

**IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO**

**RESOLUTION NO. 2024-XXX**

**RESOLUTION OF THE CITY OF SAN LEANDRO CITY COUNCIL REJECTING THE APPEAL AND APPROVING A CONDITIONAL USE PERMIT (PLN23-0031) TO BUILD AN 80-FOOT HIGH WIRELESS TELECOMMUNICATIONS FACILITY AT 440 PERALTA AVENUE**

**WHEREAS**, Tower Engineering Professionals (“Applicant”), submitted an application for a Conditional Use Permit to build an 80-foot high Wireless Telecommunications Facility consisting of a monopole camouflaged as a pine tree and related equipment (the “Project”), at 440 Peralta Avenue, Assessor’s Parcel Number: 075-0225-001-04 (the “Property”); and

**WHEREAS**, the Property is an L-shaped lot located at the west corner of San Leandro Boulevard and Peralta Avenue, has a Transit-Oriented Development Mixed Use (MUTOD) General Plan Land Use designation, and is located in the Downtown Area 2 (DA-2) Zoning District; and

**WHEREAS**, the City’s adopted Housing Element identifies Property as a housing opportunity site with a realistic capacity of 117 units. Based on the size and location of the proposed Project, the Property could still accommodate a residential building with that number of units; and

**WHEREAS**, on November 7, 2024 the Planning Commission reviewed the proposed Project, at which time all interested parties had the opportunity to be heard; and

**WHEREAS**, on November 7, 2024 the Planning Commission voted to approve the Conditional Use permit for the project; and

**WHEREAS**, an appeal of the Planning Commission’s decision was timely filed; and

**WHEREAS**, a staff report dated December 16, 2024, and incorporated herein by reference, describes and analyzes the proposed Project; and

**WHEREAS**, on December 16, 2024, the City Council held a public hearing to consider the proposed Project, at which time the applicant, appellant, and all other interested parties had an opportunity to be heard; and

**WHEREAS**, the City Council has considered all public comments received, the presentation by City staff, the staff report and attachments in adopting this resolution; and

**WHEREAS**, the City Council has determined that the proposed Project does satisfy the requisite Findings of Fact necessary for approval as described in the staff report and herein; and

**WHEREAS**, the City desires to approve a Conditional Use Permit for the Project subject to certain conditions of approval; and

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

**NOW, THEREFORE THE CITY OF SAN LEANDRO CITY COUNCIL RESOLVES** that the above recitals are true and correct and made a part of this resolution.

**BE IT FURTHER RESOLVED THAT** the City Council does hereby determine that the Project is categorically exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines, New Construction or Conversion of Small Structures.

**BE IT FURTHER RESOLVED THAT** the City Council of the City of San Leandro does hereby reject the appeal of the Planning Commission's decision and approves Conditional Use Permit (PLN23-0031) to build an 80-foot high Wireless Telecommunications Facility at 440 Peralta Avenue, as shown on the submitted project plans attached as Exhibit B and incorporated herein, based on the following findings and considering the staff report, and the whole of the record related to the Project:

#### Conditional Use Permit

1. The proposed location of the Project is in accord with the objectives of the Zoning Code and the purposes of the DA-2 (Downtown Area 2) Zoning District, in which the Property is located.
2. The proposed location of the Project 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
3. The proposed Project will comply with the provisions of the Zoning Code, including all requirements for the proposed use in the DA-2 Zoning District in which it would be located.
4. The proposed Project will not create adverse impacts on traffic or create demands exceeding the capacity of public services and facilities, which cannot be mitigated.

**BE IT FURTHER RESOLVED THAT**, the Planning Commission's recommendation for approval of the Project is subject to the following conditions of approval:

#### **PLANNING DIVISION**

##### Compliance with Approved Plans and Conditions of Approval

1. **Compliance with Approved Exhibits.** The Project shall comply with the following exhibits, except as herein modified. Exhibits are on file at City Hall, at the City of San Leandro, Community Development Department, located at 835 E. 14<sup>th</sup> Street, San Leandro, California, 94577.
  - a. Exhibit A: Project Statement
  - b. Exhibit B: Project Plans
2. **Scope of Work.** The approval of this Conditional Use Permit allows for the construction of an 80-foot high Wireless Telecommunications Facility (monopole camouflaged as a pine tree and related equipment) at 440 Peralta Avenue. APN: 075-0225-001-04. Zoning District: DA-2.

