

Exhibit B

RECOMMENDED CONDITIONS OF APPROVAL

PLN17-0059

**2181 Doolittle Drive, APN: 077A-0697-001-11
Niknat Investors LLC (Applicant/Property Owner)**

I. COMPLIANCE WITH APPROVED PLANS

- A. The applicant and/or property owner and project shall comply with Exhibits A through J, attached to the staff report dated April 4, 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 94577.

Exhibit A – Cover Sheet (A0.0)
Exhibit B – Clean Bay Blue Print
Exhibit C – Preliminary Grading and Drainage Plan (C-1)
Exhibit D – Site Plan (A1.0)
Exhibit E – Landscape Plan (A1.1)
Exhibit F – Demolition + Construction Plans (A2.0)
Exhibit G – Exterior Elevations (A3.0)
Exhibit H – Sections (A4.0)
Exhibit I – Building + Monument Signs (A5.0)
Exhibit J – Rendering

- B. The applicant and/or property owner and developer shall be responsible for assuring that any successor in interest who assumes responsibility for this zoning approval is informed of its terms and conditions.
- C. The Conditional Use Permit, Site Plan Review, Parking Exception, and Administrative Exception approval shall lapse after one (1) year following Board of Zoning Adjustments approval of the application unless a grading permit or building permit has been issued, coupled with diligent progress evidencing good faith intention to commence the intended use; or use is established; or an occupancy permit has been issued; or the approval is renewed, as provided in Zoning Code Section 5-2218 and Section 5-2516. Pursuant to Zoning Code Section 5-2218.A and Section 5-2516.B, upon written request, a renewal may be considered by the Zoning Enforcement Official if no substantive change has occurred in conditions or circumstances pertinent to the Conditional Use Permit, Site Plan Review, Parking Exception, and Administrative Exception 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, Site Plan Review, Parking Exception, and Administrative Exception approval.
- D. Prior to issuance of building permits, all building plans and specifications shall be submitted for review and approval to the Zoning Enforcement Official to ensure consistency with the approved exterior design. In

addition, a final color and materials board shall be submitted for the exterior for the review and approval of the Zoning Enforcement Official, prior to issuance of building permits.

- E. Prior to issuance of building permits a final landscape and irrigation plan that complies with the City's Landscape Ordinance and State Model Water Efficient Landscape Ordinance (MWELo) shall be submitted to the Zoning Enforcement Official for review and approval. Said plans shall include, but is not limited to, trees with a minimum size of 15 gallons, a pallet of shrubs and ground cover planting that is flowering plants, or plants that have colorful foliage. The minimum size for the shrubs shall be five gallons and the ground cover shall be one gallon or shall be from flats with the necessary spacing to cover the planter areas in one growing season.
- F. Prior to issuance of building permits, the developer shall submit final details and specifications for any freestanding or exterior trash enclosure structures. Said details and specifications shall be in compliance with Alameda County Environmental Health requirements and designed to blend in and complement the new building, to the satisfaction of the Zoning Enforcement Official.
- G. Prior to issuance of building permits, the developer shall submit final plans and details for site lighting (including submittal of final photometric plans) for the review and approval of the Zoning Enforcement Official and the City Engineer. The plans and details shall show the location, height, decorative features, and construction details including cut sheets, materials and finishes to be used for construction. All outdoor lighting shall be contained in fixtures that direct light below the horizontal plane. No site lighting may spill offsite or create off-site glare.
- H. Prior to issuance of building permits, applicant shall submit and identify on the final site plan the location of on-site bicycle parking location, counts, details and bicycle parking fixture specifications, for the review and approval of the Zoning Enforcement Official and the City Engineer. Bicycle parking shall be located in a visible area near the front of the building, consisting of securely anchored loops or lockers with sufficient strength to resist vandalism and theft.
- I. Prior to issuance of a building permit for the proposed building, a green building and water-efficient landscape checklist shall be completed and incorporated into building permits for this project. For the purposes of this condition, the checklists shall be the Build it Green GreenPoint Rated checklist for New Industrial Buildings, or an equivalent rating system.
- J. Prior to issuance of any Certificate of Occupancy on the property, the improvements outlined above shall be completely installed to the satisfaction of the Community Development Director and the City

Engineer.

