

RECORDING REQUESTED BY:

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

WHEN RECORDED MAIL TO:

Tamika Greenwood, City Clerk
City of San Leandro
835 East 14th Street
San Leandro, California 94577



2017182881

08/21/2017 01:48 PM

OFFICIAL RECORDS OF ALAMEDA COUNTY
STEVE MANNING
RECORDING FEE: 0.00



16 PGS

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Legibility for microfilming and copying is
unsatisfactory in a portion of this document.
Steve Manning, County Recorder

THIS SPACE FOR RECORDER'S USE ONLY

(No fee pursuant to Government Code Section 27383)

AGREEMENT TO CONDITIONS

PLN17-0005

2000 Marina Boulevard

2000 MARINA LLC (Applicant and Property Owner)

THIS AGREEMENT is entered into by and between the CITY OF SAN LEANDRO, a municipal corporation, hereinafter referred to as "City", and, 2000 MARINA LLC, a Delaware Limited Liability Company, hereinafter referred to as "Applicant", and as "Property Owner".

Applicant applied for and received Conditional Use Permit and Site Plan Review approval to construct a new 297,200 square foot warehouse building with loading docks, administrative offices, related landscaping and off-street parking for the purpose of various industrial uses at 2000 Marina Boulevard; Alameda County Assessor's Parcel Number 77A-700-3.

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


1. Applicant agrees to comply with the Conditions of Approval adopted by the City of San Leandro Board of Zoning Adjustments, 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. The Applicant 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 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 San Leandro Board of Zoning Adjustments 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 **CONDITIONAL USE PERMIT and SITE PLAN REVIEW** must be exercised within **ONE YEAR** or it expires.


(Acknowledgment)

2000 MARINA LLC, a Delaware Limited Liability Company, as Applicant and Property Owner



By: **Timur Tecimer** **8.9.17**
Its: **Manager** **Date**

Receipt of Executed Approval: I hereby certify that I am the Secretary to the Board of Zoning Adjustments of the City of San Leandro and in that capacity did receive this copy of **PLN17-0005** Agreement to Conditions fully executed by all parties thereto, and that the effective date of this zoning approval granted herein is **April 6, 2017**.

CITY OF SAN LEANDRO, a municipal corporation

Attest: 

Tamika Greenwood,
City Clerk



Andrew J. Mogensen, Secretary
Board of Zoning Adjustments

Approved as to Form:



Rich 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 LOS ANGELES

S.S.

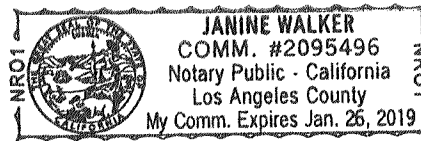
On 8/9/2017 before me, JANINE WALKER, NOTARY PUBLIC
personally appeared TIMUR TECIMER

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.

Jani Walker
Notary Public



OPTIONAL INFORMATION

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of AGREEMENT TO CONDITIONS containing 14 pages, and dated 8/9/2017.

The signer(s) capacity or authority is/are as:

- Individual(s)
 Attorney-in-fact
 Corporate Officer(s) MANAGER

Guardian/Conservator
Partner - Limited/General
Trustee(s)
Other: _____

representing: 2000 MARINA LLC

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)

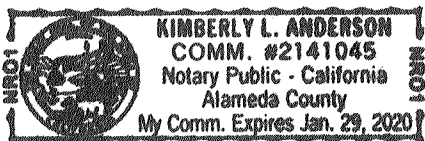
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

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)
) ss.
County of Alameda)

On August 10, 2017 before me, KIMBERLY L. ANDERSON, NOTARY PUBLIC,
personally appeared Andrew Mogensen,

My commission number is 2141045.



who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his 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.

My commission expires on January 29, 2020.

WITNESS my hand and official seal.

Handwritten signature of Kimberly L. Anderson, Notary Public, with printed name below.

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: PLN17-0005, Agreement to Conditions, 2000 Marina Blvd.