3. **Modifications.** The project shall remain in substantial compliance with the approved Plans, Exhibits, and Conditions of Approval. Proposed changes to the project shall be made in writing to the Zoning Enforcement Official. If the Zoning Enforcement Official determines that the requested changes are minor and do not include substantial alterations to the Conditional Use Permit approval or conditions of approval and are consistent with the intent of the original Conditional Use Permit approval, the Zoning Enforcement Official may approve the changes or may refer the proposed changes to the Planning Commission. The Planning Commission may either approve or conditionally approve the requested changes or determine that the proposed changes shall be treated as a new application for a Conditional Use Permit approval. Decisions of the Planning Commission may be appealed in accord with Zoning Code Chapter 5.20 Appeals.
4. **Effective Date.** The project approval shall become effective on the 15th day after the date the Planning Commission approves the project, unless appealed, as provided in Zoning Code Chapter 5.20.
5. **Expiration Date.** This approval shall expire after two years from Planning Commission approval, unless, pursuant to Zoning Code Section 5.08.136, a building permit has been issued, coupled with diligent progress evidencing a good faith intent to commence the intended use; or the use is established; or approval is granted a one-year extension by the Zoning Enforcement Official upon receipt of a written application with the required fee within the time period specified by the review authority, or two years of the date of the approval; or upon discontinuance of work on a project or expiration of a building permit. Application for renewal shall be made in writing to the Zoning Enforcement Official not less than 30 days or more than 120 days prior to the expiration of the Conditional Use Permit approval. Denial of a request for renewal of the Conditional Use Permit approval may be appealed.
6. **Revocation.** In accordance with Zoning Code Section 5.24.108, upon determination by the Zoning Enforcement Official that there are reasonable grounds for revocation of this approval, a revocation hearing shall be set by the Zoning Enforcement Official before the Planning Commission.
7. **Compliance with Zoning Code.** Prior to permit issuance, the Applicant/Owner shall demonstrate that the Project complies with all minimum requirements of the San Leandro Zoning Code.
8. **Access to Conditions of Approval.** These Conditions of Approval shall be made available and accessible to all property owners and occupants on the property.
9. **Successors in Interest.** These conditions of approval shall run with the land and the Applicant/Owner shall be responsible for ensuring that any heirs, executors, administrators, and successors in interest who assumes responsibility for this approval are informed of its terms and conditions.
10. **Permits Required.** The Applicant/Owner shall obtain any and all permits required, including but not limited to grading permits, building permits, fire permits, and encroachment permits for any work in the right-of-way.
11. **Fees.** Prior to permit issuance, any and all outstanding Planning, Engineering or Building deposit fees or balances shall be paid in full.

## Indemnification

12. The Applicant/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.
13. 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/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/Owner (which shall be the same counsel used by Applicant/Owner) and reasonably approved by the City. Applicant/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

14. **Applicable Permits.** The Applicant/Owner shall obtain any and all required permits, including but not limited to grading permits, building permits, fire permits, encroachment permits for any work in the right-of-way, final map for subdivision, and permits from all applicable utility agencies.
15. **Annotated Conditions of Approval.** Prior to submitting for building permits and prior permit issuance, the Applicant/Owner shall provide the Planning Division a copy of these Conditions of Approval, with responses (annotations) to each condition detailing how each condition has been complied with or will be complied with. Each annotation shall include a standard reference to the specific sheet(s) and drawing(s) of the construction plans that demonstrate such compliance, and information about who will be completing each requirement. Construction plans for building permit issuance shall not be accepted without the Annotated Conditions of Approval document.
16. **Cell Tower Camouflaging.**
- a. **Camouflaging Plan.** Prior to issuance of building permits, the Applicant/Owner shall provide a Cell Tower Camouflaging Plan for review and approval of the Zoning Enforcement Official, including all of the following, incorporated as part of the building permit plan set, on its own sheet:
    - i. Indicate what species of tree will be designed with the camouflaging material and demonstrate how the design will mimic the tree's natural shape and adequately conceal the equipment/antennas mounted on the monopole.
    - ii. Paint underlying surfaces with colors matching the bark and branches of the proposed monopine. Provide a paint specification using brand and brand color name.
    - iii. Provide a variety of different branch types and lengths, to create a natural-looking shape. Provide installation details on elevation drawings and plan drawings at key elevations (each antenna level, between antennas, and around the microwave antennas, depict the branches

