

**RECOMMENDED
CONDITIONS OF APPROVAL**

PLN16-0030

**712 Lewelling Boulevard (southwest corner of Lewelling Boulevard and Washington Avenue)
H. Alam, Faizan Corporation. (Applicant and Property Owner)**

I. COMPLIANCE WITH APPROVED PLANS

- A. The project shall comply with Exhibits A through J, dated November 3, 2016, 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 SP-1)

Exhibit B – Sign Plan and Details for Monument and Building (Sheet SNA-1)

Exhibit C – Sign Plan and Details for Canopy (Sheet SNA-2)

Exhibit D – Landscape Plan (Sheet L-1)

Exhibit E – Floor Plan (Sheet Q1.1)

Exhibit F – Floor Plan Equipment Schedule (Sheet Q2.1)

Exhibit G – Exterior Elevations (Sheet A2.1)

Exhibit H – Color Building Elevations (Sheet A2.1)

Exhibit I – Canopy Plans (Sheet CA1.1)

Exhibit J – Color Canopy Elevations (Sheet CA2.1)

- 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 and Site Plan Review 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 approval. Denial of a request for renewal of the Project approval may be appealed.

II. PERMITTED USE

- A. This Conditional Use Permit approval permits Modification of an existing Conditional Use Permit (CU-84-5) and Site Plan Review approval to construct and expand an already operating 24-hour self-service gas station and convenience store that includes a State of California Alcohol Beverage Control (ABC) License Type 20 for sale of beer and wine for off-site consumption at 712 Lewelling Boulevard (southwest corner of Lewelling Boulevard and Washington Avenue); the new construction includes pump

island layout, overhead canopy, convenience store building and site landscaping. Alameda County Assessor's Parcel Numbers 80G-1114-6-2.

- 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 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.
- D. These conditions of approval shall be prominently posted in the convenience store building and shall be made accessible and distributed to all employees

III. USE RESTRICTIONS

- A. Consumption of beer shall not be permitted on-site.
- B. Mandatory training by the Alcohol and Beverage Control Department of the State of California (ABC), or its equivalent, shall be required for all cashiers who sell beer, every two years, subject to the review and approval of the San Leandro Police Department Chief of Police.
- C. Cash register systems which sell beer shall include date of birth entry, or an equivalent identification monitoring system, subject to the review and approval of the San Leandro Police Department Chief of Police.
- D. No beer shall be displayed within five feet of the cash register or the front door of the convenience store, unless it is in a permanently affixed cooler.
- E. No display or sale of beer shall be made from an ice tub.
- F. No more than five reach-in cooler doors and two ends of shelving, per Exhibit E – Floor Plan (Sheet Q1.1), shall be devoted to the display and sale of beer.
- G. Sale of malt liquors in 40 ounce or greater containers shall be prohibited.
- H. No beer advertising shall be located at or on motor fuel islands or otherwise visible from outside the convenience store. No advertising or self-illuminated advertising for beer shall be located on the building, windows, or site.
- I. In the event the applicant proposes to include wine sales in the convenience store per the ABC License-Type 20 (Off-Sale Beer and Wine), it shall submit a request in

writing and a scaled and dimensioned floor plan showing the wine display and storage locations inside the building for the City of San Leandro Community Development Director and the City of San Leandro Police Chief to consider. Said Director and Chief may approve the request without a public hearing upon determining that the proposal for adding wine display and sales are minor and are consistent with the intent of the original approval. A request for wine display and sales determined a substantial change in the conditions of approval or in the conditions of the project shall be treated as a new application, to be reviewed as a new project at a public hearing by the Board of Zoning Adjustments.

- J. Applicant and/or property owner shall install video cameras for security and crime prevention purposes in the cashier area; beer storage and display areas; as well as in front of the building, directed out to the parking lot sufficient to capture images of cars parked directly in front of the business. Video cameras shall be registered with the San Leandro Police Department.
- K. Applicant and/or property owner shall be responsible for the maintenance of parking lot lighting to levels that create a safe environment, to the satisfaction of the Chief Building Official, City Engineer, and the San Leandro Police Chief. Any broken or dimmed lighting shall be replaced immediately.
- L. Applicant and/or property owner shall register and participate in the “Crime-free Business Program” or its equivalent with the San Leandro Police Department.
- M. Applicant and or/property owner shall post and maintain a professional quality sign facing the premises parking lot(s) that read as follows:

NO LOITERING, NO LITTERING,
NO DRINKING OF ALCOHOLIC BEVERAGES
VIOLATORS ARE SUBJECT TO ARREST

Said sign shall be at least two square-feet with two-inch block lettering. The sign shall be in both English and Spanish.

