service size is appropriate for the project demands. Show the size of the water service on the construction plans. If necessary, a new service shall be installed.
- I. The sewer lateral shall be sized to meet the needs of the project and meet minimum size standards for the City of San Leandro. Show the size and invert elevations of all sanitary sewer infrastructure on the construction plans.
- J. All fees and assessments shall be paid in accordance to the City of San Leandro Municipal Code at the time prescribed by code and policy. The actual fees shall be identified by the City of San Leandro prior to building permit issuance or in the case of Engineering Fees and permits as required prior to the issuance of those permits.

- K. The Development Fee for Street Improvements (DFSI) shall be assessed in the amount of \$10,339.14, which is calculated at \$2.39 per square foot of building space. For this calculation, the ITE Trip Generation Manual, 10th Edition, was consulted and a “Recreational Community Center” trip generation rate was considered the most representative of the proposed use. Because the City’s fee schedule does not include “Recreational Community Center”, a “Personal Service” Land Use Category from the fee schedule was found that have an equivalent trip generation for DFSI calculation purposes. These fees were calculated using the Fiscal Year 2018-19 fee rates and are subject to change every July 1st.
- L. The Marina Boulevard/Interstate 880 Interchange Traffic Impact Fee (Marina/880) shall be assessed in the amount of \$10,598.70, which is calculated at \$2.45 per square foot of building space. For this calculation, the ITE Trip Generation Manual, 10th Edition, was consulted and a “Recreational Community Center” trip generation rate was considered the most representative of the proposed use. Because the City’s fee schedule does not include “Recreational Community Center”, a “Personal Service” Land Use Category from the fee schedule was found that has an equivalent trip generation for DFSI calculation purposes. These fees were calculated using the Fiscal Year 2018-19 fee rates and are subject to change every July 1st.
- M. 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 the 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.
- N. The proposed development shall comply with the 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.
- O. A Grading Permit is necessary 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.
- P. If the project creates or replaces more than 10,000 square feet of impervious surface, or creates or replaces more than 5,000 square feet of impervious surface for a parking area, it will be considered a Regulated Project according to Provision C.3.b of the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit (Order No. R2-2015-0049,

NPDES Permit No. CAS612008, adopted 11/19/2015). Regulated projects must treat stormwater runoff before releasing to the public storm drainage system. An executed Operations and Maintenance agreement in accordance with MRP section C.3.h shall be required prior to Grading Permit issuance. If pervious paving is utilized to decrease the impervious surface to below the regulated thresholds, then said pervious paving must be designed in accordance with Section 6.6 of the Alameda Countywide Clean Water Program Guidebook. The pervious storage material must be sufficient to hold the MRP section C.3.d volume of rainfall runoff as evidenced by calculations. The calculations must be prepared according to the Volume Hydraulic Design Basis, Flow Hydraulic Design Basis, or Combination Flow and Volume Design Basis.

- Q. The applicant shall locate all electric and communications utilities serving the site underground.
- R. The applicant shall reduce storm water pollution by implementing the following pollution source control measures:
- a) 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.
 - b) All storm drains 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 that are not within bioretention areas shall have "United Storm Water" or similar trash capture devices.
 - c) All on-site storm drains shall be inspected and, if necessary, cleaned at least twice a year immediately prior to the rainy season.
 - d) 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 discharges to the storm drain.
 - e) Interior floor drains (if any) shall not be connected to the storm drain system.
 - f) Air conditioning condensate shall be directed to landscaped areas. Any air conditioning condensate that discharges to land without flowing to a storm drain may 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.

- g) 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.
 - h) 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.
 - i) 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.
 - j) Selection of the plants that will require minimal pesticide use.
 - k) Irrigation shall be appropriate to the water requirements of the selected plans.
 - l) The applicant shall select pest and disease resistant plants.
 - m) The applicant shall plan a diversity of species to prevent a potential pest infestation from affecting the entire landscaping plan.
 - n) The applicant shall plan insectary plants in the landscaping to attract and keep beneficial insects.
- S. The applicant shall comply with the following high standards of 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.

