

EXHIBIT B

RECOMMENDED CONDITIONS OF APPROVAL

PLN18-0013

915 Antonio Street (899 Alvarado Street)

APN's: 75-57-12-1; 75-155-11; 75-155-12; 75-155-15; 75-155-17

Maximus Antonio Alvarado LLC (Applicant/Property Owner)

I. COMPLIANCE WITH APPROVED PLANS

- A. The project shall comply with Plan Exhibits A through OO, 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 – Cover Sheet
Exhibit B – Project Information, A0.00
Exhibit C – Project Information, A0.00a
Exhibit D – Site Photos & Area Map, A0.01
Exhibit E – Site Plan Floor 1, A1.01
Exhibit F – Site Plan Basement, A1.00
Exhibit G – Site Plan Floor 2, A1.02
Exhibit H – Site Plan Floor 3, A1.03
Exhibit I – Site Plan Floor 4, A1.04
Exhibit J – Site Plan Floor 5, A1.05
Exhibit K – Site Plan Floor 6A & Roof B, A1.06
Exhibit L – Colored Elevations, A3.00
Exhibit M – Colored Elevations, A3.01
Exhibit N – Building Elevations, A3.01a
Exhibit O – Building Elevations, A3.01b
Exhibit P – Material Board, A3.02
Exhibit Q – Building Perspectives, A3.03
Exhibit R – Building Perspectives, A3.04
Exhibit S – Building Sections, A3.20
Exhibit T – Building Sections, A3.21
Exhibit U – Unit Plans, A4.00
Exhibit V – Unit Plans, A4.01
Exhibit W – Unit Plans, A4.02
Exhibit X – Unit Plans, A4.03
Exhibit Y – Site Photos, A5.10
Exhibit Z – Shadow Studies, A5.20
Exhibit AA – Building A Dimensional Letters, A10.0
Exhibit BB – Building B Dimensional Letters, A10.1
Exhibit CC – Building A Dimensional Letters, A10.2
Exhibit DD – Trash Staging Pick Up, T3.2
Exhibit EE – Trash Staging Pick Up Close Up, T3.1

Exhibit FF – Illustrative Overall Landscape Plan, L1
Exhibit GG – Ground Floor Layout Plan, L2
Exhibit HH – Building A Layout Plan, L3
Exhibit II – Building B Layout Plan, L4
Exhibit JJ – Landscape Irrigation, L5
Exhibit KK – Color and Finish Schedule, L6
Exhibit LL – Landscape Imagery, L7
Exhibit MM – Plant Palette and Imagery, L8
Exhibit NN – Site Sections and Enlargements, L9
Exhibit OO – Level 1 Site Photometric Plan, E1.11

- B. The 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 the 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. 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 approval permits construction of a 687-unit multi-family residential project at 915 Antonio Street (899 Alvarado Street). The proposed new buildings would be five and six stories with a two level parking garage. Assessor's Parcel Numbers 75-57-12-1; 75-155-11; 75-155-12; 75-155-15; 75-155-17.

- 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.

III. ADDITIONAL PLAN SUBMITTALS

- A. 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.
- B. 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. Said plans and specifications shall indicate the exact type of siding, plaster cement, veneer, brick, stone base, railings, awnings, metal work, door and window framing/trims/mullions, light fixtures, gates, and utility doors to ensure that the exterior materials and finishes meet the standards illustrated in the approved plan exhibits. In addition, a final paint colors and materials board shall be submitted for the exterior of the buildings.
- C. Prior to issuance of building permits, the developer shall submit final details and specifications including, but not limited to: material samples for driveways, private walkways, and special building features, for review and approval by the Zoning Enforcement Official.
- D. 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. At a minimum, the planting plan shall include trees with a minimum size of 15 gallons. 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.
- E. Prior to issuance of building permits, the developer shall submit final plans and details for the site lighting and specific street lighting details regarding location, candle power, and light levels (by submittal of a photometric study) for the review and approval of the City Engineer and Community Development

Director. The plans and details shall show location, height, decorative features, and construction details showing materials and finishes to be used for construction. No site lighting may spill offsite or create glare offsite.

- F. Prior to issuance of building permits, the developer shall submit final sign plans and details showing use, location, and height of all site signage for the review and approval by the Community Development Director.
- G. 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.
- H. The final public art element proposal shall be submitted to Community Development Director for review prior to issuance of a Certificate of Occupancy. The public art element will be reviewed prior to issuance of a building permit if a building permit is required for the public art element prior to installation.

