

**City of San Leandro Board of Zoning Adjustments**

**RESOLUTION NO. 2024-**

**A RESOLUTION OF THE BOARD OF ZONING ADJUSTMENTS  
OF THE CITY OF SAN LEANDRO**

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**A RESOLUTION APPROVING ADMINISTRATIVE SITE PLAN REVIEW,  
CONDITIONAL USE PERMIT, AND ADMINISTRATIVE EXCEPTION (HEIGHT)  
FOR THE CONSTRUCTION AND OPERATION OF A NEW 48-FOOT-TALL  
APPROXIMATELY 79,840-SQUARE-FOOT WAREHOUSE/DISTRIBUTION  
FACILITY ON A 3.6-ACRE LOT AT 1700 DOOLITTLE DRIVE, AND  
DETERMINING THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM  
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO  
CEQA GUIDELINES SECTION 15332  
PLN22-0030**

**WHEREAS**, W.P.Carey, Inc. ("Applicant") and Build (CA) QRS 12-24 Inc. ("Property Owner") submitted an application for Administrative Site Plan Review, Conditional Use Permit, and Administrative Exception (Height) to allow the construction of a new 48-foot-tall warehouse/distribution facility on a 3.4-acre lot located at 1700 Doolittle Drive, zoned Industrial General (IG), (PLN22-0030) ("Project"); and

**WHEREAS**, 1700 Doolittle Drive ("Property"), comprises one parcel of approximately 3.6 acres (APN 079A-0385-002-06) occupied by a parking lot; and

**WHEREAS**, the Property is zoned Industrial General (IG), and is designated Industrial General, in the General Plan; and

**WHEREAS**, Administrative Site Plan Review is required for new commercial buildings in accordance with Zoning Code Sections 2.12.404 and Chapter 5.12, and a Conditional Use Permit is required for Warehouse - Storage Facilities and -Warehouse - Wholesale/Retail Distribution uses in accordance with Zoning Code Section 2.12.200, and an Administrative Exception for height is required for buildings taller than 35 feet in the IG zone in accordance with Zoning Code Section 2.12.312; and

**WHEREAS**, on September 19, 2016, the City Council approved a comprehensive citywide General Plan Update and Zoning Code amendments, which included a new vision for San Leandro, including Downtown San Leandro. The General Plan Update Final Environmental Impact Report (FEIR) (State Clearinghouse No. 2001092001) which was prepared for the General Plan Update and Zoning Code amendments and associated actions, analyzed the development intensities on a citywide impact level and adopted a Mitigation Monitoring and

Reporting Program for the San Leandro General Plan Update and Zoning Code amendments; and

**WHEREAS**, pursuant to and in accordance with the provisions of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.; herein referred to as "CEQA"), the State of California Guidelines for the Implementation of the California Environmental Quality Act (commencing with Section 15000 of Title 14 of the California Code of Regulations; herein referred to as the "CEQA Guidelines"), the City is the "lead agency" for the preparation and consideration of environmental documents for the Project; and

**WHEREAS**, this project is categorically exempt from the California Environmental Quality Act (CEQA) in accordance with the California Code of Regulations, Section 15332, because:

- (a) The project is consistent with the General Industrial General Plan land use designation and all applicable General Plan policies as well as the IG, Zoning designation and regulations;
- (b) The project would be located within city limits on a project site less than five acres that is substantially surrounded by urban uses;
- (c) The project site has no value as habitat for endangered, rare or threatened species because it is fully disturbed, and characterized by an existing paved asphalt surface;
- (d) Approval of the project would not result in any significant effects relating to traffic because the estimated VMT per employee associated with the project would not exceed the threshold of significance recommended by the Governor's Office of Planning and Research for VMT impacts (15-percent below existing regional VMT per employee); and
- (e) Approval of the project would not result in any significant effects relating to noise, including construction, operational, and off-site traffic noise; and
- (f) Approval of the project would not result in any significant effects relating to air quality, including construction and operational emissions, and would not exceed screening thresholds for Greenhouse Gas Emissions and would therefore not have the potential to have a significant direct or indirect impact on GHG and climate change; and
- (g) Approval of the project would not result in any significant effects relating to water quality because the project would improve stormwater runoff quality at the Project Site by converting a fully paved surface into a site with landscaped areas and stormwater treatment basins; and

(h) The site can be adequately served by all required utilities and public services; and

**WHEREAS**, the Property is located in Safety Zone 6 of the Oakland International Airport Land Use Compatibility Plan; and

**WHEREAS**, Airport Land Use Commission staff have reviewed the project and had no comments; and

**WHEREAS**, a duly noticed public hearing for the Project was scheduled for the April 6, 2023 meeting of the Board of Zoning Adjustments; and

**WHEREAS**, on April 6, 2023, the Board of Zoning Adjustments continued the item to the May 4, 2023, meeting of the Board of Zoning Adjustments at the request of the Applicant; and

**WHEREAS**, on May 4, 2023, the Board of Zoning Adjustments continued the item to a date uncertain at the request of the Applicant; and

**WHEREAS**, a duly noticed public hearing was held by the Board of Zoning Adjustments on May 4 2023, and the Board of Zoning Adjustments continued the item to a date uncertain at the request of the Applicant; and

**WHEREAS**, the Board of Zoning Adjustments held a duly noticed public hearing on February 1, 2024, regarding the proposed project, at which time all interested parties had the opportunity to be heard; and

**WHEREAS**, the Board of Zoning Adjustments fully considered the Project application and entitlements, applicant's statements, staff report, findings of fact, conditions of approval, public comments, and all other testimony and evidence presented at the public hearing; and