Document Date: April 21, 2017

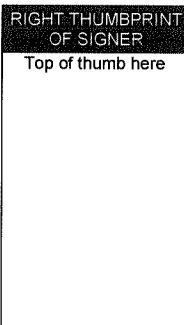
Number of Pages: 14

Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name:

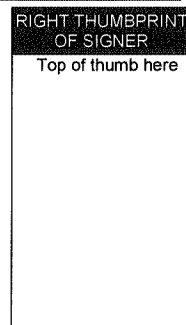
- Individual
Corporate Officer - Title(s):
Partner - Limited General
Attorney in Fact
Trustee
Guardian or Conservator
Other:



Signer is Representing:

Signer's Name:

- Individual
Corporate Officer - Title(s):
Partner - Limited General
Attorney in Fact
Trustee
Guardian or Conservator
Other:



Signer is Representing:

CONDITIONS OF APPROVAL

PLN17-0005
2000 Marina Boulevard
2000 MARINA LLC (Applicant and Property Owner)

I. COMPLIANCE WITH APPROVED PLANS

- A. The project shall comply with Exhibits A through T attached to the staff report, dated April 6, 2017, 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 – Site Plan (Sheet DAB-A1.1)
Exhibit B – Alternative Site Plan (Sheet DAB-A1.1-ALT1)
Exhibit C – Floor Plan (Sheet DAB-A2.1)
Exhibit D – Elevations (Sheet DAB-A3.1)
Exhibit E – Elevations (Sheet DAB-A3.2)
Exhibit F – Trash Enclosures and Screens (Sheet DAB-A4.1)
Exhibit G – Topographic Survey (Sheet C1)
Exhibit H – Demolition Plan (Sheet C2)
Exhibit I – Preliminary Grading and Drainage Plan (Sheet C3)
Exhibit J – Preliminary Utility Plan (Sheet C4)
Exhibit K – Preliminary Erosion Control Plan (Sheet C5)
Exhibit L – Stormwater Quality Control (Sheet C6)
Exhibit M – Preliminary Parking Lot Striping Plan (Sheet C7)
Exhibit N – Details (Sheet C8)
Exhibit O – Details (Sheet C9)
Exhibit P – Conceptual Landscape Plan (Sheet LC1.1)
Exhibit Q – Plant Palette Photographs (Sheet LC1.2)
Exhibit R – Colored Elevations
Exhibit S – Colored Elevations and Materials Board
Exhibit T – Perspective Rendering

- B. The 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. Conditional Use Permit and Site Plan 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 an occupancy permit has been issued; or the approval is renewed, as provided in Section 5-2218.E. Pursuant to Zoning Code Section 5-2218.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 2-580.H. 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 and Site Plan approval. Denial of a request for a renewal may be appealed.

II. PERMITTED USE

- A. This Conditional Use Permit and Site Plan Review approval is to construct a new 297,200 square foot warehouse building with loading docks, administrative offices, related landscaping and off-street parking for the purpose of various industrial uses at 2000 Marina Boulevard; Alameda County Assessor's Parcel Number 77A-700-3.
- B. This Conditional Use Permit approves the use of Warehouse-Storage Facilities; Warehouse-Wholesale/Retail Distribution Facilities; Vehicle/Equipment Repair, General; Vehicle/Equipment Repair, Limited; and Vehicle/Heavy Equipment Rentals on the subject property, as defined by the City of San Leandro Zoning Code. Any other conditionally permitted uses shall require prior approval of amended Conditional Use Permit, as identified in the San Leandro Zoning Code.
- C. Parking adequacy shall be evaluated prior to the City's issuance of a Business License and/or Administrative Review approval. Additional parking and/or alternative parking options may be required by the Zoning Enforcement Official to compensate for parking deficiencies prior to issuance of a City Business License or Administrative Review approval. These options may include, but are not limited to, the provision of expanded employee shuttle services to BART, parking shelf systems, or the redesign of existing parking and loading areas in order to ensure the property has adequate parking.
- D. The storage and display of equipment, materials, and merchandise outside of the building shall be prohibited. Vehicle and trailer parking shall be restricted to designated areas upon paved surfaces.
- E. These conditions of approval shall be posted conspicuously inside the building prior to Certificate of Occupancy and a copy shall be included with the lease agreement provided to future tenants of the building.
- F. 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 terms of the application and Conditions of Approval; or (ii) the Community Development Director can waive compliance with the terms of the application if they are minor in content.
- G. The project shall remain in substantial compliance with the approved exhibits and plans. Any change to the parameters of the proposed project 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 appropriate application approval listed above.

