

Exhibit A

**RECOMMENDED
CONDITIONS OF APPROVAL**

PLN19-0047

1501 Clarke Street

Alameda County Assessor's Parcel Number 075-0021-006-00

Margie Diaz (applicant and property owner)

I. COMPLIANCE WITH APPROVED PLANS

1. The applicant and/or property owner shall comply with Exhibits A through J, attached to the staff report dated October 3, 2019, except as hereinafter modified. Exhibits are on file at the City of San Leandro Community Development Department, 835 East 14th Street, San Leandro, California.

Exhibit A - Cover Sheet (Sheet 1)

Exhibit B - Existing Site Plan (Sheet 2)

Exhibit C - Proposed Site Plan (Sheet 3)

Exhibit D - Proposed Floor, Accessible Route, and Refuse Storage Plan (Sheet 4)

Exhibit E - Elevations, Store Building (Sheet 5)

Exhibit F - Elevations for Refuse Enclosure (Sheet 6)

Exhibit G - Elevations, Store Section of Property with Fencing (1 of 2) (Sheet 7)

Exhibit H - Elevations, Store Section of Property with Fencing (2 of 2) (Sheet 8)

Exhibit I - Proposed Signs (Sheet 9)

Exhibit J - Photos of Existing Building (Sheet 10)

2. The applicant and/or property owner shall be responsible for assuring that any successor in interest who assumes responsibility for the zoning approval is informed of its terms and conditions.

II. PERMITTED USES

3. This is a Conditional Use Permit approval to allow Retail Sales in an existing 720 square-foot building at 1501 Clarke Street. Retail Sales is allowed in the DA-3 zoning district, subject to the approval of a Conditional Use Permit. Zoning District: DA-3 Downtown Area-3; Alameda County Assessor's Parcel Number 075-0021-006-00; Margie Diaz (applicant and property owner).
4. The days and hours of operation shall be 7:00 a.m. to 8:00 p.m. Monday through Saturday, with occasional limited deliveries and opening and preparation times permitted outside these hours and days. Any modification to the days and hours shall be submitted in writing and subject to the review and approval of the Community Development Director.

5. Any change or additional occupancy deemed minor in nature may be approved by the Community Development Director. A change or additional occupancy deemed major shall be referred to the Board of Zoning Adjustments for its consideration as a modification to the existing use permit.
6. The interior use of the building and exterior use of the site shall remain in substantial compliance with the approved plans and exhibits. Any change to project design shall be subject to the review and approval of the Community Development Director who may administratively approve or require review by the Board of Zoning Adjustments as a modification to the Conditional Use Permit.
7. No sign structures shall be erected without obtaining a building permit and prior approval by the Community Development Director.

III. PLAN SUBMITTAL FOR PROJECT SITE IMPROVEMENTS

8. Within 90 days of the approval date of this conditional use application, the existing chain link fence the property line along West Juana Avenue shall be removed. At the owner's option, the fence may be replaced with a wood or masonry fence. Any required building permits shall be obtained prior to construction of the optional replacement fence.

IV. BUILDING & SAFETY SERVICES DIVISION REQUIREMENTS

9. The applicant shall request any and all building permit(s) for all applicable construction and improvements to the building and site.
10. The proposed development shall comply with all Applicable Code and City ordinances, policies and regulations.

V. ENGINEERING & TRANSPORTATION DEPARTMENT REQUIREMENTS

11. The proposed development shall comply with City ordinances, policies and regulations. All improvements shall be in accordance with the City's Design Standards, Specifications and Standard Plans unless otherwise specifically approved by the Principal Engineer.
12. The applicant shall add the following notes to the plans submitted for Building Permit(s):
 - a. 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.

- b. 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.
 - c. 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.
13. 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. 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.
 - c. Interior floor drains (if any) shall not be connected to the storm drain system.
 - d. 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.
 - e. 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.
 - f. 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.

- g. 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.
 - h. Selection of the plants that will require minimal pesticide use.
 - i. Irrigation shall be appropriate to the water requirements of the selected plants.
 - j. The applicant shall select pest and disease resistant plants.
 - k. The applicant shall plant a diversity of species to prevent a potential pest infestation from affecting the entire landscaping plan.
 - l. The applicant shall plan insectary plants in the landscaping to attract and keep beneficial insects.
14. The proposed refuse storage structure must be covered, in compliance with the requirements of the Alameda County Clean Water Program Source Control Measures.
15. Permits: The applicant shall obtain an Encroachment Permit from the Engineering and Transportation Department for any work within public right-of-way. Contractors must be properly licensed, have a valid Business License, and submit proof of insurance. Applicable fees/deposits must be paid.