**WHEREAS**, the Board of Zoning Adjustments finds that the staff report, Categorical Exemption from CEQA, and standards for approval reflect the City's independent judgement and analysis of the Project; and

**WHEREAS**, the Board of Zoning Adjustments finds that the evidence in the record constitutes substantial evidence to support the actions taken and the Project does satisfy the requisite Findings of Fact necessary for approval as further explained in the staff report and attachments, and that the Findings of Fact associated with this Resolution, as identified in "Exhibit A" attached to this Resolution, are supported by substantial evidence in the record, including testimony received at the public hearing, the staff presentations, the staff report and all materials in the project files. There is no substantial evidence, nor are there other facts, that negate the findings made in this Resolution. This Board of Zoning

Adjustments expressly declares that it considered all evidence presented and reached these Findings after due consideration of all evidence presented to it; and

**WHEREAS**, the City's General Plan and the Zoning Code are incorporated herein by reference and are available for review at City Hall during normal business hours and on the City's website.

**NOW, THEREFORE, BE IT RESOLVED THAT:** The foregoing recitals are true and correct and made part of this resolution.

**BE IT FURTHER RESOLVED THAT:** The Project is categorically exempt from the California Environmental Quality Act (CEQA) in accordance with the California Code of Regulations, Section 15332, because:

- (a) The project is consistent with the General Industrial General Plan land use designation and all applicable General Plan policies as well as the IG, Zoning designation and regulations;
- (b) The project would be located within city limits on a project site less than five acres that is substantially surrounded by urban uses;
- (c) The project site has no value as habitat for endangered, rare or threatened species because it is fully disturbed, and characterized by an existing paved asphalt surface;
- (d) Approval of the project would not result in any significant effects relating to traffic because the estimated VMT per employee associated with the project would not exceed the threshold of significance recommended by the Governor's Office of Planning and Research for VMT impacts (15-percent below existing regional VMT per employee); and
- (e) Approval of the project would not result in any significant effects relating to noise, including construction, operational, and off-site traffic noise; and
- (f) Approval of the project would not result in any significant effects relating to air quality, including construction and operational emissions, and would not exceed screening thresholds for Greenhouse Gas Emissions and would therefore not have the potential to have a significant direct or indirect impact on GHG and climate change; and
- (g) Approval of the project would not result in any significant effects relating to water quality because the project would improve stormwater runoff quality at the Project Site by converting a fully paved surface into a site with landscaped areas and stormwater treatment basins; and

(h) The site can be adequately served by all required utilities and public services; and

**BE IT FURTHER RESOLVED THAT:** the Board of Zoning Adjustments of the City of San Leandro does hereby approve an Administrative Site Plan Review, Conditional Use Permit, and Administrative Exception (Height) for the construction and operation of a new 48-foot-tall approximately 79,840-square-foot warehouse/distribution facility on a 3.6-acre lot located at 1700 Doolittle Drive, as shown on the submitted project plans, attached as Exhibit A and incorporated herein, based on the following Findings of Fact and determinations associated with this Resolution, as required by Sections 5.08.124.A, 5.08.124.B, and 5.06.400.B of the San Leandro Zoning Code, and considering the staff report and the whole of the record related to the Project:

Administrative Site Plan Review

1. The project is in compliance with the minimum requirements of this Code and are arranged as to achieve the intent of such requirements by providing a harmonious and orderly development that is compatible with its surroundings. Parking, loading, storage, and service areas are appropriately screened by building placement, orientation walls, and/or landscaping.

*The proposed project complies with all of the minimum requirements of the Zoning Code and is harmonious and compatible with the surrounding industrial developments. Parking, loading, and service areas are screened to the extent possible given the site configuration. The building is appropriately designed and similar in style to other modern industrial buildings. Landscaping along street frontages and in parking areas will soften the industrial nature of the development and provide further screening.*

2. The building has adequate articulation, with appropriate window placement, use of detailing, and/or changes in building planes to provide visual interest. The exterior materials, finishes, detailing, and colors are compatible with those of surrounding structures. Visually incompatible elements, such as roof-mounted utilities, are fully screened from public view.

*Windows along the Doolittle Drive frontage are appropriately placed in office and warehouse areas. Color blocking and materials add additional interest and break up the building massing. Roof-mounted utilities will not be visible from public view.*

3. The landscaping complements the architectural design, with an appropriate balance of trees, shrubs, and living ground covers, and provides adequate screening and shading of parking lots and/or driveways.

*The proposed site landscaping will complement the building design and provide adequate screening and shading of parking areas.*

4. Detail features, such as signs, fences, and lighting for buildings, parking lots, and/or driveways are visually consistent with the architectural and landscape design and minimize off-site glare.

*Signage will be subject to approval of a Master Sign Program and will be visually consistent with the architectural and landscape designs. Fencing will be set back more than 100 feet from both Doolittle Drive and Williams Street. The property will be lit with LEDs mounted in poles and sconces with LED lighting. Light at the property lines will not be obtrusive at the residences located south and west of the intersection of Doolittle Drive and Williams Street and will not contribute to off-site glare.*

#### Conditional Use Permit

1. That the proposed location of the use is in accord with the objectives of this Code and the purposes of the district in which the site is located.

*The subject site is located in the IG zone at the intersection of two truck routes. The proposed location of the use is in accord with the objectives of the Zoning Code and the purposes of the IG District, which includes “to provide and protect existing industrial sites and allow for continued operation of existing general industry, subject to performance standards and buffering requirements to minimize potential environmental impacts.”*

2. That the proposed location of the use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing, or working in, or adjacent to, the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity, or to the general welfare of the City.

