

**RECOMMENDED  
CONDITIONS OF APPROVAL**

**PLN2022-0032**

**2010 and 2020 Williams Street**

**(north side of Williams Street between Doolittle Drive and Westgate Parkway)**

**Patrick Le, Cuberg, Inc. (applicant)**

**Peter Lennon, B3 Westgate Manager LLC (property owner)**

**I. COMPLIANCE WITH APPROVED PLANS**

- A. The project shall comply with Exhibits A and B, 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 C – 2010 & 2020 Williams Street – Overall Site Fire Infrastructure, September 12, 2022

Exhibit D – Hazardous Materials Impact Report, June 14, 2022

- B. 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.
- C. Conditional Use Permit approval shall lapse after one (1) year following Board of Zoning Adjustments approval of the application unless a building permit has been issued, coupled with diligent progress evidencing a good faith intent to commence the intended use; or an occupancy permit has been issued; or the approval is renewed, as provided in Section 5.08.136.A of the Zoning Code. Pursuant to Zoning Code Section 5.08.136.E upon written request the approval may be renewed by the Zoning Enforcement Official for one (1) year, with one additional (1) one-year renewal allowed for a total period not to exceed two (2) years without notice or public hearing if the findings required by Section 5.08.124.A of the Zoning Code. remain valid. Application for renewal shall be made in writing to the Community Development Director not less than 30 days or more than 120 days prior to expiration of the Conditional Use Permit approval. Denial of a request for renewal of the Project approval may be appealed.

**II. PERMITTED USE**

- A. This Conditional Use Permit approval permits the storage and handling of hazardous materials at 2010 and 2020 Williams Street. Alameda County Assessor's Parcel Numbers 079A-0375-007-51 and 077A-0644-001-06.
- 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 Community Development Director has waived compliance with the terms of the application because they are minor in content.

- C. Construction and operation of the project shall remain in substantial compliance with the approved exhibits and plans. The Zoning Enforcement Official may approve changes to approved plans or in 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. Revisions involving substantial changes in project design or conditions of approval shall be treated as new applications, to be reviewed as a new project.

## **II. BUILDING AND SAFETY SERVICES REQUIREMENTS**

- A. Prior to issuance of a Building Permit, conditions imposed by the Airport Land Use Commission shall be provided to the City. Building Plans shall demonstrate compliance with all such conditions.
- B. Prior to issuance of a Building Permit, a Hazardous Materials Business Plan, including a Emergency Contingency Plan, shall be submitted to the city and to the state of California approved by the Building Manager.
- C. Prior to issuance of any Certificate of Occupancy on the property, tenant improvements for hazardous materials storage and handling areas that comply with Fire and Building Codes for H occupancy shall be completely installed to the satisfaction of the Building Manager.

## **III. ENVIRONMENTAL SERVICES REQUIREMENTS**

- A. The storage of hazardous materials in quantities equal to or greater than 55 gallons, 200 cubic feet or 500 pounds and generation of any amount of hazardous waste requires submittal of a Hazardous Materials Business Plan (HMBP). HMBP submittal shall be completed via the California Environmental Protection Agency (Cal EPA) California Environmental Reporting System (CERS) online database. An HMBP shall be submitted prior to issuance of a Certificate of Occupancy for the Building Permit or placement of the registerable quantities of hazardous materials on the site, whichever occurs first. The plan is subject to the review and approval of Environmental Services Division of the Public Works Department.
- B. All fees and charges related to Environmental Services programs shall be paid promptly in full. Failure to keep accounts current shall be grounds for revocation of the conditional use permit.
- C. All hazardous waste used on site shall be handled and disposed of pursuant to applicable local, state and federal laws. Generators of hazardous waste must register with the City's Environmental Services (local CUPA) through the online California Environmental Reporting System (CERS).
- D. Discharge of anything other than rainwater to the stormwater collection system, which includes area drains, sidewalks, parking areas, street curb and gutter, shall be strictly prohibited.

- E. Containerized management of trash, solid waste, and recyclables shall be required to prevent exposure to or contamination of rainwater runoff.
- F. The elimination of exposure of materials, processes or equipment to the maximum extent practicable is necessary to prevent contamination of rainwater. Exposures that cannot be eliminated require use of Best Management Practices (BMPs), both engineered and administrative, to prevent remaining exposures from impacting rainwater runoff.
- G. In the event the facility stores petroleum products, including mixtures with any concentration of petroleum, in a quantity equal to or greater than 1,320 gallons as an aggregate of all individual aboveground “tanks” equal to or greater than 55 gallons capacity (including drums, tanks, containers, totes, oil-filled electrical equipment, oil-filled manufacturing equipment and oil-filled operational equipment), the facility shall comply with the requirements of the California (CA) Aboveground Petroleum Storage Act (APSA) as required in Chapter 6.67 of the CA Health & Safety Code and implement a Spill Prevention Control and Countermeasure Plan (SPCC) in conformance with 40 CFR 112.

#### **IV. ALAMEDA COUNTY FIRE DEPARTMENT REQUIREMENTS**

- A. The following conditions shall be met in the submittal of the Building Permit and prior to the issuance of a fire clearance for occupancy (Certificate of Occupancy):
  - (i) The Building Permit plans shall include a scaled site plan showing the fire department access to the expansion areas and shall include the access road width and distance to the buildings. The locations of fire hydrants shall be indicated on the site plan.
  - (ii) The applicant shall supply necessary on-site fire suppression systems to the satisfaction of the Alameda County Fire Department.

#### **V. AIRPORT LAND USE COMMISSION**

- A. Prior to issuance of a building permit, submit a copy of the Airport Land Use Commission’s conditions of approval to the Building Division.
- B. Prior to Certificate of Occupancy, comply with all conditions of approval imposed by the Airport Land Use Commission.

#### **V. MAINTENANCE**

- A. The project site shall be well-maintained and shall be kept free of litter, debris, and weeds at all times.
- B. Any graffiti shall be promptly removed from building walls, perimeter soundwalls 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.

- C. All fencing and walls on the project site shall be structurally sound, graffiti-free, and well maintained at all times.
- D. All landscaping shall be maintained in a healthy, growing condition at all times.

## VI. CONSTRUCTION PROVISIONS

- A. Construction activity 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 Municipal Code Section 4-1-11, 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.

## VII. GENERAL CONDITIONS

- A. 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.
- B. All mechanical equipment shall be designed and maintained to comply with City noise standards.
- C. 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.
- D. Pursuant to Zoning Code Section 5.08.136, this approval shall lapse on **February 2, 2025**, unless diligent progress evidencing a good faith intent to commence the intended use a written request for a one-year extension of the use permit is approved by the Community Development Director, and there are no outstanding enforcement complaints.