III. ENVIRONMENTAL BEST PRACTICES

- A. Biological Resources

1. Bat Preconstruction Survey. Prior to project construction, the project applicant and/or its contractor shall retain a qualified biologist to perform a bat survey no more than three days prior to the start of construction activities. If the survey does not identify the presence of occupied roosts, no additional action is required. If the biologist identifies roosts occupied by special-status bat species within disturbance areas, the biologist shall safely flush the bats from the sites where roosting habitat is planned to be removed, prior to the onset of construction activities. The roosting sites shall be removed during the time of day when the roost is unoccupied. Roosts shall not be flushed during the breeding season (between March 1 and July 31).
2. Nesting Bird Preconstruction Surveys/Migratory Bird Treaty Act. If clearing and/or construction activities will occur during the raptor or migratory bird nesting season (February 15–August 15), the project applicant and/or its contractor shall retain a qualified biologist to conduct preconstruction surveys for nesting birds up to 14 days before construction activities. The qualified biologist shall survey the construction zone and a 500-foot buffer surrounding the construction zone to determine whether the activities taking place have the potential to disturb or otherwise harm nesting birds. Surveys shall be repeated if project activities are suspended or delayed for more than 15 days during nesting season. If active nest(s) are identified during the preconstruction survey, a qualified biologist shall establish a 100-foot no-activity setback for migratory bird nests and a 250-foot setback for raptor nests. No ground disturbance should occur within the no-activity setback until the nest is deemed inactive by the qualified biologist.

B. Geology And Soils

1. Geotechnical Report. The project applicant shall comply with the recommendations outlined in the geotechnical report prepared by Earth Systems Pacific (2016). The report includes recommendations for general site preparation, demolition and building pad preparation, basement demolition, compaction, fill, foundations, interior slab-on-grade construction, exterior flatwork, asphalt pavement sections, concrete pavement, lime treatment, utility trenches, site drainage and finish improvements, and geotechnical observation and testing.

- C. The project shall comply with the mitigations measures and polices listed in the Consistency Memorandum, which were derived from the 2035 General Plan Environmental Impact Report EIR.

IV. ADDITIONAL PLAN SUBMITTALS

- A. Prior to issuance of building permits, the developer shall submit final landscape and irrigation plans for the review and approval of the Zoning Enforcement Official and Principal Engineer. Said plans shall include all setbacks and planters adjacent to the driveway. At a minimum, the planting plan shall include trees with a minimum size of

24-inch box. The minimum size for the shrubs and vines shall be five gallons and the ground cover shall be one gallon or from flats with appropriate spacing for coverage. Said plans shall include details such as: 1) tree size, species and location; 2) shrubs and groundcovers; 3) installation specifications, including tree staking; 4) irrigation details; 5) water conservation techniques; and 6) maintenance programs. Final landscape and irrigation plans shall be prepared and stamped by a California licensed landscape architect and shall conform to the Model Water Efficient Landscape Ordinance as updated by the State of California Department of Water Resources.

- B. Prior to issuance of a building permit for the new building an actual colors and materials board shall be submitted and subject to the review and approval of the Zoning Enforcement Official for consistency with this Site Plan Review approval.
- C. 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 Community Development Director.
- D. Prior to issuance of building permits, the developer shall submit final plans and details for site lighting (including submittal of photometric plans) for the review and approval of the Community Development Director 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.
- E. Prior to issuance of building permits, developer shall submit a sign program showing locations (i.e., building signage), details and total sign area calculations for the review and approval of the Community Development Director and the City Engineer. Said program shall include but is not limited to building wall signs using individual letters, external illumination in the case the wall signs are lighted, and low-profile monument sign for freestanding signage. Any freestanding monument sign shall not be closer than 10 feet to the adjacent curb or edge of driveway and shall be designed with materials and finishes that blend in or match the new building. Additional signage such as incidental, address, and directional signs on the site shall be reviewed prior to installation, to ensure they comply with the Sign Ordinance.
- F. Prior to issuance of building permits, applicant shall submit and identify on the final site plan the location of on-site bicycle parking locations, counts, details and bicycle parking fixture specifications, for the review and approval of the Community Development Director and the City Engineer. Bicycle parking shall be located in a visible area near the front entrance to the building, consisting of securely anchored loops or lockers with sufficient strength to resist vandalism and theft.
- G. Prior to approval 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, as approved by the Community Development Director.