*The use will be compatible with the surrounding area, which is largely comprised of industrial uses. The proposed use would be subject to certain limitations through the recommended conditions of approval to avoid adverse effects on adjacent uses and properties. The proposed use as conditioned to operate in an orderly manner within the site and noise impacts would be minimal as the use would be subject to the City’s noise ordinance. The recommended conditions of approval will maintain the character of the industrial area, promote the use of the existing industrial area, and prevent impacts to the adjacent uses. Additionally, construction activities will be required to comply with the Bay Area Air Quality Management District’s basic control measures for reducing PM<sub>10</sub> construction emissions, Table 8-1). Other activities on site will be subject to various local and state laws. Compliance with applicable regulations and conditions of approval will ensure the project is not detrimental to nearby residents, employees, or the*

*community at large. In addition, several General Plan policies would apply to the project.*

3. That the proposed use will comply with the provisions of this Code, including any specific condition required for the proposed use in the district in which it would be located.

*The City will require ongoing compliance with all development standards and conditions of approval, as indicated in the Conditions of Approval for this project. Failure to adhere to Conditions of Approval is grounds for a revocation hearing.*

4. That the proposed use will not create adverse impact on traffic or create demands exceeding the capacity of public services and facilities, which cannot be mitigated.

*The proposed project has been reviewed with respect to its impact on traffic and other facilities and public services. Staff has determined that no impacts greater than those anticipated in the general plan and its environmental impact report would occur and the facility will not create adverse impacts on traffic or create demands exceeding the capacity of public services.*

#### Administrative Exception (Height)

1. The proposal would not be detrimental to public health, safety or welfare and would not cause undue damage, hardship, nuisance or other detriment to persons or property in the vicinity.

*The proposed administrative exception for height would not be detrimental to public health, safety or welfare and would not cause undue damage, hardship, nuisance or other detriment to persons or property in the vicinity due to the industrial nature of the surrounding area and the review by Airport Land Use Commission staff. The recommended conditions of approval will maintain the character of the industrial area, promote the use of the existing industrial area, and prevent impacts to the adjacent uses.*

**BE IT FURTHER RESOLVED THAT:** The Board of Zoning Adjustments' approval of the Project is subject to the following conditions of approval:

#### **PLANNING DIVISION REQUIREMENTS**

1. Compliance with Approved Plans. The Project shall comply with Exhibit A, Project Plans, except as hereinafter modified. Exhibits are on file at the City of San Leandro, Community Development Department located at 835 East 14th Street, San Leandro, California, 94577.

2. Successors in Interest. The Applicant and/or Property Owner shall be responsible for assuring that any successor in interest who assumes responsibility for this approval is informed of its terms and conditions.
3. Scope of Work. The approval of this Administrative Site Plan Review, Conditional Use Permit, and Administrative Exception (Height) is for the construction and operation of a new 48-foot-tall approximately 79,840-square-foot warehouse/distribution facility on a 3.6-acre lot located at 1700 Doolittle Drive. Alameda County Assessor's Parcel Number 079A-0385-002-06.
4. This Conditional Use Permit authorizes "Warehouse—Storage Facilities" and/or "Warehouse—Wholesale/Retail Distribution Facilities" uses as currently defined in Chapter 1.12.108 of the Zoning Code, throughout the project site, which are conditionally permitted in the IG Zoning District. Use intensities authorized by this Conditional Use Permit shall not exceed the relevant thresholds of significant identified in the VMT, Noise, Air Quality, and Health Risk Assessment analyses, attached herein by reference, at the determination of the Zoning Enforcement Official. If use intensities exceed the significance thresholds identified in the three analyses referenced above, a modification of this use permit and additional environmental review may be required.
5. Substantial Compliance. The Project shall remain in substantial compliance with the approved Plans, Exhibits, and Conditions of Approval. Building elevations, site plan, and landscaping shall be consistent with the approved plans for the site. Proposed changes to the project shall be made in writing to the Zoning Enforcement Official. The Zoning Enforcement Official may approve changes to approved exhibits or Conditions of Approval without a public hearing upon determining that the changes are minor and are consistent with the intent of the original approval.
6. Compliance with Zoning Code. The Project shall comply with all requirements of the San Leandro Zoning Code.
7. Effective Date. The project approval shall become effective on the 15th day after the date the Board of Zoning Adjustments approves the project, unless appealed, as provided in Zoning Code Chapter 5.20 Appeals.
8. Expiration. The Administrative Site Plan Review Approval, Administrative Exception (Height) and Conditional Use Permit approval shall lapse on **February 1, 2026**, 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 and 5.12.132.B of the Zoning Code.