and dimension their lengths. Indicate how camouflaging (bark, socks, and antennas) will be installed, relative to equipment (i.e., antennas, radios units, microwaves, etc.).

iv. Indicate who will install the camouflaging material, including company name, and representative name and information.

v. Indicate who will maintain the camouflaging and at what frequency. Include including company name, and representative name and information.

b. **Materials Board.** Prior to issuance of building permits, the Applicant/Owner shall provide a final materials board, for review and approval by the Zoning Enforcement Official that includes materials samples for all materials that will be used for camouflaging.

c. **Inspection of Camouflaging Materials.** Prior to final inspection, the Applicant/Owner shall demonstrate that the required camouflaging has been installed on the cell tower. The Applicant/Owner shall request an inspection by the Planning Division and shall make any adjustments required by the Zoning Enforcement Official, as needed to meet the intent of these Conditions of Approval.

17. **Landscaping Plan.** Prior to issuance of building permits, the Applicant/Owner shall provide Final Landscape and Irrigation Plans for review and approval of the Zoning Enforcement Official. The plans shall document compliance with applicable Zoning Code requirements for Wireless Telecommunications Facilities and **Exhibit B – Project Plans**. The plans shall include minimum soil depths, and details such as: 1) plant size, species and location; 2) shrubs and groundcover size, species, and location; 3) installation specifications, including staking; 4) irrigation details; 5) water use and water conservation techniques; and 6) maintenance programs.

18. **Exterior Lighting Details.** Any exterior lighting shall be manually operated or on an automatic timer and used only during night, during periods of maintenance or during an emergency situation, unless otherwise required by applicable Federal law. Lighting shall be shielded or directed to minimize glare as viewed from off-site locations. Lighting shall remain well-maintained and replaced periodically to ensure proper functioning. Freestanding towers and ground-mounted facilities shall not be artificially lighted, unless required by the FAA or other applicable authority or unless they contain a U.S. Flag. Prior to issuance of building permits, the Applicant/Owner shall provide proposed lighting details for review and approval of the Zoning Enforcement Official.

19. **Emergency Contact Signs.** All wireless telecommunications facilities shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency. No signs, flags, banners, or any form of advertising shall be attached to a wireless telecommunications facility except for government-required certifications, warnings, or other required seals or signs. Prior to issuance of any building permits, the Applicant/Owner shall provide a copy of the sign, as part of the building permit plan set, for review and approval by the Zoning Enforcement Official. Prior to building permit final, the Applicant/Owner shall demonstrate that this required signage has been installed.

20. **Equipment Enclosure.** All ancillary equipment for the facility shall be enclosed with a split-face masonry wall of 6 feet in height, painted to match the exterior of existing buildings at the subject property, and compliant with Zoning Code Section 4.04.376(F)(3). Prior to building permit finals for

the installation of the tower, the Applicant/Owner shall demonstrate that the masonry wall and gate has been installed.