V. ENGINEERING AND TRANSPORTATION DEPARTMENT

- A. Geotechnical Report (Geotechnical Engineering Study, “Marina Boulevard Warehouse”, by Earth System Pacific. Dated 11/11/2016 (File No. SH-13139-SA))
1. The site features (walkways, etc.) that adjoin building foundations shall be designed to accommodate the estimated settlement without creating vertical offsets that lead to tripping hazards for pedestrians. This condition shall be addressed prior to issuance of a Building Permit. (Note: The third paragraph on Page 14 of the Geotechnical Assessment suggests that liquefaction related settlement on the order of 1.2 to 4.4 inches may occur at the site, and a differential settlement of up to 2 inches should be anticipated.)
- B. Air Quality/GHG Report (Draft Air Quality and Greenhouse Gas Emissions Technical Report by Placeworks, dated January 2017)
1. During construction and/or demolition phase of the subject project, the applicant shall follow all the recommendations proposed under Section 5.4.1 of said report above as dust control measures. The requirement shall be incorporated into any Demolition or Grading Permit issued for the project.
 2. Prior to issuance of the Certification of Occupancy, any future tenants proposing food processing or food manufacturing operations shall prepare an Odor Management Plan that identifies project design features, measures, and control technologies to ensure compliance with Bay Area Air Quality Management District (BAAQMD) Regulation 7, Odorous Substances. Said Plan shall require abatement of any nuisance generating an odor complaint. The Odor Management Plan for food processing/food manufacturing facilities shall be submitted to the City. During operation of the proposed facility, the City shall conduct periodic evaluation of on-site odors per the schedule and reporting requirements outlined in the Odor Management Plan.
- C. Storm Drain
1. Pursuant to 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), because the project creates or replaces more than 10,000 square feet of impervious surface, it shall be considered a Regulated Project. All requirements of the Stormwater Requirements Checklist (Reference 9 above) shall be followed prior to issuance of a Grading and/or Building Permit.
 2. When the depth of bio-retention area exceeds one foot, the Building Permit plan set shall show that the area is protected with an acceptable type of pedestrian and/or vehicle barrier around the perimeter of the area to restrict entry.

3. The existing storm drain easement recorded on 8/08/1966 as Reel 1820, Image 208, in favor of Alameda County Flood Control and Water Conservation District (ACFC&WCD) protects a County-operated pipe network known as "Line F". Said pipe network extends inside the northwestern property line of the site and apparently drains storm water from the neighboring properties to the north and west. Said pipe network, including the drain inlets, shall be protected unless the applicant gains permission from ACFC&WCD to abandon, remove, or alter it.
4. Most of the storm flows from the site were apparently captured and diverted to the mill basement for use in Georgia Pacific's industrial processes. The water was then discharged to the City's sanitary sewer system, not the District's storm drain system. This diversion will be discontinued with the proposed project in favor of a traditional storm drain system. The applicant shall therefore demonstrate that capacity exists in the Line F storm network to accept flows from the site. Because Line F is owned and operated by ACFC&WCD, the applicant shall contact the District about conducting a study of this system. If "Line F" has been designed for sufficient capacity to handle storm water discharge from the subject site for the proposed use, the applicant shall submit a letter from County stating the same prior to Building Permit issuance. If the network has insufficient capacity, an on-site detention system shall be designed and constructed. The design of any detention system is subject to review and approval by the City.
5. The storm drain network within Marina Boulevard where a connection is proposed is operated by ACFC&WCD (Line F). Connections to Line F will require a permit from the District. A copy of said permit shall be submitted to the City prior to issuance of a Grading and/or Building Permit.
6. All proposed storm drain inlets shall be marked "NO DUMPING, DRAINS TO BAY" as per the City of San Leandro Standard Plan Dwg. No. 204. All proposed storm drain inlets that are not within bioretention areas shall have trash capture devices. This note shall be included on Building Permit plan set.

D. Off-Site Dedication and Improvement

1. The applicant shall dedicate and improve to City standards a 10 foot strip of land across the Marina Boulevard property frontage in accordance with the City's adopted Master Plan of City Streets. A plat map and legal description prepared by a California registered Land Surveyor showing the area of 10 foot right-of-way dedication shall be submitted to the City for review. Once the documents are found to be technically correct, the applicant shall irrevocably grant the right-of-way to the City prior to the issuance of a Building Permit. The roadway improvements, including pavement, signs and markings, curb and gutter, sidewalks, driveways, street trees, utilities, or any other necessary infrastructure shall be completed prior to issuance of a Certificate of Occupancy.

2. Marina Boulevard is included in the City's Underground Utility District Master Plan. The applicant can either underground the utilities as part of the project, or can pay an in-lieu fee that will eventually fund undergrounding by the City. Note, however, that payment of the in-lieu fee will not preclude the applicant from relocating the existing utility poles and overhead electrical infrastructure to behind the new curb when the road widening is accomplished as part of the 10 foot right-of-way dedication. If the applicant instead elects to underground the overhead utilities, underground joint trench plans shall be approved by the City prior to issuance of Building Permit. The utility undergrounding or relocation shall be complete prior to issuance of a Certificate of Occupancy.