9. Access to Conditions of Approval. These Conditions of Approval shall be available and accessible to all tenants, employees and vendors on the property.
10. Fees. Any outstanding Planning, Engineering or Building deposit fees or balances shall be paid prior to permit issuance. The Applicant/Property Owner shall pay all applicable development, permitting, and plan checking fees in accordance with the fee schedules in effect at the time of the Building Permit approval.
11. Demonstration of Compliance. Prior to permit issuance, the Applicant/Property Owner shall demonstrate that the Project complies with applicable minimum objective standards and criteria of the San Leandro Zoning Code, the General Plan, and all other applicable objective standards and criteria.
12. Revocation. The City 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 and related Code violations and excessive nuisance related responses from code enforcement.
13. Notations to Conditions of Approval. Prior to permit issuance, the Applicant/Property Owner shall include notations to the conditions of approval and clearly indicate how all conditions of approval will be or have been complied with, A reference shall be provided to specific plan sheets that demonstrate compliance. Construction plans shall not be accepted without the annotated final conditions of approval document.
14. Signage. All signage shall conform to the regulations in Chapter 4.12 of the Zoning Code for the development. Neon signs and flashing signs are prohibited, including those placed in windows. All signs shall be well maintained at all times. Any damaged signs shall be promptly repaired or replaced. Window signs, whether painted or adhered to the glass or within eight feet of the window excluding merchandise display, shall be no larger than twenty-five percent of the window in which they are located. No temporary or unauthorized signs including but not limited to including but not limited to banners, balloons, 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 spotlights, feather signs, animated or inflatable signs, balloons, and lasers shall be prohibited at all times.
15. Screened Mechanical Equipment. All exterior mechanical equipment such as air conditioning/heating units, emergency generators, wireless antennas and exhaust systems shall be located such that they will not be visible from any public-rights-of-way. Alternatively, they shall be screened or enclosed from

view so as not to be visible from any public-rights-of-way. Screening shall be to the satisfaction of the Zoning Enforcement Official.

16. Screened Utilities. All electrical, gas, and water meters shall be located such that they will not be visible from any public-rights-of-way. Alternatively, they shall be screened or enclosed from view so as not to be visible from any public-rights-of-way. Screening shall be to the satisfaction of the Zoning Enforcement Official.
17. Screened Appurtenances. The Applicant/Property Owner shall subsurface all new transformers, switching boxes, and similar appurtenances, or shall screen them by locating them in an enclosure with walls matching the material and color of the nearest building. The enclosures shall include gates of heavy gauge corrugated steel and shall be surrounded by trees, shrubs and climbing vines. The Applicant/Property Owner shall arrange the location and treatment of the appurtenances with the gas, electric and communication providers prior to the approval of building permit(s) for vertical construction. A detail of the transformer screening shall be included on the improvement plans submitted for review and approval by the City.
18. Backflow Prevention Devices. Backflow prevention devices shall be installed on all new and existing domestic, commercial, irrigation, and fire water services and as required by the East Bay Municipal Utility District (EBMUD). The location of water service and backflow devices shall be subject to review and approval by EBMUD and the City. Devices shall be screened from public view by landscaping or other approved methods in the area in which the device is located. Landscaping shall blend with surrounding landscaping and, if necessary, landscaping shall be added in other areas, as required for symmetry. The final landscape package shall include landscape screening of any backflow prevention devices.
19. Utility Undergrounding. New and existing electrical, telephone, CATV, and similar distribution lines providing direct service to the site, shall be installed underground within the site. The transmission pole adjacent to the site shall be undergrounded as part of the development or an in lieu fee shall be paid to the City at the time of building permit issuance.
20. Noise of Equipment. All mechanical equipment shall be designed and maintained to comply with City noise standards and noise from any mechanical equipment, elevators or generators shall be minimized and insulated from adjacent residential units.
21. Wireless Telecommunications Facilities. Any future wireless telecommunications facilities proposed on the subject property shall be considered through a separate permit, and subject to lease approval and conditions, as applicable. Such facilities shall be fully screened and

incorporated wholly within the building's architecture. All service equipment and conduit shall be accommodated within the building's interior. No conduit, panels or equipment shall be permitted to be mounted on the building's exterior walls. No conduit, panels or mechanical equipment may be mounted in a visible location or manner on the sides of the building.

22. Fences. All fencing, gates and walls on the project site shall be structurally sound, graffiti-free and well maintained at all times. Fences, walls and hedges shall comply with Zoning Code Section 4.04.364 (Fences, Walls, and Hedges). The installation of barbed wire, razor, and cyclone fencing are prohibited.
23. Site Maintenance. The property owner, occupants, and tenants shall maintain the Project site and ensure that it is free of litter, weeds, and other debris in accordance with San Leandro Municipal Code §3-15-215.
24. Graffiti. Any graffiti shall be promptly removed from the property. Any graffiti shall be promptly removed from building walls. 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.
25. Sidewalks. Sidewalk areas shall be kept free of obstruction and available for their designated use at all times. Building egress and accessible paths of travel shall remain unobstructed.
26. Landscape Maintenance. All landscaping improvements shall be maintained in a healthy, growing, and weed-free condition at all times. Any missing, dead, or damaged plant and groundcover material shall be promptly replaced with a material similar in type and comparable in size to the plant(s) or groundcover being removed. Street trees and tree wells shall be maintained to provide shade cover and a healthy canopy. All trees shall be planted so that at maturity they are located far enough away from the sidewalk so that their branches are at least eight (8) feet above the sidewalk area and 14 feet above the roadway/vehicle traveled way. Pruning and tree trimming shall be avoided during nesting season.
27. Noise Regulations. All uses and activities shall comply with the provisions of the San Leandro Noise Regulations (Title IV, Chapter 1 of the Municipal Code). Tenants and vendors shall take proactive measures to avoid and reduce noise generated by forklift and delivery vehicles' audible reverse back-up signals and to ensure that loading and delivery activities are in compliance during the City's established quiet hours and do not pose a public nuisance during other times. The use of a spotter, rear cameras and/or radar is recommended over audible signals for all service and delivery vehicles.