Ongoing Maintenance Conditions

21. **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) and approved plans unless otherwise approved by the Zoning Enforcement Official. The installation of chain link or cyclone fencing shall be prohibited. The installation of barbed wire, razor, cyclone and electrified fencing is prohibited.
22. **Graffiti.** Any graffiti painted or marked upon the premises or on any adjacent area under the control of the licensee(s) shall be promptly removed or painted over.
23. **Landscaping.** 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.
24. **Noise.** The property shall comply with Municipal Code Chapter 4-1, Article 11 (Noise). The Applicant/Owner shall take proactive measures to avoid and reduce noise that would disturb the peace, quiet and comfort of neighboring residents or persons of normal sensitivity between the hours of 10:00 p.m. and 8:00 a.m. Testing of back-up generators or similar equipment that operates only during power outages or other emergencies may only occur during standard daytime hours.
25. **Warning Signs and Controlled Access.** Prior to issuance of any building permits, the Applicant/Owner shall provide for review and approval by the Zoning Enforcement Official installation details for the warning signs and controlled access measures (security walls and gates) recommended by the EME report submitted for this project. Prior to any building permit finals, the Applicant/Owner shall install the signs and the security measures.
26. **Discontinued Facilities and Removal of Abandoned Antennas and Towers.** Any wireless telecommunications facility that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such facility shall remove same, and restore the site to its pre-installation condition, within 90 days of receipt of notice from the Community Development Department Director notifying the owner of such abandonment. The notice shall specify that the owner has the opportunity to request a public hearing on the removal of the facility. If such facility is not removed within said 90 days, the Community Development Director may remove such facility at the owner's expense. If there are two or more users of a single facility, then this provision shall not become effective until all users cease using the facility.

Any wireless telecommunications facility shall be removed within 30 calendar days of the discontinuation of the use and shall be restored to its previous condition. The service provider shall provide the Community Development Department with a notice of intent to vacate the site a minimum of 30 calendar days prior to vacation and shall obtain building permits prior to removal of equipment. For facilities located on City property, this requirement shall be included in the terms of

the lease. For facilities located on other sites, the property owner shall be responsible for removal of all antennas, structures and related equipment within 30 calendar days of the discontinuation of use.

### Improvements and Amenities

27. **Screened Mechanical Equipment.** All exterior mechanical equipment, such as air conditioning/heating units 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 the public-right-of-way subject to review and approval by the Zoning Enforcement Official.
28. **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. Prior to permit issuance and as part of the construction drawings, the Applicant/Owner shall provide, for permit review and approval by the Zoning Enforcement Official details for the mechanical screening.
29. **Screened Appurtenances.** The Applicant/Owner shall place all new transformers, switching boxes, and similar appurtenances subsurface, 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/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 said screening shall be included on the improvement plans submitted for review and approval by the Zoning Enforcement Official.
30. **Improvements Installed Prior to Final Inspection.** Prior to finaling of any permits, the improvements outlined in these Conditions of Approval and/or detailed in **Exhibit B - Project Plans** shall be completely installed to the satisfaction of the Zoning Enforcement Official and the City Engineer.

### Construction Conditions

31. **Secure Construction Site.** The property shall be secured during construction with a temporary six (6) foot high chain link fence with green screening and any other security measures in accordance with recommendation of the San Leandro Police Department. Alternative temporary fencing is subject to prior approval from the Zoning Enforcement Official. Temporary fencing shall be maintained and kept free of graffiti.
32. **Construction Hours and Noise.** 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 Municipal Code Chapter 4-1, Article 11 (Noise), "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. 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.

33. **Dust Control.** Construction activity shall not create dust, noise or safety hazards for adjacent businesses and properties. Dirt and mud shall not be tracked onto public streets 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.

34. **Air Quality.** The Applicant/Owner 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). (Review of all demolition, grading, and building permits. Implementation shall remain in place throughout project construction and verification shall occur during normal construction site inspections).

35. **Construction Truck Route.** The Applicant/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 issuance of any building or grading permits.

36. **Construction Contract.** All construction contracts shall include the following requirements: Maintain and tune all proposed equipment in accordance with the manufacturer's recommendations to minimize noise emission.

- 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/Owner, and the Applicant/Owner shall pay, for all costs of sweeping city streets in the vicinity of the project as necessary to control dust and spillage.

**37. Construction Facilities.** Potable water and temporary sanitary facilities shall be provided to workers during construction activities. Temporary sanitary facilities shall be kept in a clean and odorless condition, secured, and located away from nearby residences and businesses.

**38. Compliance with Standards of Sanitation During Construction.** The Applicant/Owner shall comply with the following high standards of sanitation during construction of improvements: garbage cans, construction dumpsters, and debris piles shall be removed on a minimum weekly basis. All food related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers only and shall be regularly removed from the site. Inspections, conducted as part of the regular construction compliance, will be conducted to ensure compliance of the Applicant/Owner and contractors with these requirements.

