

RECORDING REQUESTED BY:

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

WHEN RECORDED MAIL TO:

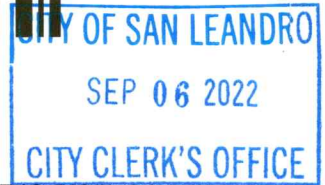
Leticia I. Miguel, City Clerk
City of San Leandro
835 East 14th Street
San Leandro, California 94577

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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

PLN20-0027

1946 Wayne Avenue (APN 077A-0720-018-00)

Rong Zhao Chen (Property Owner)

THIS AGREEMENT is entered into by and between the CITY OF SAN LEANDRO, a municipal corporation, hereinafter referred to as "City" and Rong Zhao Chen, an individual, hereinafter referred to as "Applicant" and "Property Owner."

Applicant and Property Owner applied for and received a Major Residential Site Plan Review approval of PLN20-0027, approved on June 15, 2021, to build a Two-Story Addition (1,54 square feet) at 1946 Wayne Avenue. A Major Residential Site Plan Review is required for Major Additions the RS zoning district. Zoning District: Single-Family Residential (RS); Alameda County Assessor's Parcel Number 077A-0720-018-00.

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

1. Applicant and/or Property Owner agrees 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.

(510)

351-4444

J. Agrella

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2012-8-14

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 **MAJOR SITE PLAN REVIEW** must be exercised within **ONE YEAR** or it expires.

(Acknowledgment)

Rong Zhao Chen, as Applicant and Property Owner



Signature

Date



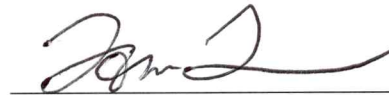
Print Name

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 **PLN20-0027** Agreement to Conditions fully executed by all parties thereto, and that the effective date of this zoning approval granted herein is **June 15, 2021**.

CITY OF SAN LEANDRO, a municipal corporation

Attest:


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 7/12/2022 before me, Sabine Alefeld-Kooner, Notary Public

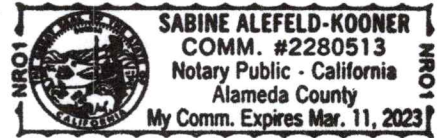
personally appeared Rong Zhao Chen

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: _____

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
WA COMM. EXHIBIT #11-5533
WISCONSIN COUNTY
MICHAEL BARRIS - CHAIRMAN
COMMITTEE #5580213
BARBARA WITTELD-KOONEN
FORM 100-1

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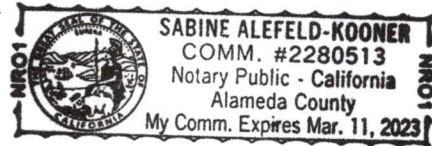
personally appeared Tom Liao

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[Signature]



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PA Comm. Exchgs Mar 11 3032
Ypswaga County
Mills Brook - California
COMM 45580213
2VBIIE YI EREID-KOONER

CONDITIONS OF APPROVAL

PLN20-0027

1946 Wayne Avenue (APN 077A-0720-018-00)
Rong Zhao Chen (Applicant and Property Owner)

I. COMPLIANCE WITH APPROVED PLANS

- A. The applicant and/or property owner shall comply with Exhibits A through F, attached to the staff report dated June 15, 2021. (Exhibits are on file in the City of San Leandro Community Development Department, 835 East 14th Street, San Leandro, California, 94577).

Exhibit A – General Notes, Building Data, Sheet Index, Vicinity Map,
Site Plan/Roof Plan, & Section (Sheet A01)

Exhibit B – First Floor Plans (Sheet A11)

Exhibit C – Second Floor Plan (Sheet A12)

Exhibit D – Elevations & Sections (Sheet A21)

Exhibit E – Elevations (Sheet A22)

Exhibit F – Streetscape & Daylight Plane (Sheet P01)

- A. 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.
- B. Construction shall commence within two (2) years following Zoning Enforcement Official approval of this Site Plan Review and shall be substantially completed two years after commencement of construction.
- C. This Major Residential Site Plan Review conditional approval permits the construction of a two-story addition (1,543 square feet) to the existing one-story house (1,092 square feet), with an 855 square-foot addition on the first story and a 688 square-foot addition on a new second story. The resulting house would total 2,635 square feet, including 4 bedrooms and 2 baths, with a space on the ground floor for an attached Accessory Dwelling Unit (ADU). The subject property is 1946 Wayne Avenue, also known as Assessor's Parcel Number 077A-0720-018-00.
- B. Pursuant to Zoning Code Section 2.04.236 (Maximum Dwelling Unit Occupancy), a zoning permit shall be required for occupancy of a dwelling unit by more than ten (10) persons eighteen (18) years or older.
- C. Construction of the project shall remain in substantial compliance with the approved exhibits and plans. Any change to the project design or materials shall be subject to the review and approval of the Zoning Enforcement Official.