- K. Modifications to the approved Conditions of Approval and 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, Site Plan Review, Parking Exception, and Administrative Exception allows for a new 3,539 square foot retail building at 2181 Doolittle Drive. The building space will consist of three tenant spaces. Alameda County Assessor's Parcel Number 077A-0697-001-11.
- 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 legal binding documents regulating development on the property; and (ii) there is full compliance with all terms of the application and Conditions of Approval; or (iii) the Zoning Enforcement Official has waived compliance with the terms of the application because they are minor in content.
- C. These conditions of approval shall be posted conspicuously inside the building prior to Certificate of Occupancy and a copy shall be identified on the plans submitted for a building permit.

III. CONSTRUCTION PROVISIONS

- A. Pest and vermin control measures shall be incorporated into the demolition and construction of the project.
- B. During construction the following high standards for sanitation are required: Garbage cans, construction dumpsters, and debris piles shall be removed on a minimum weekly basis. All food related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers only and shall be regularly removed from the site. At no time shall debris remain on site unattended within the front yard setback of the property. Inspections will be conducted as part of the regular construction compliance, to ensure compliance of the applicant and contractors with this requirement.
- C. Construction activity shall not commence prior to 7:00 a.m. and shall cease

by 7:00 p.m. Monday through Friday, and construction activity shall not commence prior to 8:00 a.m. and shall cease by 7:00 p.m. on Saturday and Sunday. No construction is permitted on Federal holidays. As provided in the City of San Leandro's Noise Ordinance (ORDINANCE NO. 2003-005), "construction" shall mean any site preparation, assembly, erection, substantial repair, alteration, demolition or similar action, for or on any private property, public or private right-of-way, streets, structures, utilities, facilities, or other similar property. Construction activities carried on in violation of this Article may be enforced as provided in Section 4-1-1130, and may also be enforced by issuance of a stop work order and/or revocation of any or all permits issued for such construction activity. Procedures with the highest noise potential shall be scheduled for daylight hours, when ambient noise levels are highest. The contractor(s) shall be required to employ the quietest among alternative equipment or to muffle/control noise from available equipment.

- D. Construction activity shall not create dust, noise or safety hazards for adjacent residents and properties. Dirt and mud shall not be tracked onto Doolittle Drive, Marina Boulevard or Barrow Street from the project site during construction. Standard construction dust control procedures, such as wetting, daily roadwashing and other maintenance functions to control emissions, shall be implemented at all times during outdoor construction. Dust generating activities such as excavation, paving etc., shall be scheduled in the early morning and other hours when wind speeds are low. All construction contracts shall include the following requirements: 1) unpaved construction sites shall be sprinkled with water at least twice per day; 2) trucks hauling construction materials shall be covered with tarpaulins or other effective covers; 3) streets surrounding demolition and construction sites shall be swept at least once per day; and 4) paving and planting shall be done as soon as possible. City shall charge applicant, and applicant shall pay, for all costs of sweeping city streets in the vicinity of the project as necessary to control dust and spillage.
- E. The applicant shall prepare a construction truck route plan that would restrict trucks to arterial streets that have sufficient pavement section to bear the heavy truck traffic, thereby minimizing noise and traffic impacts to the community. The construction truck route plan shall be reviewed and approved by the City Transportation Administrator prior to receipt of the grading permit.
- F. Construction-related truck hauling activities shall be restricted to 8:00 a.m. to 5:00 p.m. There shall be no truck hauling activity on Saturdays, Sundays and Federal holidays.
- G. The property shall be secured during construction with a six (6) foot tall chain link fence with screening material and any other security measures in accordance with recommendation of the San Leandro Police Department.

- H. Construction workers on the project shall be provided clean drinking water, portable toilets and handwashing stations as sanitary facilities for use during all phases of construction. Said portable toilets shall be screened from view from the public right-of-way or located to the interior or rear of the site.
- I. The Project construction contractor(s) shall use construction equipment fitted with Level 3 Diesel Particulate Filters (DPF) for all construction equipment of 50 horsepower or more. Prior to any construction, the construction contractor(s) shall ensure that all construction plans submitted to the City of San Leandro Community Development Department clearly show the requirement for Level 3 DPF for construction equipment over 50 horsepower. During construction, the construction contractor(s) shall maintain a list of all operating equipment in use on the Project site for verification by the City of San Leandro Community Development Department. The construction equipment list shall state the makes, models, and numbers of construction equipment on site. Equipment shall be properly serviced and maintained in accordance with manufacturer recommendations. The construction contractor(s) shall ensure that all nonessential idling of construction equipment is restricted to five minutes or less in compliance with California Air Resources Board (CARB) Rule 2449.
- J. Project's construction contractor shall comply with the current Bay Area Air Quality Management District (BAAQMD) Best Management Practices for reducing construction emissions of PM¹⁰ and PM^{2.5}.