**39. Water Quality Control during Construction.** 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; and
- c. Streets surrounding demolition and construction sites shall be swept at least once per day.

**40. Discovery of Historic/Prehistoric Artifacts or Human Remains.** 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.

41. **Migratory Birds.** 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.
42. **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.

## **PUBLIC WORKS – ENGINEERING & TRANSPORTATION**

43. **Protest Within a 90-day Period.** Pursuant to Government Code Section 66020, including Section 66020(d)(1), the City HEREBY NOTIFIES the Applicant/Owner for this Project that the 90-day approval period (in which the Applicant/Owner 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/Owner fails to file a protest within this 90-day period, complying with all the requirements of Government Code Section 66020, the Applicant/Owner will be legally barred from later challenging any such fees, dedications, reservations or other exactions.
44. **Compliance.** 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.

### Additional Submittals to be Submitted to Engineering

45. **Geotechnical Investigation Report.** The Applicant/Owner shall submit a Geotechnical Investigation Report and shall incorporate all recommendations into the design. A letter from the engineer who prepared the geotechnical investigation report stating they have reviewed the proposed improvement plans and that it substantially conforms with the recommendations made in the report will be required.
46. **Encroachment Permit from Engineering Division.** Any work within the Public Right-of-Way shall require an Encroachment Permit from the Engineering and Transportation Division of the Public Works Department prior to beginning such work. Please visit the following website for more information on the City's Encroachment Permit process: <https://www.sanleandro.org/953/Permits>.

## Engineering and Infrastructure Improvements

47. **Utility Easement.** AT&T and/or Tower Engineering Professionals shall be responsible for obtaining the required private utility and access easements from the private property owner.
48. **Utility Underground.** Utility services to the site shall be placed underground.
49. **Storm Drain.** All proposed storm drain inlets and trench drains shall be marked “NO DUMPING, DRAINS TO BAY” as per the City of San Leandro Standard Plan Dwg. No. 204. Install Regional Water Quality Control Board (RWQCB) approved trash inserts at the proposed storm drain inlets prior to the connection of the existing storm drain line. See the most recent approved list located here:  
[https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/docs/trash\\_implementation/certified\\_fcsdevilist\\_16Feb2021.pdf](https://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/trash_implementation/certified_fcsdevilist_16Feb2021.pdf)

## Ongoing Maintenance required by Engineering

50. **Storm Water Pollution.** The Applicant/Owner shall reduce storm water pollution by implementing the following pollution source control measures:
- a. Structures shall be designed to discourage the occurrence and entry of pests into buildings, thus minimizing the need for pesticides. The trash area shall be separated from the rest of the building by concrete or masonry walls so that pests that gain access to the area are less likely to access the rest of the building.
  - b. All storm drains shall be marked “NO DUMPING, DRAINS TO BAY”.
  - c. All on-site storm drains shall be inspected and, if necessary, cleaned at least twice a year immediately prior to the rainy season.
  - d. Sidewalks and parking lots shall be swept regularly to minimize the accumulation of litter and debris. Steam cleaning or low volume pressure washing may be performed only after pre-cleaning using dry methods, spot cleaning and recovery in stained areas and removal of all mobile pollutants. Debris resulting from pressure washing shall be trapped and collected to prevent entry into the storm drain system. Wash water containing any soap, cleaning agent or degreaser shall not be discharged to the storm drain.
  - e. Interior floor drains (if any) shall not be connected to the storm drain system.
  - f. Air conditioning condensate shall be directed to landscaped areas. Any air conditioning condensate that discharges to land without flowing to a storm drain may be subject to the requirements of the State Water Resources Control Board’s (SWRCB) Statewide General Waste Discharge Requirements (WDRs) for Discharges to Land with a Low Threat to Water Quality.
  - g. Landscaping shall be designed to minimize irrigation and runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to storm water pollution.
  - h. Where feasible, landscaping shall be designed and operated to treat storm water runoff by incorporating elements that collect, detain, and infiltrate runoff. In areas that provide detention of

water, plans that are tolerant of saturated soil conditions and prolonged exposure to water shall be specified.