28. Vibrations. No use, activity, or process shall produce vibrations that are perceptible without instruments by a reasonable person at the property lines of a site.
29. Dust. No use, process, or activity shall produce dust that is perceptible without instruments by a reasonable person at the property lines of a site.

Indemnification

30. The Applicant/Property Owner hereby agrees to defend, indemnify, and hold harmless the City of San Leandro, its Council, boards, commissions, officers, employees and agents, from and against any and all claims, suits, actions, liability, loss, damage, expense, cost (including, without limitation, attorneys' fees, costs and fees of litigation) of every nature, kind or description, which may be brought by a third party against, or suffered or sustained by, the City of San Leandro, its Council, boards, commissions, officers, employees or agents to challenge or void the permit granted herein or any California Environmental Quality Act determinations related thereto.
31. In the event that any person should bring an action to attack, set aside, void or annul the City's approval of this Project, the Applicant/Property Owner shall defend, indemnify and hold harmless the City and/or its agents, officers and employees from any claim, action, or proceeding against the City and/or its agents, officers and employees with counsel selected by the Applicant/Property Owner (which shall be the same counsel used by Applicant/Property Owner) and reasonably approved by the City. Applicant/Property Owner's obligation to defend, indemnify and hold harmless the City and/or its agents, officers and employees shall be subject to the City's compliance with Government Code Section 66474.9.

Additional Submittals

32. Final Landscape and Irrigation Plans. Prior to issuance of building permits, the Applicant/Property Owner shall submit Final Landscape and Irrigation Plans for the review and approval of the Community Development Director. The plans shall document compliance with applicable Zoning Code requirements, including minimum soil depths, and shall include details such as: 1) tree size, species and location; 2) shrubs and groundcover size, species, and location; 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 certified by a California licensed landscape architect and shall conform to the Model Water Efficient Landscape Ordinance (MWELO) as updated by the State of California Department of Water Resources. At the discretion of the City, the landscape plan may be reviewed by a consulting landscape architect, the cost of which shall be the responsibility of the Applicant/Property Owner.

- a. A minimum of one 24-inch box size or greater tree shall be planted per 25 linear feet of landscape area. Tree grates shall be used for trees located in hardscape areas.
  - b. Shrubs shall be a container size of five gallons or greater at planting and planted at spacing distances appropriate for the plant species.
  - c. Landscaped areas that are not planted with trees or shrubs shall be planted with groundcover plants. Mulch (as a ground cover) shall be confined to areas underneath plants and is not a substitute for ground cover plants.
  - d. Groundcover plants other than grasses shall be four-inch pot size or greater and planted at spacing distances appropriate for the plant species.
  - e. Groundcover plants shall be planted at a density that will cover the entire area within two years.
  - f. Street trees proposed in the Public Rights-of-Way shall be from the approved street tree list published by the City of San Leandro Public Works Department, subject to the approval of the Public Works Director. The Applicant/Property owner shall provide irrigation to the street trees.
33. Lighting. Prior to issuance of building permits, the Applicant/Property Owner shall submit final plans and details for site lighting, including submittal of a photometric study, for the review and approval of the Community Development Director and City Engineer a. All on-site lighting shall conform to the Code requirements in effect at the time of building permit submittal. b. The plans and details shall show location, height, decorative features, and construction details showing materials and finishes to be used for construction. c. Fixtures on buildings shall be attached only to walls or eaves, and the top of the fixture shall not exceed the height of the parapet or roof or eave of roof.
34. 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. Said plans and specifications shall indicate the exact type of siding, plaster cement, veneer, brick, stone base, railings, awnings, metal work, door and window framing/trims/mullions, light fixtures, gates, and utility doors to ensure that the exterior materials and finishes meet the standards illustrated in the approved plan exhibits. In addition, a final paint colors and materials board shall be submitted for the exterior of the buildings.
35. Improvements Installed Prior to Certificate of Occupancy. Prior to the 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.

### Parking Lot Management

36. **Parking Lot Maintenance.** The Property Owner or building manager shall regularly maintain the parking areas and shall be responsible for the prompt clean up and removal of litter, oil stains and spilled vehicle fluids. Parking areas shall be well maintained and kept free of litter and debris at all times. Any parking lifts shall be regularly maintained and in operable condition to ensure optimal vehicle capacity.
37. **Loading and Unloading.** Loading areas shall be identified on all plans submitted for building permit issuance and shall be subject to review and approval by the Community Development Director and the City Engineer.
38. **Delivery and Moving Trucks.** Deliveries and moving trucks shall not load or unload from the public right-of way without prior approval of an encroachment permit. Loading and unloading shall not obstruct the flow of traffic on surrounding streets.

#### Construction Provisions

39. During the construction phase, the site shall be enclosed with a security fence and shall be well maintained in a neat manner, free of weeds, litter and debris.
40. The project shall comply with the current Bay Area Air Quality Management District's basic control measures for reducing construction emissions of PM10 (Table 8-1, Basic Construction Mitigation Measures Recommended for All Proposed Projects, of the BAAQMD CEQA Guidelines).
41. If currently unknown historic/prehistoric artifacts or human remains are discovered during ground disturbing activities, the following measures shall be implemented:
  - a. In compliance with State law (Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code), in the event that historical artifacts are found, all work within 50 feet of the find shall stop and a qualified archaeologist shall examine the find. The archaeologist shall then submit a plan for evaluation of the resource to the City of San Leandro Planning Services Division for approval.
  - b. If the evaluation of the resource concludes that the found resource is eligible for the California Register of Historic Resources, a mitigation plan shall be submitted to the City of San Leandro Planning Services Division for approval, which shall consider reasonable efforts for the resources to be preserved in place or left in an undisturbed state.
  - c. If the artifacts and samples recovered during construction are determined to be significant and cannot be preserved in place, the artifacts shall be cataloged and curated by a qualified archaeologist and placed in an appropriate curation facility. The mitigation plan shall be completed before earthmoving or construction activities can recommence within the designated resource area.