IV. BUILDING AND SAFETY SERVICES REQUIREMENTS

- A. The project shall meet all Residential CalGreen requirements.
- B. Building permit plans shall include Accessible ready units.
- C. Building permit plans shall show Accessible path of travel from Accessible parking spaces.
- D. Building permit plans shall show all mechanical units and provide all the details and specifications to how and what each mechanical unit is servicing (i.e., mechanical venting).
- E. Building permit plans shall show occupancy and exiting that satisfies required Building and Fire Codes.
- F. Title 24 Building Energy Efficiency shall be satisfied.
- G. Structural Calculations shall be provided.

V. ENGINEERING AND TRANSPORTATION DEPARTMENT REQUIREMENTS

- A. Prior to issuance of a building permit, a completed sewer analysis report for the proposed development shall be submitted to the Engineering department for review and approval. If the findings of this report conclude that the existing main in Alvarado Street is insufficient to support the proposed development, the Developer shall be responsible for upsizing the portions of deficient sewer pipe.
- B. Developer shall provide a sanitary sewer stub from Alvarado Street at the intersection of Lola Street, as shown on Utility Plan Sheet C2.1 of the entitlement plans.

- C. Sewer laterals for the proposed development need to be connected to the sewer main in Alvarado Street. Deficient segments of sewer main shall be replaced downstream of any lateral connections or nearby manhole structures.
- D. A parcel map will be required to merge the existing parcels within the boundaries of the project site and to better facilitate the abandonment and creation of required easements.
- E. The project shall incorporate all site recommendations mentioned in the final Transportation Impact Study prepared by CHS Consulting Group dated October 2018. Recommended improvements shall be shown on the final improvement plans.
- F. 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 surfacing shall be applied to all public streets along the frontage of the project and all the way to Davis Street. Pretreatments such as pothole patching, crack sealing, and dig outs shall be performed where they are needed before the application of slurry seal.
- G. The applicant shall coordinate directly with Union Pacific Railroad and Amtrak to ensure that the wall at the western boundary of the project (adjacent to the existing railroad tracks) meets their agency specific requirements.
- H. A Park Facilities Development Impact Fee shall be assessed assuming 687 multi-family residential units (du) as follows:

Park Land Acquisition Fee:	\$13,557.00/du	or	\$9,313,659.00
Park Improvement Fee:	\$2,170.00/du	or	\$1,490,790.00
Total Park Impact Fee:	\$15,727.00/du	or	\$10,804,449.00

These fees were calculated using the Fiscal Year 2017-18 fee rates and are subject to change at the start of each fiscal year. In lieu of the Park Land Acquisition Fee, the applicant can instead purchase and dedicate (or partner with other developers to purchase and dedicate) 4.81 acres of park land within the City limits.
- I. The Development Fee for Street Improvement (DFSI) shall be assessed in the amount of \$942,223.20 which is calculated at \$1,389.42 per housing unit, and \$12.50 per square foot for the Café. This amount includes a credit for the existing use of the property in the amount of \$15,317.72, which is calculated at \$1.24 per square foot of the existing building of 12,353 square feet (per Alameda County Assessor's records). These fees were calculated using the Fiscal Year 2017-18 fee rates and are subject to change at the July 1st start of each fiscal year.
- J. The Marina Boulevard/Interstate 880 Interchange Traffic Impact Fee shall be assessed in the amount of \$471,916.81 which is calculated at \$698.86 per housing unit, and \$5.46 per square foot for the Café. This amount includes a

credit for the existing use of the property in the amount of \$11,241.23, which is calculated at \$0.91 per square foot of the existing building of 12,353 square feet (per Alameda County Assessor's records). These fees were calculated using the Fiscal Year 2017-18 fee rates and are subject to change at the July 1st start of each fiscal year.