IV. ALAMEDA COUNTY FIRE DEPARTMENT REQUIREMENTS

- A. The project shall comply with all building and fire code requirements in effect at time of building permit submittal.
- B. The building will be required to install a NFPA 13 Fire Protection System.
- C. The building will be required to install a NFPA 72 Central Monitoring Fire Alarm system.
- D. A differed submittal is required for the Underground Fire Line for the fire sprinkler system.
- E. Emergency lighting will need to be installed with an average of 1 foot candle at the floor.
- F. Appropriate hardware will need to be installed on the doors.
- G. 2A 10B:C fire extinguishers with signs above it shall be provided in each suite.

- H. A Knox Box shall be provided for each suite.
- I. Addresses shall be provided that are visual from the street and have contrasting background.
- J. Illuminated exit signs shall be provided indicating the means of egress route.
- K. Appropriate hardware required for exit doors.

V. BUILDING & SAFETY SERVICES REQUIREMENTS

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

VI. ENGINEERING AND TRANSPORTATION REQUIREMENTS

- 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 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.
- B. 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.
- C. The two parcels for this retail development shall be merged. The Applicant has applied for a lot merger, which shall be completed prior to Building

Permit issuance.

- D. The applicant shall dedicate approximately 134 square feet at the southeastern corner of the subject parcel, as shown on the approved drawings for Project PLN17-0059, to the City for Public Right-of-Way purposes. A plat and legal description shall be prepared for this dedication and must be recorded prior to Building Permit issuance.
- E. The proposed storm drain inlet at the northwest corner of Doolittle Drive and Marina Boulevard shall be installed per City of San Leandro Standard Plan Dwg. 204, Case 3101. A United Storm Water trash capture device shall be installed in this storm drain inlet.
- F. The proposed storm drain manhole in Doolittle Drive will require a separate permit from the County of Alameda. The manhole shall be installed per the County of Alameda standards.
- G. The project proposes to utilize pervious pavement to decrease the impervious surface to below the Regulated Project threshold, as defined in 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 pervious paving must be designed in accordance with Section 6.6 of the Alameda County 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.
- H. All proposed driveways, sidewalk, curb and gutter shall be installed per the City of San Leandro Standard Plan Dwgs. 100, 102 & 104, Case 3101.
- I. Any work within the Public Right-of-Way shall require an encroachment permit from the City of San Leandro Engineering and Transportation Department.
- J. The Development Fee for Street Improvements has been analyzed for this project. Since the new project is constructing a building of the same square footage as the previous building, there will be no DFSI fee for this project at this time. This assumes the new building will be used for retail as the previous building was. In the future, when Tenant Improvement (TI) applications come in, if the proposed use for a particular space is different than a retail use, the DFSI fee will be re-analyzed, and a fee may be due.
- K. The project parcel abuts Doolittle Drive and Marina Boulevard, which are Underground Utility Districts. Projects within these Underground Utility Districts are required to relocate the existing overhead utilities (electric,

cable, telephone, etc.) into underground facilities, or pay an in-lieu fee for the required undergrounding. However, the last paragraph of Section G of the Underground Utility District Master Plan states that “a conversion fee shall not be imposed in connection with work or construction necessary to repair or replace in kind facilities or improvements damaged by fire, earthquake, flood or other natural disasters.” Since this project will be reconstructing retail space destroyed by a fire, this project is not subject to the undergrounding requirements.

- L. The applicant shall submit a geotechnical report for City review. The City reserves the right to offer comments once the report is submitted.
- M. 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”
 - 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 discharged 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 plants.
 - l) The applicant shall select pest and disease resistant plants.
 - m) The applicant shall plant 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.
- N. The Applicant shall comply with the following high standards of sanitation during construction of improvements: garbage cans, construction dumpsters, and debris piles shall be removed on a minimum weekly basis. All food related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers only and shall be regularly removed from the site. Inspections, conducted as part of the regular construction compliance, will be conducted to ensure compliance of the applicant and contractors with this requirement.

