

RECORDING REQUESTED BY:

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

WHEN RECORDED MAIL TO:

Leticia I. Miguel, City Clerk
City of San Leandro
835 East 14th Street
San Leandro, California 94577

2022142286 08/12/2022 01:50 PM 11 PGS

OFFICIAL RECORDS OF ALAMEDA COUNTY
MELISSA WILK, CLERK-RECORDER
RECORDING FEES: \$0.00



THIS SPACE FOR RECORDER'S USE ONLY

(No fee pursuant to Government Code Section 27383)

AGREEMENT TO CONDITIONS

PLN22-0016

2000 E 14th Street (APN 077-0571-043-02)

Xiaopingguo Corporation (Applicant)

2000 Darling LLC (Property Owner)

THIS AGREEMENT is entered into by and between the CITY OF SAN LEANDRO, a municipal corporation, hereinafter referred to as "City", Xiaopingguo Corporation, business operator hereinafter referred to as "Applicant", and 2000 Darling LLC, property owner, hereinafter referred to as "Property Owner."

Applicant and/or Property Owner applied for and received an Administrative Review approval of PLN22-0016, approved on July 14, 2022, to establish a General Day Care facility at 2000 E 14th Street. Zoning District: South Area 2 (SA-2); Alameda County Assessor's Parcel Number 077-0571-043-02.

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

1. Applicant and/or Property Owner agree to comply with the Conditions of Approval adopted by the City of San Leandro Zoning Enforcement Official, 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 and/or Property Owner. The Applicant and/or 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 and/or Property Owner have read and fully understand all of the foregoing terms and conditions, and hereby agree that all said terms and conditions are as approved by the City of San Leandro Zoning Enforcement Official in accordance with law, and hereby agrees 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 **ADMINISTRATIVE REVIEW** must be exercised within **TWO YEARS** or it expires.

[Attach Acknowledgments]

**Wenyan Shi, Xiaopingguo Corporation
(Applicant)**



Signature

7/19/2022

Date

Wenyan Shi

Print Name and Title

**2000 Darling LLC
(Property Owner)**



Signature

7/21/2022

Date

Hanh Finnie Phung

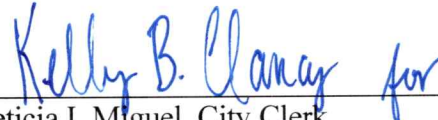
Print Name and Title

(managing)


Receipt of Executed Approval: I hereby certify that I am the Zoning Enforcement Official of the City of San Leandro and in that capacity did receive this copy of **PLN22-0016** Agreement to Conditions fully executed by all parties thereto, and that the effective date of this zoning approval granted herein is **July 14, 2022**.

Attest:

CITY OF SAN LEANDRO, a municipal corporation



Leticia I. Miguel, City Clerk



Tom Liao, Zoning Enforcement Official

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.

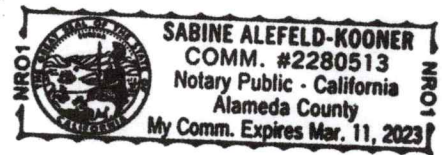
On 7/19/2022 before me, Sabine Alefeld-Koener, Notary Public

personally appeared Wenyan Shi

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.



OPTIONAL INFORMATION

Description of Attached Document

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

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)

FORM 100-1
U.S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION
WASHINGTON, D.C. 20535
MAY 1964

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 7/21/2022 before me, Sabine Alefeld-Kooner, Notary Public

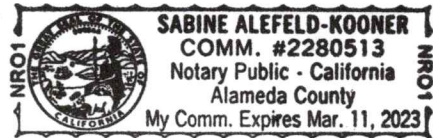
personally appeared Hanh Finnie Phung

who proved to me on the basis of satisfactory evidence to be the person(\$) whose name(\$) 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(\$) 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.

WITNESS my hand and official seal.

[Signature]



OPTIONAL INFORMATION

Description of Attached Document

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

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)

1901
MA COMM. EXPRES MAIL 11 3033
VIRGINIA COMM. 1901
COMM. #5590213
2401E VIRELETO-KOONEN 1901

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 8/2/2022 before me, Sabine Alefeld-Kooner, Notary Public

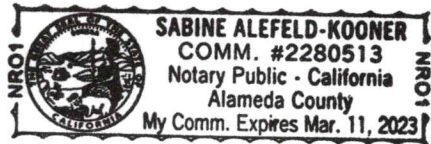
personally appeared Tom Liao

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.