E. Grading

1. A Grading Permit shall be required for the project. The requirements for said permit are indicated in San Leandro Municipal Code §7-12. The permit will be issued prior to or concurrent with the Building Permit.
2. The site shall be subject to a Construction General Permit according to the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002. The general permit is applicable to construction sites that disturb one or more acres of land surface. The applicant shall be required to register the project with the State Water Board's Storm water Multi-Application and Report Tracking System (SMARTS) website. A Qualified SWPPP Developer (QSD) and a Qualified SWPPP Practitioner (QSP) shall be responsible for permit compliance. The SMARTS system will generate a Waste Dischargers Identification (WDID) number which must be printed on the grading and/or erosion control plans set prior to Grading Permit issuance.

F. Site

1. For the applicant's information, the sanitary sewer network that serves the site is owned and operated by the City of San Leandro. More information about connections to the City's network can be found at the following web link:

<http://www.sanleandro.org/depts/pw/wpcp/sewer/default.asp>

2. The proposed site development can tie into the City's network on Marina Boulevard. The City is inspecting any defects in this sanitary sewer segment on Marina Boulevard and if the Pipeline Assessment Certification Program (PACP) index rating is 3 or worse (as graded from 1 to 5) or if the new lateral connection will cause any structural damage to the sanitary sewer main line, the applicant shall replace the main pipeline from manhole to manhole as part of this project prior to making the sewer lateral connection.
3. The Phase 1 Environmental Site Assessment indicates that a production groundwater well was used by Georgia Pacific as part of its plant operations. The well may be as deep as 1,022 feet. The applicant shall indicate whether the well will be preserved and used as a non-potable water source for irrigation or

industrial purposes, or whether it will be decommissioned. Well decommissioning is subject to permitting from Alameda County Public Works Agency (<https://www.acpwa.org/drilling-and-wells-permit>). Well decommissioning permit approval from Alameda County shall be submitted to the City prior to issuance of a Grading Permit.

4. On Sheet A1.1, the size of the trash enclosure shown at the rear of the property appears to be inadequate for the proposed building size and use. The applicant shall justify the enclosure sizing after discussions with Alameda County Industries, Inc (ACI), solid waste and recyclable materials collection provider, prior to Building Permit issuance. Also, per the Alameda Countywide Clean Water Program, the trash enclosures shall have a roof to prevent storm water from leaching through the trash to create storm water pollution.
5. The applicant shall locate all electric and communications utilities serving the site underground prior to Certificate of Occupancy.
6. A lighting plan and photometric study shall be developed and submitted for approval along with the Building Permit application to assure sufficient illumination for the safety and security of the future building occupants.

G. Other

1. The Underground Utility District in lieu fee is estimated approximately in the amount of \$326,296.00, which is calculated at \$358.25 per linear foot frontage and shall be due at the time of Building Permit issuance. (Note: This fee is subject to change on July 1st of each year and are not vested until Building Permit issuance.)
2. Prior to Building Permit issuance, the applicant shall enter into an Improvement Agreement with the City to guarantee installation of required public improvements along the Marina Boulevard property frontage. The value of these improvements shall be included in a detailed Engineer's Estimate subject to review by the City. The guarantee will be in a financial instrument approved by the City with a value equivalent to the Engineer's Estimate.
3. A one-time Development Fee for Street Improvements (DFSI) is estimated approximately in the amount of \$179,987.50, which is calculated at \$1.19 per square foot and shall be due at the time of Building Permit issuance. This estimated fee includes a credit towards the DFSI for existing building on the site. (Note: This fee is subject to change on July 1st of each year and are not vested until Building Permit issuance.)
4. A one-time Marina Boulevard/Interstate 880 Traffic Impact Fee is estimated approximately in the amount of \$131,587.50, which is calculated at \$0.87 per square foot and shall be due at the time of Building permit issuance. This estimated fee includes a credit towards the Marina Boulevard/Interstate 880

Traffic Impact Fee for existing building on the site. (Note: This fee is subject to change at the beginning of each fiscal year.)