VII. PUBLIC WORKS REQUIREMENTS

- A. The planned project falls within the Alameda County Industries (ACI) service area. Applicant/property owner should note the City of San Leandro holds an exclusive franchise agreement for solid waste and recycling services with ACI.
- B. Enclosure shall be of adequate size to accommodate at least one solid waste and one recycling container of similar size. If required, enclosure size must also accommodate a separate container for the collection of organics (food scraps, compostable paper, and plant debris).

- C. Commercial Establishment Enclosure Guidelines available at www.RecycleSanLeandro.org.
- D. A rolled curb or ramp is required in front of the trash enclosure to ensure easy access to, and accommodate service of, garbage and recycling bins by the hauler.
- E. Applicant/property owner must ensure that there is adequate space for a collection vehicle to enter and exit the property in order to service containers.
- F. Applicant/property owner is subject to Alameda County Mandatory Recycling Ordinance. For more information, visit www.RecyclingRulesAC.org.
- G. Per San Leandro Municipal Code §3-1-200, storage of solid waste, recycling, and other materials outside of the enclosure is prohibited at all times.
- H. The property owner, occupant and tenants shall maintain enclosure free of litter and other debris in accordance with San Leandro Municipal Code §3-15-215.
- I. 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.

VIII. MAINTENANCE

- A. The project site shall be well-maintained and shall be kept free of litter, debris and weeds at all times.
- B. Parking lots, landscaping, and all common areas on the property shall be monitored and maintained to collect and prevent the accumulation of errant litter and debris.
- C. Any graffiti shall be promptly removed from building walls, perimeter walls and/or fences. The developer and its successors in interest shall comply with the rules and regulations of the City's graffiti removal program and shall grant a license and right of entry as requested to enforce the terms of such program.

- D. All fencing and walls on the project site shall be structurally sound, graffiti-free and well maintained at all times.
- E. Proposed wall shall be 6-foot tall as identified on the Site Plan Exhibits.
- F. All landscaping improvements shall be maintained in a healthy, growing condition at all times.
- G. Upon demolition or removal of structures and improvements, the site shall be enclosed with a security fence with appropriate screening measures.
- H. The storage and display of equipment, materials, and merchandise outside of the building shall be prohibited. Vehicles shall be restricted to designated parking areas upon paved surfaces.
- I. The use and placement of storage containers, vehicle trailers or other equipment on public streets or within the parking lot shall be prohibited at all times.

IX. GENERAL REQUIREMENTS

- A. All exterior mechanical equipment such as air conditioning/heating units and antennas shall be fully screened from view so as not to be visible from adjacent properties or streets.
- B. All uses and activities shall comply with the provisions of the San Leandro Noise Regulations (Title IV, Chapter 1 of the Municipal Code).
- C. No temporary or unauthorized signs including but not limited to banners, streamers and pennants shall be placed on the property, unless approved by the City under a Temporary Sign Permit or Special Event Permit. The use of feather signs, animated or inflatable signs, balloons, spotlights and lasers shall be prohibited at all times.
- D. No objectionable odors emanating from the buildings or trash enclosures shall be detectable beyond the subject property. The City may require noncompliant tenants to install odor control measures including but not limited to the installation of air filters or odor control systems.
- E. Outdoor loudspeakers and public announcement systems shall be prohibited from installation and use.
- F. All outdoor lighting shall be directed below the horizontal plane and fully shielded. Lighting shall be focused and oriented within the subject property.
- G. No use, activity, or process shall produce vibrations that are perceptible without instruments by a reasonable person at the property lines of the site.

- H. No use, process, or activity shall produce dust that is perceptible without instruments by a reasonable person at the property lines of the site.
- I. Construction and building permit plans shall include provisions for a grease trap subject to Alameda County Environmental Health Department specification and requirements.
- J. Applicant shall pay its City development, permitting, and plan check fees in accordance with the fee schedules in effect at the time.
- K. Any outstanding Community Development Department deposit fees or balances shall be fully paid prior to issuance of a building permit.
- L. Any prior outstanding or incomplete building permits shall be addressed or completed prior to issuance of a certificate of occupancy for this project.
- M. 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.