Sabine Alefeld-Kooner



OPTIONAL INFORMATION

Description of Attached Document

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

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)

CONDITIONS OF APPROVAL

PLN22-0016

2000 E 14th Street (APN 077-0571-043-02)

Xiaopingguo Corporation (Applicant)

2000 Darling LLC (Property Owner)

I. COMPLIANCE WITH APPROVED PLANS

- A. The applicant and/or property owner shall comply with Exhibits A through H, dated July 14, 2022. (Exhibits are on file in the City of San Leandro Community Development Department, 835 East 14th Street, San Leandro, California, 94577).

Exhibit A – General Information & Cover Sheet (Sheet A-1)

Exhibit B – Existing Site Plan (Sheet A-2)

Exhibit C – Proposed Site Plan (Sheet A-3)

Exhibit D – Path of Travel Plan (Sheet A-4)

Exhibit E – Roof Plan & Fence Elevations (Sheet A-5)

Exhibit F – (E) & (P) Street Elevations (Sheet A-6)

Exhibit G – Daycare Room Furniture Plan (Sheet A-7)

Exhibit H – ADA Details (Sheet A-8)

- B. **Compliance with Exhibits and Permitted Use.** The use of the building and construction of the project shall remain in substantial compliance with the approved plans and exhibits and the permitted use, as described below.
- C. **Changes in Plans, Use, or Occupancy.** Any change to the project design, including materials or colors, or any change to the Administrative Review permitted use conditions, including, but not limited to increasing the number of participants or increasing the hours of operation shall be submitted in writing and shall be subject to the review and approval of the Zoning Enforcement Official who may administratively approve the changes.
- D. **Good Standing.** No application for amendment of the application or Conditions of Approval may be accepted or submitted for processing by the City unless (i) there is full compliance with all terms of the application and Conditions of Approval; or (ii) the Community Development Director waives compliance with the terms of the application and Conditions of Approval pending application for the amendment.
- E. **Successor Notification.** The applicant and/or property owner shall be responsible for assuring that any successor in interest who assumes responsibility for this zoning approval is informed of its terms and conditions. These conditions for approval shall be prominently posted in the day care facility and shall be distributed to all staff and participants/caregivers or guardians or participants at the facility.

II. PERMITTED USE

- A. **Scope of Work.** This Administrative Review approval permits the establishment of a General Day Care facility for 84 children within the existing building, parking lot, and surrounding parallel parking (for passenger loading only) at the subject site. The subject site is 2000 E 14th Street, also known as Assessor's Parcel Number 077-0571-043-02.
- B. **Hours of Operation.** The General Day Care facility may operate from 7:00 a.m. to 7:00 p.m., Monday through Friday. Modification to these hours shall requested by the property owner and applicant in writing to the Zoning Enforcement Official, who shall likewise provide a determination in writing.
- C. **Permits Required.** The property owner and/or applicant shall obtain any and all permits required, including but not limited to business licenses, building permits, fire permits, and encroachment permits for any work in the right-of-way.
- D. **Business License.** Prior to finaling of the building permit for the tenant improvement, the applicant shall provide proof to the Planning Division of a valid City Business License for the General Day Care facility.
- E. **Valid State License.** Upon issuance of a of a valid State license for the childcare center, failure to maintain the license shall constitute discontinuance of the Administrative Review approval. The applicant shall notify the City in writing within 30 days of any change in licensure status with the California Department of Social Services Community Care Licensing Division.
- F. **Lighting.** Prior to issuance of the building permit for the tenant improvement, the applicant shall include in the permit plan set details and specifications for any new exterior lighting. Exterior lighting shall be low wattage, located and designed to be fully shielded to cast light downward and not shine on adjacent properties; details are subject to the approval of the Zoning Enforcement Official.
- G. **Loading & Unloading.** Prior to issuance of the building permit for the tenant improvement, the applicant shall include in the permit plans a Loading & Unloading Plan (using a clean Proposed Site Plan as a base drawing) that includes:
1. Callouts pointing to the locations of directional signage that informs parents where drop-off areas are and the drop-off hours, and to "be a good neighbor, no honking", etc. Such signs shall be placed in strategic locations to and be clear and aesthetically compatible with structures on-site. Include dimensioned drawings of the signs.
 2. Callouts pointing to each gate, stating the open gate hours. Vehicular gates shall be open early enough to avoid vehicular back-ups on adjacent streets.
 3. Drawings of vehicles queued in the loading area on Warren Ave, vehicles queued on the subject site, vehicles entering from E 14th St, and vehicles exiting on Warren Ave at the busiest time.