- d. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission (NAHC) within 24 hours of this identification. The NAHC will immediately identify a Native American most likely descendant (MLD) to inspect the site and provide recommendation.
42. Prior to the removal of any street trees, the Applicant/Property Owner shall obtain the necessary approval from the Public Works Director as required by San Leandro Municipal Code Section 5-2-215, and any necessary encroachment permits from the Engineering and Transportation Department to remove the street trees at the Owner's expense.
43. Tree removal, landscape grubbing, building demolition, and other construction activities such as grading and utility installation shall be performed in compliance with the Migratory Bird Treaty Act and relevant sections of the California Fish and Game Code to avoid loss of nests in active use. This shall be accomplished by scheduling tree removal and building demolition outside of the bird nesting season (which occurs from February 1 to August 31) to avoid possible impacts on nesting birds if new nests are established in the future. Alternatively, if tree removal and building demolition cannot be scheduled during the non-nesting season (September 1 to January 31), a pre-construction nesting survey shall be conducted. The survey shall be completed by a qualified wildlife biologist no more than 14 days prior to the start of tree removal. If active nests are identified, a no disturbance buffer of 25-500 feet (depending on species and setting) shall be established around each nest until the young are fledged or the nest becomes inactive.
44. 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 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 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. Prior to the start of construction activities, the construction contractor shall:
  - a. Maintain and tune all proposed equipment in accordance with the manufacturer's recommendations to minimize noise emission.
  - b. Inspect all proposed equipment and fit all equipment with properly operating mufflers, air intake silencers, and engine shrouds that are no less effective than as originally equipped by the manufacturer.
  - c. Post a sign, clearly visible at the site, with a contact name and telephone number of the construction manager.

- d. Place stationary construction equipment and material delivery in loading and unloading areas as far as practicable from the residences.
  - e. Limit unnecessary engine idling to the extent feasible.
  - f. Use smart back-up alarms, which automatically adjust the alarm level based on the background noise level, or switch off back-up alarms and replace with human spotters.
  - g. Use low-noise emission equipment.
  - h. Limit use of public address systems.
  - i. Minimize grade surface irregularities on construction sites.
45. Construction activity shall not create dust, noise or safety hazards for adjacent businesses and properties. Dirt and mud shall not be tracked onto right-of-way from the project site during construction. Standard construction dust control procedures, such as wetting, daily road washing 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.
46. The Applicant/Property Owner shall prepare a construction truck route plan that would restrict trucks to arterial streets that have a sufficient pavement section to bear 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 Engineer prior to receipt of the grading permit.
47. All construction contracts shall include the following requirements:
- a. Unpaved construction sites shall be sprinkled with water at least twice per day;
  - b. Trucks hauling construction materials shall be covered with tarpaulins or other effective covers;
  - c. Streets surrounding demolition and construction sites shall be swept at least once per day; and
  - d. Paving and planting shall be done as soon as possible. The City shall charge the Applicant/Property Owner, and the Applicant/Property Owner shall pay, for all costs of sweeping city streets in the vicinity of the project as necessary to control dust and spillage.
48. Enforcement. Construction activities carried on in violation of these Conditions may be enforced as provided in the San Leandro Municipal Code and may be enforced by issuance of a stop work order and/or revocation of any or all permits issued for such construction activity.



## **BUILDING DIVISION**

49. The applicant or designee shall provide a design level geotechnical report from a qualified geotechnical engineer or other qualified professional for review and approval by the City. Review and approval of a design level geotechnical report shall be at the applicant's or designee's expense. The final City approved design level geotechnical report shall constitute the "Final Geotechnical Report."
50. Prior to building permit approval, the applicant or designee shall submit construction plans to the City that demonstrate conformance with the Final Geotechnical Report for the project. The construction plans shall include a geotechnical structural plan review approval letter from a qualified geotechnical engineer or other qualified individual.
51. The Applicant/Property Owner shall demonstrate the following on plans submitted for permit issuance:
  - a. FAA approval for any site work involving a crane;
  - b. Mechanical, electrical, and plumbing plans;
  - c. Title 24 compliance and calculations;
  - d. Demonstration of compliance with CalGreen standards for construction and demolition, including non-residential mandatory measures checklist;
  - e. Accessible parking for van and standard passenger vehicles, including signage and striping;
  - f. Accessible path of travel from the public right of way and accessible parking to new offices, employee break room, and restrooms;
  - g. Provide accessible clearances for all accessible spaces;
  - h. Provide pedestrian gate for driveway gates, if used;
  - i. Indicate whether fork lifts, if used, will be diesel- or propane-powered;
  - j. ADA-compliant exterior walking surfaces; and
  - k. Information shown on civil plans, such as accessible path of travel, accessible parking, utilities, and exterior lighting locations shall be shown on architectural site plan.

## **ALAMEDA COUNTY FIRE DEPARTMENT**

52. The project shall comply with all building and fire codes in effect at the time of building permit submittal. Modifications to the proposed planning project are required.
53. 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):
  - a. 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.

54. A deferred submittal will be required for:
  - a. The fire protection system;
  - b. The fire alarm monitoring system;
  - c. The installation of storage racks;
  - d. Installation of Emergency Storage Systems (battery storage systems); and
  - e. Installation of a photovoltaic system.
  