- K. The entitlement application has indicated that perimeter drainage (for the basement perimeter walls and foundation) will not be required, hence no discharge of perimeter drainage will occur. In the event that this design criteria changes during final improvement plans, the following should be noted: Discharging potentially contaminated water into the stormwater facilities will require a filtration system that has been approved by the City. If the sanitary sewer system is to be used as the discharge point, approval by the Public Works Department will also be required. Approval for any discharge of any perimeter drainage shall be obtained prior to building permit issuance.
- L. The final design section for the project's proposed pervious paver EVAE shall be reviewed and approved by the Alameda County Fire Department during improvement plan design. If the proposed pervious paving is intended to be self-treating, 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.
- M. The City has future plans to develop the property north of Lola Street into a public park. Any improvements to Lola Street to be implemented in accordance with this application shall include utility laterals and similar features that will allow development of the park without excavating or otherwise damaging the Lola Street improvements.
- N. The site is subject to the Construction General Permit according to the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002. The general permit is applicable to construction sites that disturb one or more acres of land surface. The applicant will be required to register the project with the State Water Board's Stormwater Multi-Application and Report Tracking System (SMARTS) website. A Qualifies SWPPP Developer (QSD) and a Qualifies SWPPP Practitioner (QSP) must be responsible for permit compliance. The SMARTS system will generate a Waste Dischargers Identification (WDID) number which must be printed on the grading and/or erosion control plans.
- O. A Grading Permit will be 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. Because the project creates or replaces more than 10,000 square feet of impervious surface, it is 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). The project also discharges stormwater to San Leandro Creek, an unimproved natural channel, and therefore is subject to hydrograph modification in accordance with section C.3.g of the MRP. 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.

- Q. Any work within the Public Right-of-Way shall require an encroachment permit from the City of San Leandro Engineering and Transportation Department.
- R. The applicant shall locate all electric and communications utilities serving the site underground.
- S. 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.
- T. 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.
- U. 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.
- V. 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.

VI. ALAMEDA COUNTY FIRE DEPARTMENT REQUIREMENTS

- A. Plans to meet building and fire codes adopted at time of building plan submittal.
- B. The installation of an NFPA 13 fire sprinkler system is required. This will be a deferred submittal.
- C. A NFPA 72 compliant fire alarm and fire sprinkler monitoring system is required to be installed. This will be a deferred submittal.
- D. Carbon Monoxide and smoke detectors are required to be installed as required by the adopted regulations.
- E. Deeded easements shall be provided for all emergency vehicle access roadways on the property or that cross any private property lines.
- F. Emergency backup power is required to be installed as required by the adopted code. This will be a deferred submittal.
- G. The installation of additional public fire hydrants shall be done in conjunction with EBMUD. This will be a deferred submittal.
- H. The installation of a fire pump is required. This will be a deferred submittal.
- I. The door to the fire pump room must be large enough for the pump to be passed through. The installation of the fire pump will be a deferred submittal.
- J. Alvarado shall serve as the aerial apparatus access road for this project. Therefore, the road must remain a minimum of 26 foot wide with no parking or obstructions within the 26 feet and the entire side of the building set back between 15 and 30 feet from the roadway.
- K. Firefighter access through locked gates or doors shall be provided through the use of Knox boxes or Knox key switches.
- L. The fire access from Lola to the site shall be enlarged to accommodate a left hand turn from the right west board lane on Lola onto the site.

VII. PUBLIC WORKS DEPARTMENT REQUIREMENTS

- A. Applicant is encouraged to incorporate the maximum albedo level in roof and hardscape to control urban heat island effect.
- B. Applicant is encouraged to enroll the electrical service in the East Bay Community Energy (EBCE) Renewable 100 rate option, see <https://ebce.org/residents/>.
- C. Applicant is encouraged to incorporate building materials with highest possible recycled content.

- D. Construction guidelines for trash enclosures are available at www.RecycleSanLeandro.org – refer to Multifamily Dwelling Enclosure Guidelines.
- E. Each individual unit shall have sufficient internal dedicated storage and collection space for trash, recyclables and organics.
- F. Building shall provide readily accessible solid waste disposal area(s). Disposal area(s) shall be located within a reasonable walking distance from each unit served.
- G. Separate organics collection receptacles shall be located in all trash rooms on each residential floor for tenants.
- H. Trash enclosure must be sized large enough to keep one dumpster under each chute, plus enough space to keep a spare dumpster for each (for service days).
- I. Refuse chute system - multi-family dwellings with 5 or more units shall separate organics from trash and recycling. For more information, visit www.RecyclingRulesAC.org.
- J. Refuse Chute Termination Room - Room shall remain unobstructed by parking.
- K. Trash chute rooms shall observe requirements of the current California Building Code regarding accessibility to solid waste collection containers for persons with disabilities (CCR Title 24, Part 2).
- L. The applicant shall be responsible for securing trash, recycling and composting waste containers and preventing the theft of recycled materials. Applicant shall provide keys or cards to the franchised waste hauler for access to any locked gates. If keys or cards are not provided, then the Applicant must ensure that all secured gates are open at 3:00am for collection. The applicant shall be responsible for ensuring dumpsters are secured and gates are locked promptly after collection.
- M. Current solid waste & recycling service provider is Alameda County Industries (ACI). Applicant should note the City of San Leandro holds an exclusive franchise agreement for solid waste and recycling services with ACI.
- N. 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 finalized until all recycling and disposal tags have been registered into Green Halo Systems.