- N. Installation or use of video or pinball game machines, sales of pornographic videos and magazines, pay telephones, jukeboxes or similar devices, and other items that would encourage loitering or minors patronizing the store shall be prohibited.
- O. If there is a finding that the applicant, property owner, and/or ABC licensee or his or her employee has sold any beer to a minor at an establishment engaged in the concurrent sale of motor vehicle fuel with beer for off-premises consumption, the alcoholic beverage license at the establishment shall be suspended for a minimum period of 72 hours. The effect of such a license suspension shall not constitute a break in the continuous operation of the establishment nor a substantial change in the mode or character of operation.
- P. Window signs shall not exceed 25% of the visible window area and shall not be placed in a manner to obscure the view of inside the store

IV. ADDITIONAL PLAN SUBMITTALS

- A. Prior to approval of a building permit a final colors and materials board for the exterior of the building shall be submitted and subject to the review and approval of the Zoning Enforcement Official.
- B. Prior to issuance of building permits a final landscape and irrigation plan that is Water Efficient Landscape Ordinance, Bay-Friendly Landscape Guidelines, and Zoning Code Article 19 compliant shall be submitted for review and approval as part of the building permit. The minimum size for trees shall be 15 gallon, 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 planting areas in one growing season. To reduce on-site water consumption and reduce the energy required for the pumping and distribution of water, drought tolerant and native species shall be used for site landscaping where possible. Said landscape and irrigation plans shall be subject to the review and approval of the Community Development Director.
- C. In the event new outdoor lighting will be constructed or installed, prior to issuance of building permits, the developer shall submit final plans and details for the site lighting (including submittal of a photometric study) for the review and approval of the Zoning Enforcement Official and the City Engineer. No site lighting may spill offsite.
- D. Prior to issuance of any Certificate of Occupancy on the property, the improvements outlined above shall be completely installed to the satisfaction of the Planning Manager and the City Engineer.

V. BUILDING AND SAFETY SERVICES REQUIREMENTS

- A. All electrical, gas, and water meters shall be located such that they will not be visible from the street or common driveway, or these units shall be screened or enclosed. The screen or enclosure shall be painted to match the color of the exterior building wall that it is affixed to.
- B. Prior to approval of building permits, the developer shall submit evidence of compliance with the California Building Code related to the following accessibility requirements.

VI. ENGINEERING AND TRANSPORTATION DEPARTMENT 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 this Project. If you fail to file a protest within this 90-day period, complying with all of the requirements of Government Code Section 66020, you will be legally barred from later challenging any such fees, dedications, reservations or other exactions.

- B. The proposed development shall comply with City ordinances, policies and regulations. All improvements shall be in accordance with the City's Design Standards, Specifications and Standard Plans unless otherwise specifically approved by the City Engineer.
- C. Site Improvement Plans for all on-site and off-site improvements shall be designed and stamped by a civil engineer registered to practice within the State of California, and approved by the City Engineer prior to the issuance of Building Permits for the project. All improvements shall be designed and constructed in accordance with the City's Design Standards, Specifications and Standard Plans, unless otherwise specifically approved by the City Engineer.
- D. Prior to the issuance of the Building Permit, the property owner shall pay the Engineering Review and Inspection Fees, and other fees as required by City Ordinances and regulations.
- E. Roof drains shall discharge to a landscaped area. Downspout locations shall be shown on the plans.
- F. The applicant shall submit drainage plans. Area under canopy with 6 MPDs shall be graded such that this area drains inside the canopy and not away from the canopy to confine any fuel spills. All on-site drainage inlets shall be fitted with full trash capture devices.
- G. Landscaped areas, including the area behind the public sidewalk, shall be graded so that irrigation and storm water does not run off.
- H. North arrow direction shown on sheet SP-1 is shall be corrected.
- I. The applicant shall submit a recent preliminary title report for the property, and shall identify and plot any existing easements onto the site plans.
- J. Washington Avenue and Lewelling Boulevard are within an Underground Utility District, thus the Applicant shall either underground the utilities on Washington Avenue and Lewelling Boulevard in front of the property or pay the in-lieu fees. The in-lieu fee for undergrounding utilities is calculated at \$358.25 per liner foot of frontage. Approximate frontage of the property on Washington Avenue and Lewelling Blvd total is 316 lineal feet (LF) and hence, the fee is \$113,207.66. Note: the fees change at the beginning of each fiscal year, and are not locked at the time the Building Permit is issued for the project.
- K. Applicant shall remove any broken and uplifted sidewalk, driveway, curb and gutter along the full project frontage and shall construct new City standard sidewalk, driveway, curb and gutter in the same location and alignment as the existing curb and gutter. Applicant shall remove any unused driveways and construct new City standard sidewalk, curb and gutter in the same location and alignment as the existing sidewalk, curb and gutter and shall construct City of San Leandro standard commercial driveway approaches. See attached exhibit for locations of sidewalk repairs.