4. Callouts pointing to where staff will be located to direct traffic within the site, at the exit on Warren Ave, and/or at the entrance on E 14th St.

III. BUILDING DEPARTMENT

- A. The proposed project shall comply with all applicable code and city ordinances, policies, and regulations. Please note that these comments and conditions do not constitute a complete fire and building code review. A formal plan check review will be completed during the regular building permit submittal and review process.
- B. Submit a building permit application and include the following in your submittal:
 1. Include the following drawings, exhibits, or documentation:
 - a. Plans need to stamped by a licensed professional.
 - b. Provide electrical existing and proposed electrical plan.
 - c. Title 24 is required for existing and new mechanical, electrical, and plumbing.
 - d. Construction and Demolition recycling per 2019 CalGreen is required.
 - e. 2019 CalGreen Non-Residential Mandatory Measures Checklist is required.
 2. Include the following requirements in the design of the project:
 - a. All pedestrian gates shall be accessible.
 - b. Accessible parking and signage shall comply with 2019 CBC.
 - c. Provide accessible path of travel to all classrooms, activity area, restrooms, outdoor play area, and children/storage area. All areas shall comply with 2019 CBC.
 - d. All outdoor play area actives shall be accessible including play structures and shall comply with 2019 CBC.
 - e. Clarify warehouse area use and what is being stored.
 - f. Provide play yard, occupant load, surface material, location of, play equipment, required exists, and exterior lighting.
 - g. Clarify where kitchen is for children.
 - h. Verify existing mechanical and ventilation systems.
 - i. Project shall comply with 2019 CBC Chapter 4 section 451.
 3. All submittals shall include required mechanical, electrical, and plumbing plans. No deferred MEP's will be allowed.
 4. All revision clouds and deltas added during this Planning Division approval must be removed prior to submitting to Building for permit.

IV. ALAMEDA COUNTY FIRE DEPARTMENT

- A. The proposed project shall comply with all applicable code and city ordinances, policies, and regulations. Please note that these comments and conditions do not constitute a complete fire and building code review. A formal plan check review will be completed during the regular building permit submittal and review process.
- B. Submit a Deferred Submittal for modifications to the fire alarm system.
- C. Submit a building permit application and include the following in your submittal:
 - 1. Include the following drawings, exhibits, or documentation on the plans:
 - a. An exit analysis shall be provided to ensure adequate exiting exists.
 - 2. Include the following requirements in the design of the project:
 - a. Fire Extinguishers shall be provided per the code.
 - b. Emergency Lighting shall be provided with an average of 1 foot candle at the floor along the means of egress route.
 - c. Illuminated exit signs shall be provided indicating the means of egress route.
 - d. An address shall be provided that can be seen from the street and have a contrasting background.
 - e. A Knox Box shall be provided for fire department access.
 - 3. List the following under Deferred Submittals on the cover sheet:
 - a. A Deferred Submittal is required for modifications to the fire alarm system.

V. ENGINEERING DEPARTMENT, LAND USE DIVISION

- A. Pursuant to Government Code Section 66020, including Section 66020 (d) (1), the City HEREBY NOTIFIES the applicant for this Project that the 90-day approval period (in which the applicant may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) will begin on the date of the conditional approval of this Project. If you fail to file a protest within this 90-day period, complying with all the requirements of Government Code Section 66020, you will be legally barred from later challenging any such fees, dedications, reservations or other exactions.
- B. Encroachment Permit from Engineering and Transportation. A portion of the work within the Public Right-of-Way shall require an Encroachment Permit from the Engineering and Transportation Department prior to beginning such work. Please visit the following website for more information on the City's Encroachment Permit process: <https://www.sanleandro.org/953/Permits>