- i. Plant materials selected shall be appropriate to site specific characteristics such as soil type, topography, climate, amount and timing of sunlight, prevailing winds, rainfall, air movement, patterns of land use, ecological consistency and plant interactions to ensure successful establishment.
- j. Selection of the plants that will require minimal pesticide use.
- k. Irrigation shall be appropriate to the water requirements of the selected plants.
- l. The Applicant/Owner shall select pest and disease resistant plants.
- m. The Applicant/Owner shall plant a diversity of species to prevent a potential pest infestation from affecting the entire landscaping plan.
- n. The Applicant/Owner shall plan insectary plants in the landscaping to attract and keep beneficial insects.

## **ENVIRONMENTAL SERVICES**

51. The storage of hazardous materials in quantities equal to or greater than 55 gallons requires submittal of a Hazardous Materials Business Plan (HMBP). HMBP submittal shall be completed via the California Environmental Reporting System (CERS) online database at <http://cers.calepa.ca.gov/>. An HMBP shall be submitted prior to placement of registerable material (e.g., a generator shell capacity of 190 gallons for diesel fuel and 18.72 gallons of battery electrolyte) onsite.

## **BUILDING DIVISION**

52. The plan review for this planning entitlement does not constitute a complete building plan review. A formal plan check review will be completed at the time of project submittal to the Building Division. All construction shall fully comply with the current adopted California Building Standards Code in effect at the time of building permit issuance.
53. The Applicant/Owner shall provide detailed construction plans (working drawings) to the Building Division for plan review prior to issuance of a building permit. Plans and supporting documents shall be prepared by a California state-licensed architect or engineer. Upon completion of the plan check, all applicable fees shall be paid and a building permit shall be issued prior to commencement of any actual construction work on-site.
54. The Applicant/Owner shall incorporate the following on plans submitted for permit issuance.
- a. Geotechnical report.
  - b. Geotechnical report shall provide structural plans review approval letter.
  - c. Structural plans and structural calculations.
  - d. Construction and Demolition per CalGreen.
  - e. CalGreen Non-Residential Mandatory Measures Checklist.
  - f. Provide manufacturer's specifications for new generator.

g. FAA approval for any crane site work.

55. The Applicant/Owner shall demonstrate compliance with the following conditions of approval (requirements) on plans submitted for permit issuance. All revision clouds and deltas added to the plans during Planning approval must be removed prior to submitting the building permit application.

- a. Clarify location of new generator fill port.
- b. Clarify if generator has spill containment.
- c. Provide working clearances for all equipment.
- d. Provide accessible clearances for all accessible spaces per 2022 CBC Chapter 11A.
- e. Provide pedestrian gates for driveway gates, if used shall comply 2022 CBC Chapter 11A.
- f. All exterior walking surfaces shall be ADA compliant.
- g. Information provided 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**

56. The Project shall comply with Building and Fire Codes adopted and in effect at the time of building permit submittal.

**PLANNING COMMISSION REQUIREMENTS**

57. As required by Zoning Code Section 4.04.376.J.13, within 30 calendar days of activation of the facility, the Applicant/Owner shall submit a Radio-Frequency Compliance Report demonstrating that the facility meets the FCC standards for radio-frequency emissions. Additionally, the Applicant/Owner shall complete a Radio-Frequency Compliance Report annually for five years after the approval of this project. The report shall be delivered to the Planning Division on the anniversary of the approval.

58. If new development occurs on an adjacent parcel, the Applicant/Owner shall submit a Radio-Frequency Compliance Report demonstrating that the facility meets the FCC standards for radio-frequency emissions.

59. If a future Radio Frequency Emissions report identifies that the project violates the FCC standards within any adjacent or neighboring residential building, the Applicant/Owner shall adjust facility equipment, and remove if necessary, until the emissions in the residential building do not exceed FCC standards.

Introduced by Councilmember \_\_\_\_\_ and passed and adopted this 16<sup>th</sup> day of December 2024, by the following vote:

**AYES:** ( )

**NOES:** ( )

**ABSENT:**

()

**ATTEST:**

\_\_\_\_\_  
Kelly B. Clancy, CMC  
City Clerk

DRAFT