- L. The property frontage on Washington Avenue has two AC Transit benches in the middle of sidewalk (see attached exhibit for location). ADA path cannot be maintained currently because of the location of benches. The applicant shall remove existing benches and provide new benches at a location such that ADA path is maintained. Show location of the new benches on the plan for Building Permit.
- M. The driveway closest to the intersection on Washington Avenue shall be closed for the purpose of safety and new City standard sidewalk, curb and gutter shall be constructed in the same location and alignment as the existing sidewalk, curb and gutter. The other three driveways shall be upgraded to conform to current accessibility standards by incorporating a four foot wide area at the back of each driveway that slopes not more than 2% (percent) towards the street for wheelchair passage. See City Standard Drawing 102 for more information.
- N. The developer and contractor shall use standard construction best management practices (BMP's) to prevent storm water pollution as a result of the development.
- O. The truck-turning template on sheet SP-1 shows that trucks would conflict with a disabled parking space. Either the on-site truck circulation or the parking layout shall be adjusted or redesigned accordingly to the satisfaction of the City Engineer.
- P. Applicant shall reduce storm water pollution by implementing the following pollution source control measures:
1. All storm drains shall be marked "NO DUMPING, DRAINS TO BAY."
 2. All on-site storm drains shall be inspected and, if necessary, cleaned at least twice a year including immediately prior to the rainy season.
 3. 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.
 4. Air conditioning condensate shall be directed to landscaped areas.
 5. 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.
 6. 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, plants that are tolerant of saturated soil conditions and prolonged exposure to water shall be specified.

7. 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.
 8. Proper maintenance of landscaping, with minimal pesticide use, shall be the responsibility of the property owner.
 9. Irrigation shall be appropriate to the water requirements of the selected plants. Irrigation system shall automatically adjust for weather conditions.
 10. Applicant shall select pest- and disease-resistant plants.
 11. Applicant shall plant a diversity of species to prevent a potential pest infestation from affecting the entire landscaping plan.
 12. Applicant shall plant “insectary” plants in the landscaping to attract and keep beneficial insects.
 13. Storage areas containing non-hazardous liquids shall be covered by a roof and drain to the sanitary sewer system, and be contained by berms, dikes, liners, vaults or similar spill containment devices.
- Q. 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. The improvement shall construct stabilized gravel entrance per City Standard Detail Drawing No. 606. Inspections, conducted as part of the regular construction compliance, will be conducted to ensure compliance of the Applicant and contractors with this requirement.
- R. The trash enclosure shall have a roof to prevent rainwater from washing pollutants into the storm drain system. The enclosure shall be outfitted with a hose bib for periodic wash down.
- S. The applicant shall obtain a Grading Permit from the Engineering and Transportation Department and pay associated fees prior to obtaining a Building Permit. The applicant shall submit Erosion Control plans and a detailed maintenance plan for the post construction storm water treatment measures. Applicant shall implement all applicable items listed in the model list of source control measures, published by the Alameda Countywide Clean Water Program.
- T. The project creates or replaces 5,000 square feet of impervious surface for a “retail gasoline outlet”, thus it is considered a Regulated Project according 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). The Regulated project shall provide the following documentation as part of the Planning

application. The following resources will assist the applicant in complying with these requirements:

1. Download the C3 Stormwater Technical Guidance at <http://www.cleanwaterprogram.org/business/development.html>
2. Fill-out the Planning Permit Submittal Checklist in Table 3-1 of the Guidebook and submit it to Engineering & Transportation.
3. Add information from the upper portion of Table 3-1 onto the Project Drawings.
4. Complete the Stormwater Requirements Form (Stormwater Requirements Checklist, Municipal Regional Stormwater Permit (MRP 2.0), Stormwater Controls for Development Projects).
5. Fill-out the “C3 Sizing Calculator – Volume” available at <http://www.cleanwaterprogram.org/c3-popular-files.html?view=item>
6. Preliminary C3 Stormwater Management Plan shall be modified to show the drainage management areas for each bio-retention area and the connection of perforated underdrain pipes to existing storm drain inlet on Lewelling Boulevard.

VII. ENVIRONMENTAL SERVICES REQUIREMENTS

- A. The Applicant shall have a current Hazardous Materials Business Plan (HMBP) and be in compliance with all applicable Federal, State and local Underground Storage Tank (UST) codes and regulations.
- B. Applicant will investigate the cause of water intrusion in the UST annular spaces. If water intrusion is due to the annular space risers, applicant shall replace risers on all USTs as part of the UST fueling system upgrade.
- C. Applicant shall notify the Alameda County Environmental Health, Local Oversight Program, prior to site development, per the post-closure site management requirements for Fuel Leak Case #RO0000309 (closed on December 2, 2014).
- D. A UST Installation/Modification Application shall accompany the construction permit application. The application is available from the City of San Leandro Environmental Services Section.