- D. Prior to issuance of building permits, the applicant shall indicate details and specifications for exterior lighting on the proposed structure. Any new exterior lighting proposed shall be low wattage, located and designed to be fully shielded to cast light downward and not shine on adjacent properties, details subject to the approval of the Zoning Enforcement Official.
- E. Prior to building permit final for the two-story addition, the owner shall either build the ADU concurrently, as proposed, or the owner shall redesign or reconstruct the space within the proposed ADU to meet all current Zoning Code regulations for single-family houses, including parking requirements, such as those required by Zoning Code Section 4.08.108(B)(1) Article I. Said code requires "one additional [parking] space which may be uncovered and in tandem if it is located a minimum of 30 feet back from the front property line". This requirement could require a redesign to either incorporate a third parking space or reduce the number of bedrooms in the resulting single-family house to less than five.
- F. **Note on Building Permit Plans Required.** Prior to issuance of building permits for any part of this proposal, the construction documents for any part of this proposal shall incorporate the above Condition of Approval below the Scope of Work.

II. BUILDING & SAFETY SERVICES DIVISION REQUIREMENTS

- A. **Building Permits Required.** The proposed project shall comply with all Applicable Code and City ordinances, policies and regulations. The applicant shall obtain all necessary building permits prior to construction of the project.

II. ALAMEDA COUNTY FIRE DEPARTMENT REQUIREMENTS

- A. Review of Planning referrals are usually based on information and plans that lack sufficient information and details for specific comments. The primary focus of our review is to assure fire access to the site. Specific fire and building code issues will be addressed during the regular building permit submittal and review process.
- B. **Building Permits Required (Fire Code plan check):**
1. A 1-hour separation is required between the main residence and the ADU.
 2. Smoke alarms shall be provided per the CBC 2019 edition.
 3. Carbon monoxide detectors shall be installed per the CFC 2019 edition.
 4. A Monument address shall be provided with a separate address that can be obtained by the San Leandro Building Department.
 5. It is recommended that a NFPA 13D fire protection system be installed in the ADU and throughout the residence but is not required.

III. ENGINEERING & TRANSPORTATION DEPARTMENT REQUIREMENTS

- A. The proposed development shall comply with City ordinances, policies and regulations. All improvements shall be in accordance with the City's Design Standards, Specifications and Standard Plans unless otherwise specifically approved by the City Engineer.
- B. Pursuant to Government Code Section 66020, including Section 66020 (d) (1), the City HEREBY NOTIFIES the applicant for this Project that the 90-day approval period (in which the applicant may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) will begin on the date of the conditional approval of this Project. If you fail to file a protest within this 90-day period, complying with all of the requirements of Government Code Section 66020, you will be legally barred from later challenging any such fees, dedications, reservations or other exactions.
- C. The applicant shall reduce storm water pollution by implementing the following pollution source control measures.
1. 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.
 2. All storm drains shall be marked "NO DUMPING, DRAINS TO BAY", as per the City of San Leandro Standard Plan Dwg. No. 204, Case 3101.
 3. All on-site storm drains shall be inspected and, if necessary, cleaned at least twice a year immediately prior to the rainy season.
 4. 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 discharged to the storm drain.
 5. Interior floor drains (if any) shall not be connected to the storm drain system.
 6. 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.
 7. 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.

8. 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.
9. 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.
10. Selection of the plants that will require minimal pesticide use.
11. Irrigation shall be appropriate to the water requirements of the selected plants.
12. The applicant shall select pest and disease resistant plants.
13. The applicant shall plant a diversity of species to prevent a potential pest infestation from affecting the entire landscaping plan.
14. The applicant shall plan insectary plants in the landscaping to attract and keep beneficial insects.

D. Include the following notes on the Building Permit plans:

1. The applicant shall obtain an Encroachment Permit from the Engineering and Transportation Department for any work within the public right-of-way including the use of lifting equipment or the staging of materials. Barricades, traffic cones, and/or caution ribbon shall be positioned around any equipment or materials within the right-of-way to provide a barrier to public access and assure public safety. Any damage to the right-of-way improvements must be promptly repaired by the applicant according to City adopted standards.
2. The applicant shall comply with the following high standards for 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.
3. The applicant shall implement construction best management practices during construction to control erosion, keep sediment from leaving the project site and prevent storm water pollution. The applicant shall protect existing storm drain inlets and conveyances within the project area to prevent sediment from construction activities entering the storm drain system.
4. In the event, design and/or construction of any site improvements requires encroachment onto neighboring property, written agreement with that property

owner shall be submitted to the City Engineer for review and approval, prior to issuance of the building permit.

5. Water heater drain lines shall be directly or indirectly connected to the sanitary sewer system and may not discharge to the storm drain system.
6. The applicant shall locate all new electric and communications utilities serving the site underground.

IV. GENERAL CONDITIONS

- A. All structures shall be structurally sound and well maintained at all times; any damage to the structures shall be promptly repaired.
- B. Any graffiti on the property shall be promptly removed.
- 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 Sunday and Saturday. No such 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 4-11-1130, 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.
- D. The approvals granted by the City as a result of this application, as well as the Conditions of Approval, shall be recorded in the office of the County Recorder of Alameda County.
- E. No application for amendment of the application or Conditions of Approval may be accepted or submitted for processing by the City unless (i) there is full compliance with all terms of the application and Conditions of Approval; or (ii) the Community Development Director waives compliance with the terms of the application and Conditions of Approval pending application for the amendment.
- F. Pursuant to Zoning Code Section 2.04.408(J), this approval shall lapse on **Thursday, June 15, 2023** 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.