VII. PUBLIC WORKS REQUIREMENTS

- A. The planned project falls within the Alameda County Industries (ACI) service area. Applicant/property owner should note the City of San Leandro holds an exclusive franchise agreement for solid waste and recycling services with ACI.
- B. Solid waste & recycling bins must be stored out of public view. Trash enclosure guidelines for commercial establishments are available at: <https://www.sanleandro.org/civicax/filebank/blobdload.aspx?blobid=15084> Enclosure shall be of adequate size to accommodate at least one solid waste and one recycling container of similar size. Enclosure size must also accommodate a separate container for the collection of organics (food scraps, compostable paper, and plant debris).

- C. Commercial Establishment Enclosure Guidelines available at www.RecycleSanLeandro.org.
- D. Enclosure(s) should be easily accessible to collection vehicles. Driveways shall provide unobstructed access for collection vehicles. Applicant/property owner must ensure that there is adequate space for a collection vehicle to enter and exit the property in order to service containers
- E. Applicant/property owner is subject to Alameda County Mandatory Recycling Ordinance. For more information, visit www.RecyclingRulesAC.org.
- F. Per San Leandro Municipal Code §3-1-200, storage of solid waste, recycling, and other materials outside of the enclosure is prohibited at all times.
- G. The property owner, occupant and tenants shall maintain enclosure free of litter and other debris in accordance with San Leandro Municipal Code §3-15-215.
- H. Project must comply with all City and State construction and demolition debris recycling requirements. Permit applicants must demonstrate compliance by completing and submitting an online Waste Management Plan using Green Halo Systems (www.GreenHaloSystems.com) prior to permit issuance. Applicants must submit recycling and disposal receipts online and submit the waste management report before scheduling the final inspection. Note: Project will not be finaled until all recycling and disposal tags have been registered into Green Halo Systems.

VIII. MAINTENANCE

- A. The project site shall be well-maintained and shall be kept free of litter, debris and weeds at all times.
- B. Parking lots, landscaping, and all common areas on the property shall be monitored and maintained to collect and prevent the accumulation of errant litter and debris.
- C. Any graffiti shall be promptly removed from building walls, perimeter 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.
- D. All fencing and walls on the project site shall be structurally sound, graffiti-free and well maintained at all times.

- E. Proposed fencing shall be 8-foot tall wood fencing as identified on the Site Plan Exhibits.
- F. All landscaping improvements shall be maintained in a healthy, growing condition at all times.
- G. Upon demolition or removal of existing structures and improvements, the site shall be enclosed with a security fence with appropriate screening measures.
- H. The storage and display of equipment, materials, and merchandise outside of the building shall be prohibited. Vehicles shall be restricted to designated parking areas upon paved surfaces.
- I. The use and placement of storage containers, vehicle trailers or other equipment on public streets or within the parking lot shall be prohibited at all times.

IX. GENERAL REQUIREMENTS

- A. 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.
- B. All uses and activities shall comply with the provisions of the San Leandro Noise Regulations (Title IV, Chapter 1 of the Municipal Code).
- C. No temporary or unauthorized signs including but not limited to banners, streamers and pennants shall be placed on the property, unless approved by the City under a Temporary Sign Permit or Special Event Permit. The use of feather signs, animated or inflatable signs, balloons, and lasers shall be prohibited at all times.
- D. No objectionable odors emanating from the buildings or trash enclosures shall be detectable beyond the subject property. The City may require noncompliant tenants to install odor control measures including but not limited to the installation of air filters or odor control systems.
- E. Outdoor loudspeakers and public announcement systems shall be prohibited from installation and use.
- F. No use, activity, or process shall produce vibrations that are perceptible without instruments by a reasonable person at the property lines of the site.
- G. No use, process, or activity shall produce dust that is perceptible without instruments by a reasonable person at the property lines of the site.

- H. Construction and building permit plans shall include provisions for a grease trap subject to Alameda County Environmental Health Department specification and requirements.
- I. Tree removal, trimming, and other vegetation removal to be completed between August 16 and January 31, outside bird nesting season. If work must occur during nesting season a survey shall be conducted by a qualified wildlife biologist no more than 14 days prior to the start of project activities. If active nests are identified, a no disturbance buffer of 25-500 feet (depending on species and setting) would be established around each nest until the young are fledged or the nest becomes inactive.
- J. Applicant shall pay its City development, permitting, and plan check fees in accordance with the fee schedules in effect at the time.
- K. Any outstanding Planning Services deposit fees or balance shall be paid prior to issuance of a building permit.
- L. 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.