5. The City plans to upgrade the traffic signal controls systems at three study intersections with a Synchro Green Adaptive Traffic Signal Control System. The three study intersections on Marina Boulevard include the I-880 northbound on-ramp, the I-880 southbound on-ramp, and the driveway to the Kaiser Permanente Hospital. The City estimated the cost of design, installation, and equipment for upgrading with Synchro Green Adaptive Traffic Signal Control System at the three intersections to be \$200,000. As per the Transportation Impact Analysis Report (Transportation Impact Analysis, "Advanced manufacturing at 2000 Marina Boulevard", by Kittleson & Associates, Inc., dated 01/12/2017), last paragraph on page 47 specifies that the proposed project contributes to cumulative traffic growth, hence the applicant shall contribute \$17,530 for the signal control system upgrade. Said amount shall be due at the time of Building permit issuance.

VI. ENVIRONMENTAL SERVICES DIVISION

- A. Discharge of waste water other than domestic sewage to the sanitary sewer system during grading, demolition, and construction shall require approval and/or permitting from the City of San Leandro Water Pollution Control Plant, Environmental Services Section.
- B. In the event that asbestos-containing building materials (ACM) and lead-based paint (LBP) may be present on the property, prior to demolition of buildings and structures (e.g. decommissioned boiler room, labeled as a "chemical storage building" on Sheet C.1), a comprehensive ACM and LBP survey shall be conducted. If present, these materials shall be removed or stabilized prior to demolition.

VII. ALAMEDA COUNTY FIRE DEPARTMENT

- A. Prior to issuance of Building Permits, submittals are required for the fire sprinkler system, fire service underground and fire pump.
- B. At the time of Building Permit submittal, documentation from the East Bay Municipal Utility District EBMUD shall clearly show that the required fire flow is provided.
- C. Knox Boxes shall be provided at the building main entrance and at any lockable gates across the Fire Department access road.
- D. Address shall be clearly marked, visible and legible from the street.

VIII. POLICE DEPARTMENT

- A. All building addresses shall be placed in such a position as to be plainly visible and legible from the street. Said numbers shall contrast with their background and be visible at night. Details including number size and location shall be submitted for the review

and approval of the City of San Leandro Police Department, Fire Marshal and the Community Development Director, prior to issuance of building permits. Specific property addresses will be assigned by the Building Division of the Community Development Department.

IX. 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. Chain link and cyclone fencing shall be prohibited in any location visible from the public right-of-way. Barbed or razor wire shall not be installed on any fence, wall or building on the project site.
- E. All landscaping improvements shall be maintained in a healthy, growing condition at all times.
- F. Upon demolition or removal of existing structures and improvements, the site shall be enclosed with a security fence with appropriate screening measures.

X. CONSTRUCTION PROVISIONS

- A. Pest and vermin control shall be instituted prior to 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 9:00 a.m. and shall cease by 5:00 p.m. on Saturday. No construction is permitted on Federal holidays or Sundays. 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. 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 Marina Boulevard 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 developer, and developer shall pay, for all costs of sweeping city streets in the vicinity of the project as necessary to control dust and spillage.
- E. Construction workers on the project shall be provided a portable toilet and handwashing facility as a minimum sanitary facility for use during all phases of construction. Said portable toilet shall be screened from view from the public right-of-way or located to the interior or rear of the site.

XI. GENERAL CONDITIONS

- A. All exterior mechanical equipment such as air conditioning/heating units and communication dishes or antennas shall be screened from view so as not to be visible from adjacent properties or streets to the satisfaction of the Community Development Director. This condition shall not apply to wireless cable receivers that do not exceed three feet in diameter.
- B. Any electrical transformers shall be vaulted underground. In the event that the transformer cannot be undergrounded, it shall be screened from view consistent with the access requirements of PG&E. Details for screening shall be subject to the review and approval of the Community Development Director.
- C. No temporary or unauthorized signs including but not limited to banners, balloons, streamers and pennants shall be placed on the property, unless approved by the City under a Special Event Permit.
- D. No objectionable or nuisance odors emanating from the building 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. There shall be no loitering permitted on the site and the site shall be posted to permit enforcement of the City ordinance prohibiting loitering by the City of San Leandro Police Department.
- F. The City of San Leandro shall maintain the ability to revoke this Conditional Use Permit and set a new public hearing date in order to impose additional conditions to correct problems that may arise such as property maintenance, code violations, and excessive nuisance related responses from Police or Code Enforcement. Additional conditions, to correct problems, include but are not limited to modifications of hours of operation, odor control measures, noise abatement measures, and/or additional parking requirements.
- G. 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.