55. A deferred submittal may be required for the fire pump if adequate fire flow for the fire protection system is not met.
  
56. The Applicant/Property Owner shall demonstrate the following on plans submitted for permit issuance:
  - a. Fire extinguishers shall be provided in the warehouse area 4A 40B:C (1A for every 1,000 sq ft). The office area will require 2A 10B:C fire extinguisher (1 for every 1,500 sq ft and travel distance of no more than 75 feet).
  - b. Emergency lighting shall be provided with an average of 1-foot candle at the floor along the means of egress route (interiorly and exterior to the public way).
  - c. Illuminated exit signs shall be provided to identify the means of egress routes. One sign shall be visible within 100 feet of any location in the building.
  - d. The building appears to be designed to accommodate a warehouse. High Piled Combustible Storage (i.e. racks) require fire access doors every 100 feet. The door hardware shall be provided for access into these doors.
  - e. Smoke and heat vents shall be designed with a fusible link 100 degrees higher than the fire sprinkler head.
  - f. Roof access shall be provided interiorly or exteriorly.
  - g. All fences (electrical or manual) installed across the fire access route shall be designed as follows: minimum of 20 feet wide, vertical clearance 13'6", a Knox box or key switch provided for access, and a pedestrian gate with appropriate hardware.
  - h. Knox boxes shall be provided at a minimum main entrance to the building and the electrical room. Additional locations may also be required.

## **AIRPORT LAND USE COMMISSION**

57. Prior to issuance of a building permit, the applicant/property owner shall record a dedicated aviation easement for Oakland International Airport.

## **ENGINEERING AND TRANSPORTATION DEPARTMENT**

58. 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 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.
59. Applicant shall obtain an Encroachment Permit from the Engineering and Transportation Department and pay encroachment permit fees for work within the Public Right-of-Way prior to beginning such work. Contractors must be properly licensed, obtain a City Business License, and provide proof of insurance.
60. Applicant shall pay design review fees, permit fees, inspection fees, sewer connection fees, and any other fees charged by the City or other reviewing agencies for the review, approval, permitting and inspection of the public and private improvements.
61. The proposed development shall comply with City ordinances, policies and regulations. All public and private site improvements shall be constructed in accordance with the City's Design Standards, Specifications and Standard Plans unless otherwise specifically approved by the City Engineer.
62. Applicant shall have public and private site improvements designed and stamped by a civil engineer registered to practice within the State of California. Applicant shall obtain approval of the City Engineer for all on and off-site improvements prior to the issuance of Building Permits for the project. All improvements within the right of way shall be per City Standards. Improvements shall be designed so that storm water does not impact pedestrian travel along sidewalks or across streets.
63. The proposed development shall comply with the recommendations of the Geotechnical Investigation prepared by Cornerstone Earth Group, dated April 12, 2022.
64. In accordance with the City's adopted Master Plan of City Streets, the applicant is required to dedicate 12 feet of Right-of-Way along the Doolittle Drive property frontage. A plat and legal description prepared by a California registered Land Surveyor showing the area of dedication shall be submitted to the City for review. Once the documents are found to be technically correct, the applicant shall make an irrevocable offer of dedication of the Right-of-Way to the City

prior to the issuance of a Building Permit. The roadway landscaping improvements along the property frontage shall be completed prior to issuance of a Certificate of Occupancy.

65. If the construction of any site improvement requires encroachments onto neighboring properties, Applicant shall submit written agreements with that property owner to the City Engineer, for review and approval, prior to approval of the building permit.
66. Applicant shall remove any unused driveways or damaged driveways, sidewalk, and curb and gutter along the full property frontage and construct new City standard driveway, sidewalk, curb and gutter in place of the removed items.
67. Driveway approaches providing access to the project site from the Public Right-of-Way shall be per City Standard Plans.
68. Parking lot stall and aisle dimensions shall meet at a minimum the City of San Leandro Standard Plans for parking lots. Accessible parking spaces shall be included to meet the latest accessibility requirements.
69. A Grading Permit will be necessary for the project. The requirements for said permit are indicated in the San Leandro Municipal Code §7-12. The permit will be issued prior to or concurrent with the Building Permit.
70. The site will 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 will be required to register the project with the State Water Board's Stormwater Multi-Application and Report Tracking System (SMARTS) website. A Qualified SWPPP Developer (QSD) and a Qualified SWPPP Practitioner (QSP) must 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.
71. Because the project creates or replaces more than 5,000 SF of impervious surface, 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). All requirements of the MRP and the Stormwater Requirements Checklist shall be followed prior to issuance of a Grading and/or Building Permit.

72. The applicant shall agree to a right-of-entry for the inspection of stormwater treatment structures and shall submit a certified, signed Stormwater Operation and Maintenance (O&M) Agreement prior to Certificate of Occupancy.
73. The storm drain network within Doolittle Drive is operated by Alameda County Flood Control and Water Conservation District (ACFC&WCD, Line A-1). Connections to Line A-1 will require a separate permit from ACFC&WCD and will be required prior to issuance of the Grading Permit. The project will be referred to Alameda County once planning entitlements are complete.
74. Install RWQCB approved trash capture devices on site to prevent trash and debris from the project site entering the public storm drain system. The most recent approved list can be found here: [https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/docs/trash\\_implementation/certified\\_fcsdevicelist\\_16Feb2021.pdf](https://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/trash_implementation/certified_fcsdevicelist_16Feb2021.pdf).
75. 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 walls of concrete or masonry, or walls finished with ceramic tile or metal so that pests that gain access to the trash rooms 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. The property shall be swept regularly to minimize the accumulation of litter and debris. Loaded trucks entering or exiting the site must have their loads covered with tarps to prevent debris from escaping.
  - g. 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.
  - h. 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.