- O. Applicant is subject to Alameda County Mandatory Recycling Ordinance #2012-01. For more information, visit www.RecyclingRulesAC.org.

VIII. FENCING AND SCREENING REQUIREMENTS

- A. All fencing, gates 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, wall or building on the project site. The installation of chain link or cyclone fencing shall be prohibited.
- C. All walls, fences, and landscaping within a street 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. A 10-12 foot solid concrete wall (with no adjacent climbable landscaping) shall be placed along the rear property line to match the height of the concrete wall located across the railroad tracks.
- E. 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 Community Development Director. This condition shall not apply to wireless cable receivers that do not exceed three feet in diameter.
- F. The applicant shall work with the utility provider in painting and/or screening the ground mounted transformer located along Alvarado Street to the extent permissible by the utility provider.

IX. 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. Post construction, the project site and public right of way shall be well maintained and shall be kept free of litter, debris and weeds. Street trees and tree wells shall be maintained. 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 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 the adjacent public right of way shall be maintained by the property owner in a healthy, growing condition at all times. Irrigation heads and water lines shall be maintained to prevent leakage.

- D. During the construction phase, the site shall be enclosed with a security fence and shall be well maintained in a neat manner, free of weeds, litter and debris.
- E. The solid waste and recycle containers shall be kept inside the designated space and kept out of public view, except when it is necessary to place them at the trash staging area on days that the contents of the containers are picked up for disposal.
- F. All trees shall be planted so that at maturity they are located far enough away from the sidewalk so that their branches are at least eight (8) feet above the sidewalk area and 14 feet above the roadway/vehicle traveled way.
- G. 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 spotlights, feather signs, animated or inflatable signs, balloons, and lasers shall be prohibited at all times.
- H. Balconies and patio areas shall be kept in a neat and clean condition at all times and shall not be used for storage. Access to patio doors shall be maintained unobstructed for emergency access.
- I. Pet waste shall be promptly removed and properly disposed from all property sidewalks, pet areas, and landscaping. An outdoor pet waste disposal receptacle shall be provided and maintained for residents if pets are allowed on the premises.

X. CONSTRUCTION PROVISIONS

- A. Construction on the project site shall not commence prior to 7:00 a.m. and shall cease by 7:00 p.m., Monday through Friday, and shall not commence prior to 8 a.m. and shall cease by 7 p.m. Saturday and Sunday, unless otherwise approved by the Chief Building Official. There shall be no construction 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 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.
- B. Construction activity shall not create dust, noise or safety hazards for adjacent residents and properties. Dirt and mud shall not be tracked onto Antonio Street, Alvarado Street, Lola 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 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's Engineering and Transportation Department 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 screened 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.
- J. Potable water and temporary sanitary facilities shall be provided to workers during construction activities. Temporary sanitary facilities shall be kept in a clean and odorless condition, secured, and located away from nearby residences.
- K. Adjacent businesses and residents shall be provided with the contact information of the responsible site foreman or managing general contractor during periods of grading and construction.
- L. A copy of these Conditions of Approval shall be identified on the plans submitted with the building permit application and posted or made available on the job site during construction.

XI. INCLUSIONARY HOUSING

- A. To satisfy the Inclusionary Housing Requirement under Section 6-3016(B) “Off-Site Alternatives - Discretion” of the Inclusionary Housing Ordinance (Article 30 of the Zoning Code) which allows for alternative accommodations, the applicant shall pay an in-lieu fee of \$10,000 per required affordable rental housing unit under the Ordinance.
- B. The project has a total of 687 residential units. Under Section 6-3006(B) “Residential Development – Rental Project,” the number of affordable rental housing units to be built would have been fifteen percent (15%) of 687 residential units or 103 affordable rental units. Therefore, \$10,000 multiplied by 103 affordable rental units equals \$1,030,000.00. The in-lieu fee of \$1,030,000.00 shall be paid prior to building permit issuance with the option to establish an alternative payment schedule if approved by the Community Development Director or designee.