VIII. 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):
 1. An address shall be provided on the canopy and the building with a contrasting background.

2. A Knox Box shall be mounted on the exterior of the building for Fire Department access.

IX. PUBLIC WORKS SOLID WASTE AND RECYCLING REQUIREMENTS

- A. Project is subject to Construction & Demolition Debris Recycling Ordinance as per Chapter 3-7 of the San Leandro Municipal Code, which requires the following:
 1. All asphalt and concrete and 50% of all other materials generated at a project site shall be recycled for projects with a valuation in excess of \$100,000.
 2. Permit applicants shall demonstrate compliance by completing and submitting an online Waste Management Plan using Green Halo Systems prior to permit issuance. Note: Project will not be finalized until all recycling and disposal tags have been registered into Green Halo Systems.
 3. Applicants shall submit recycling and disposal receipts online and submit the waste management report before scheduling the final inspection.
- B. Solid waste and recycling bins shall be stored in a location not visible from the street, such as the designated trash enclosure, per San Leandro Municipal Code §3-1-200. In addition, the property owner and/or business operator shall maintain the enclosure free of litter and other debris in accordance with San Leandro Municipal Code §3-15-215.
- C. Applicant is subject to and shall comply with Alameda County Mandatory Recycling Ordinance No. 2012-01. In addition to garbage and recycling separation and collection, a separate container may be required for the collection of organics. Requirements for compliance can be found at: www.RecyclingRulesAC.org.
- D. The subject property is located within the Waste Management, Inc. (WM) of Alameda County service area. As a commercial customer, applicant shall comply with the following options for solid waste and recycling services:
 1. Obtain collection services with the local franchised waste hauler (WM); or
 2. Self-haul materials to an authorized disposal or recycling facility.
- E. The use of polystyrene foam take out containers (commonly referred to as Styrofoam™) shall be prohibited per the City San Leandro Polystyrene Foam Food Service Ware Ordinance San Leandro Municipal Code §3-8-200 et seq. Requirements for compliance can be found at the City of San Leandro Recycling Program's website at www.RecycleSanLeandro.org.

X. FENCING AND SCREENING REQUIREMENTS

- A. All fencing and walls on the project site shall be structurally sound, graffiti-free and well maintained at all times.

- B. Barbed or razor wire shall not be installed on any fence, wall or building on the project site.
- C. All walls, fences, and landscaping within the 10 foot front setback or driveway shall be maintained at a height of not more than 36 inches above the top of the nearest adjacent curb and gutter to allow for adequate sight distance, or unless otherwise approved by the City's Transportation Engineer.
- D. All exterior mechanical equipment such as air conditioning/heating units and radio/television 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.

XI. 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 improvements shall be maintained in a healthy, growing condition at all times.
- E. Twice daily, the store operator shall patrol the property and adjacent streets for a distance of 500 feet from the exterior property lines to pick up any trash or litter attributable to the convenience store.
- F. The sidewalks and driveways shall remain free of stains. Any stains on the sidewalk or driveway shall be removed within 10 days of notification by the City.

XII. CONSTRUCTION PROVISIONS

- A. Construction 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 8:00 a.m. and shall cease by 7:00 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 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.

- B. Construction activity shall not create dust, noise or safety hazards for adjacent businesses and properties. Dirt and mud shall not be tracked onto Lewelling Boulevard or Washington Avenue 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 grading, excavation, paving, etc. shall be scheduled the early morning and other hours when wind speeds are low. All construction activities entailing soil disturbance shall cease when winds exceed 30 miles per hour as an hourly average.
- C. The developer 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 Engineer prior to receipt of the grading permit.
- D. Procedures with the highest noise potential shall be scheduled for daylight hours, when ambient noise levels are highest.
- E. 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.

XIII. GENERAL CONDITIONS

- A. Prior to issuance of building permits, a lighting plan and specific street (interior driveway) lighting details regarding location, candle power, and light levels (by submittal of a photometric study) shall be reviewed and approved by the City Engineer and Community Development Director.
- B. 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.
- C. All mechanical equipment shall be designed and maintained to comply with City noise standards.
- D. The approvals granted by the City as a result of this application, as well as the Conditions of Approval, shall be recorded in the Office of the County Recorder of Alameda County.

- E. Pursuant to Zoning Code Section 5-2218, this approval shall lapse on **November 3, 2017**, unless a) a 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 Community Development Director, and there are no outstanding enforcement complaints.