- i. 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.
  - j. 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.
  - k. Selection of the plants that will require minimal pesticide use.
  - l. Irrigation shall be appropriate to the water requirements of the selected plants.
  - m. The applicant shall select pest and disease resistant plants.
  - n. The applicant shall plant a diversity of species to prevent a potential pest infestation from affecting the entire landscaping plan.
  - o. The applicant shall plan insectary plants in the landscaping to attract and keep beneficial insects.
76. All new utility services to the facility shall be placed underground from the appropriate utility pole or service connections. All proposed improvements shall comply with City Standard Details and Specifications. All utilities under sidewalks shall have 24" of minimum cover and utilities under the street shall have 36" of minimum cover measured from the lip of gutter.
77. The developer shall video the City sanitary sewer main into which the proposed sanitary sewer lateral will connect. Any deficiencies identified in the video near the point of connection may need to be repaired by the developer prior to connection of the proposed 6-inch sanitary sewer lateral.
78. A site lighting plan and photometric study must 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. Plans submitted for construction permits shall include the locations of any site lighting proposed within this project.
79. A Development Fee for Street Improvements (DFSI) is assessed at the rate of \$1.53 per square foot of general industrial building constructed, as listed in the 2022-23 City Fee Schedule. Per the drawings provided by the applicant, the proposed building will have 71,177 square feet of floor space, which equates to an estimated DFSI amount of \$108,900.81. The DFSI is due prior to the issuance of the building permit and is subject to change each fiscal year.
80. A Marina Boulevard/Interstate 880 Traffic Impact Fee (M880) is assessed at the rate of \$1.12 per square foot of general industrial building constructed, as listed in the 2022-23 City Fee Schedule. Per the drawings provided by the applicant, the proposed building will have 71,177 square feet of floor space,

which equates to an estimated M880 fee amount of \$79,718.24. The M880 fee is due prior to the issuance of the building permit and is subject to change each fiscal year.

81. A Davis Street/Doolittle Drive Intersection Traffic Impact Fee (DDI) is assessed at the rate of \$0.46 per square foot of general industrial building constructed, as listed in the 2022-23 City Fee Schedule. Per the drawings provided by the applicant, the proposed building will have 71,177 square feet of floor space, which equates to an estimated DDI fee amount of \$32,741.42. The DDI fee is due prior to the issuance of the building permit and is subject to change each fiscal year.
82. Doolittle Drive and Williams Street are in the City's adopted Underground Utility District Master Plan. The Underground Utility District in-lieu fee is estimated approximately in the amount of \$203,315.83, which is calculated at the 2022-23 City Fee Schedule rate of \$443.92 per linear foot of frontage. This fee is due prior to the issuance of the building permit and is subject to change each fiscal year.

## **OPERATIONS AND MAINTENANCE**

83. Overnight truck parking is prohibited.
84. 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.
85. All fencing and walls on the project site shall be structurally sound, graffiti-free, and well maintained at all times.
86. All landscaping improvements located on the project site and within the adjacent public right of way shall be maintained by the property owner in a healthy, growing condition at all times. Irrigation heads and water lines shall be maintained to prevent leakage.
87. The project site and public right-of-way shall be well maintained and shall be kept free of litter, debris and weeds at all times; during construction. Post construction, the project site and public right of way shall be well maintained and shall be kept free of litter, debris and weeds. Street trees and tree wells shall be maintained. The property owner shall be responsible for the maintenance of the project site and adjacent public right-of-way.
88. All trees shall be planted so that at maturity they are located far enough away from the sidewalk so that their branches are at least eight (8) feet above the sidewalk area and 14 feet above the roadway/vehicle traveled way.

89. The solid waste and recycle containers shall be kept inside the designated space and kept out of public view, except when it is necessary to place them at the trash staging area on days that the contents of the containers are picked up for disposal.
90. The property shall comply with all City noise ordinance standards.
91. No use, activity, or process shall produce vibrations that are perceptible without instruments by a reasonable person at the property lines of a site.
92. No use, process, or activity shall produce dust that is perceptible without instruments by a reasonable person at the property lines of a site.
93. No objectionable odors or vibration emanating from the project site shall be detectable beyond the subject property. The City may require installation of vibration control measures or odor control measures including but not limited to the installation of air filters, misting systems, carbon adsorbers, odor control blocks, passive or active vibration control measures, or wind screens and/or require changes in site operations.
94. Vehicle idling shall be actively discouraged and restricted to a maximum of two minutes. A sign up to 3 square feet in size shall be clearly posted at the entry to notify drivers of this requirement.

## **ENVIRONMENTAL SERVICES**

95. No vehicles shall be repaired or serviced outdoors.
96. 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.
97. 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.
98. 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).



99. 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.
100. Containerized management of trash, solid waste, and recyclables shall be required to prevent exposure to or contamination of rainwater runoff.
101. 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.
102. 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.

**PASSED, CONDITIONALLY APPROVED, AND ADOPTED**, on this 1<sup>st</sup> day of February 2024 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Litha Zuber  
Chair of the Board of Zoning Adjustments

**ATTEST:**

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Avalon Schultz, AICP  
Secretary to the Board of Zoning Adjustments