VI. ALAMEDA COUNTY FIRE DEPARTMENT REQUIREMENT

16. The applicant shall cause the project to comply with all building and fire code requirements in effect at time of building permit submittal.
17. The applicant shall provide Fire Extinguishers per the code.
18. The applicant shall provide Emergency Lighting with an average of 1 foot candle at the floor along the means of egress route.
- a. The applicant shall provide illuminated exit signs \indicating the means of egress route.
 - b. The applicant shall provide an address that can be seen from the street and have a contrasting background.
 - c. The applicant shall provide a Knox Box for fire department access.

VII. PUBLIC WORKS RECYCLING PROGRAM REQUIREMENTS

19. The planned development falls within the Alameda County Industries (ACI) service area. The City of San Leandro holds an exclusive franchise agreement for solid waste and recycling services with ACI.
20. The applicant shall store solid waste & recycling bins out of public view, within a trash enclosure. Trash enclosure guidelines for commercial establishments are available at: <https://www.sanleandro.org/civicax/filebank/blobdload.aspx?blobid=15084>.
 - a. Enclosure shall be of adequate size to accommodate at least one solid waste and one recycling container of similar size. Enclosure must also accommodate a separate container for the collection of organics (food scraps, compostable paper, and plant debris).
 - b. Plans shall show proposed size, number, and type of solid waste and recycling containers to be stored in enclosure.
 - c. Plans shall include design/construction details for enclosure walls – walls should be of solid construction to properly screen enclosure contents from view.
 - d. Enclosure(s) should be easily accessible to collection vehicles. Driveways shall provide unobstructed access for collection vehicles. Applicant must ensure that there is adequate space for a collection vehicle to enter and exit the property in order to service containers.
 - e. Building plans shall clarify the following: the plan for servicing trash, recycling and organics bins, the proposed point of service, and how containers get to the street for service.
21. The applicant/project is subject to Alameda County Mandatory Recycling Ordinance. For more information, visit www.RecyclingRulesAC.org.
22. The property owner, occupant and tenants shall maintain enclosure/trash area free of litter and other debris in accordance with San Leandro Municipal Code §3-15-215.

VIII. MAINTENANCE

23. The use permit conditions of approval shall be made accessible to all employees on the property.
24. The project site shall be well maintained and shall be kept free of litter, debris and weeds at all times.
25. All landscaping shall be maintained in a healthy and growing condition at all times.

Any damaged or dead plant material shall be promptly replaced with a plant material similar in type and comparable in size to the plant(s) being removed.

26. The applicant shall keep the entire site free of litter accumulations, including removal of litter, which collects against fences or the building or the landscaped areas.
27. Razor wire installed on the fencing, walls, or buildings on the property is prohibited.
28. The separating fencing shall be structurally sound and well maintained at all times. Any damage to the fencing shall be promptly replaced or repaired with matching materials.
29. Any graffiti shall be promptly removed from the property.
30. All dumpsters, trash, recycling, or organics containers shall be kept within the refuse enclosure, except for the day(s) the collection company is scheduled for pick-up. Immediately after pick-up all containers shall be returned to the refuse enclosure and out of public view.

IX. PERFORMANCE STANDARDS

31. All uses and activities shall comply with the provisions of the San Leandro Noise Regulations (Title IV, Chapter 1 of the Municipal Code).
32. No use, activity, or process shall produce vibrations that are perceptible without instruments by a reasonable person at the property lines of a site.
33. No use, process, or activity shall produce dust that is perceptible without instruments by a reasonable person at the property lines of a site.
34. No outdoor storage is hereby permitted. All storage shall be conducted inside the retail store building.
35. 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 shall be reviewed and approved with the building permit application.

X. GENERAL CONDITIONS

36. The applicant shall pay its City development, permitting, and plan check fees in accordance with the fee schedules in effect at the time of the approval of this conditional use permit.
37. Any outstanding Planning Services deposit fees or balance shall be paid prior to issuance of a building permit.

38. The approvals granted by the City as a result of this application as well as conditions of approval, shall be recorded in the Office of County Recorder of Alameda County.
39. No application for amendment of this application or conditions of approval may be submitted or accepted 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 amendment.
40. Pursuant to Zoning Code Section 5-2218.A, this approval shall lapse on October 5, 2020 unless a) a building permit or business license has been issued, coupled with diligent progress evidencing a good faith intent to commence the intended use, or b) a written request for a one-year extension of the use permit is approved by the Zoning Enforcement Official.