VI. CONSTRUCTION

- A. **Construction Hours.** 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 the City of San Leandro's Noise Ordinance (Ordinance Number 2003-005), "construction" shall mean any site preparation, assembly, erection, substantial repair, alteration, demolition or similar action, for or on any private property, public or private right-of-way, streets, structures, utilities, facilities, or other similar property. Construction activities carried on in violation of this Article may be enforced as provided in Section 4-11-1130, and may also be enforced by issuance of a stop work order and/or revocation of any or all permits issued for such construction activity.
- B. **Construction Activity Containment.** Construction activity shall not create dust, noise, or safety hazards for adjacent residents, businesses and properties. Dirt and mud shall not be tracked onto adjacent streets or surrounding streets from the project site.
- C. **Construction Noise.** 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.

VII. MAINTENANCE

- A. **Structures.** All structures shall be structurally sound and well maintained at all times; any damage to the structures shall be promptly repaired.
- B. **Graffiti.** Any graffiti on the property shall be promptly removed.
- C. **Parking and Loading.** All vehicle parking and loading for this project shall be undertaken in a neat and orderly manner at all times.
- D. **Drop-off and Pick-up.** A designated staff member shall be made available during drop-off and pick-up times with a stop sign to direct traffic in the parking lot to and from the day care facility.
- E. **Address Sign.** The address sign(s) on the property shall be well maintained at all times. Any damage to the signs shall be promptly repaired or replaced.
- F. **Signage.** All signage shall be kept in a good, clean, sound condition at all times; any damages shall be promptly repaired. Any change in signage proposed by the applicant shall conform to Zoning Code Chapter 4.12 (Signs).
- G. **Temporary Sign.** Unauthorized and temporary signage shall not be permitted on the property, except as approved for a specified amount of time in a Temporary Sign Permit granted by the Community Development Department.

- H. **Lighting.** Any additional lighting shall be placed in a manner does not produce light and glare impacts to adjacent properties.
- I. **Fencing, Walls, and Gates.** All fencing and walls on the project site shall be structurally sound, graffiti-free and well-maintained at all times. Any damage to the fencing and walls shall be promptly repaired and shall comply with the regulations of Zoning Code Section 4.04.364 (Fences, Walls, and Hedges). All fencing and walls shall be painted to be compatible with the building, utilizing paint specified for exterior applications.
- J. **Fencing Materials.** Barbed or razor wire shall not be installed on any fence or buildings on the project site.
- K. **Landscaping.** All landscaping shall be well-maintained in healthy, growing condition and shall be kept free of litter, debris and weeds. Landscaped areas shall be permanently maintained to preserve plant health and consistency with the design at time of completion and City's final inspection. Maintenance includes watering, weeding, pruning, insect and disease control, and replacement of plant materials and irrigation equipment as needed to preserve the healthy and appearance of plant materials.
- L. **Damages to Landscaping.** Any damage to existing landscaping or irrigation system shall be replaced and/or repaired in kind to the satisfaction of the Zoning Enforcement Official.
- M. **Refuse Storage.** Dumpsters shall remain inside the building at all times with the exception of emptying by the disposal company. Gates or doors to the enclosed refuse area shall be closed except when necessary to move out the dumpster or deposit trash from garbage receptacles. Changes in refuse storage, (e.g., to an exterior trash enclosure) shall require building permits and compliance with Zoning Code Section 4.04.332 Refuse Storage Areas.
- N. **Waste Service.** The applicant shall maintain an adequate number of trash, recycling, and green/food waste containers. Garbage service shall be arranged through Alameda County Industries and shall include trash, recycling and green/food waste service.

VIII. GENERAL

- A. **Recorded Agreement to Conditions.** Prior to issuance of any building permits for this project, the approvals granted by the City as a result of this application, the Agreement to Conditions of Approval, and the Conditions of Approval, shall be recorded in the office of the County Recorder of Alameda County.
- B. **Expiration.** This approval shall lapse on **Monday, July 15, 2024** unless a) there is diligent progress evidencing a good faith intent to commence the intended use, or b) an occupancy permit has been issued, or c) a written request for a one-year extension of the approval is approved by the Zoning Enforcement Official.