XII. PARKING MANAGEMENT

- A. Resident parking spaces shall be actively managed for optimal utilization through the submitted Parking Management Plan dated November 6, 2018. The City shall have the authority to require modifications to the Parking Management Plan and/or impose additional conditions on parking in order to address issues that may arise in the future, including but not limited to requiring resident parking permits for the use of surrounding public streets and/or placing restrictions on street parking.
- B. Two on-street parking spaces located nearest to the café space shall be designated and sign posted for a 24 minute parking limit in order to accommodate loading and package delivery vehicles. The developer shall reimburse the City for the cost of street and curb painting and parking restriction signs installed by the City.
- C. Per Zoning Code Section 4-1702.K., an allowance of unbundled flex parking of 0.25 to 0.50 parking space per unit may be provided above the 1.0 space per unit.
- D. Car-sharing shall be deemed a permitted accessory use. Excess parking spaces may be assigned or designated for car-sharing vehicles subject to review and approval by the Zoning Enforcement Official. No employees or agents of a car-sharing business or organization shall perform vehicle repairs/services or operate a permanent business office on the subject property.
- E. The parking and storage of boats, trailers, camper tops, cargo containers and inoperable vehicles on the subject property shall be prohibited at all times.
- F. The property owner shall regularly maintain the parking areas and shall be responsible for the prompt clean up and removal of litter, oil stains and spilled

vehicle fluids. Parking areas shall be well maintained and kept free of litter and debris at all times.

- G. Designated parking areas shall not be converted to living areas, storage cages, or any other uses that would obstruct or prevent its use for vehicle parking.
- H. Deliveries and Moving Trucks shall load and unload in a designated area along the northwestern edge of Building B as identified in the Parking Management Plan dated November 6, 2018 and as shown in the plan exhibits. Deliveries and Moving Trucks shall not load or unload in the public right-of-way.
- I. Smoking within internal parking garage areas shall be prohibited.

XIII. GENERAL CONDITIONS

- A. Any outstanding Planning Services deposit fees or balance shall be paid prior to issuance of a building permit.
- B. 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.
- C. Prior to issuance of building permits, the applicant shall pay school fees as mandated by the State of California.
- D. Developer shall work with the California Department of Toxic Substances Control on implementing the California Land Reuse and Revitalization Act program requirements.
- E. All mechanical equipment shall be designed and maintained to comply with City noise and screening standards.
- F. EVA paths and proposed decorative pavement shall be kept clean and maintained from damage or discoloration from trash trucks and heavy vehicle use.
- G. Security cameras shall be provided at all pull fire alarm areas.
- H. Noise from any mechanical equipment, elevators or generators shall be minimized and insulated from adjacent residential units and shall comply with the City's Noise Ordinance.
- I. As per California Health and Safety Code §104495, smoking and vaping shall be prohibited within 25 feet of all playground areas and tot lots. A no-smoking sign shall be prominently displayed outdoors in the vicinity of these areas and smoking shall be prohibited from all tenant patios and common spaces located within 25 feet. All residents shall be notified of those areas where smoking and vaping is prohibited in accord with California Civil Code §1947.5.

- J. Any future wireless telecommunications facilities proposed on the subject property considered through a separate permit shall be fully screened and incorporated wholly within the building's architecture. All service equipment and conduit shall be accommodated within the building's interior. No conduit or equipment shall be permitted to be mounted on the building's exterior walls. No conduit, panels or mechanical equipment may be mounted in a visible location or manner on the sides of the building.
- K. Bicycle lockers shall be provided as a complimentary amenity to the residents and shall not be separately leased to residents at an additional cost.
- L. As per California Health and Safety Code §104495, smoking and vaping shall be prohibited within 25 feet of the play area. A no-smoking sign shall be prominently displayed outdoors in the vicinity of the play area and smoking shall be prohibited from all tenant balconies/patios located within 25 feet. All residents shall be notified of those areas where smoking and vaping is prohibited in accord with California Civil Code §1947.5.
- M. Outdoor loudspeakers and public announcement systems shall be prohibited from installation and use.
- N. The property shall comply with all City noise ordinance standards. The operation of any instrument, audio equipment, television set, machine or similar device between the hours of 10:00 p.m. and 8:00 a.m. in a manner as to be plainly audible at a distance of fifty (50) feet from the building shall be prohibited.
- O. On-site lighting shall be designed and located so as to not interfere with traffic on adjacent streets or shine above the horizontal plane or onto adjacent properties. Dark sky compliant outdoor lighting plans shall be reviewed and approved with the building permit application.
- P. 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.
- Q. The property manager shall maintain a copy of these Conditions of Approval in the leasing office and shall provide a copy to residents of the buildings upon request.
- R. 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.