

**RECOMMENDED
CONDITIONS OF APPROVAL**

**PLN16-0025
1965 Marina Boulevard
Alameda County Assessor's Parcel Number 077A-0646-027-00
Harborside San Leandro (applicant) and
A. Lopez (property owner)**

I. COMPLIANCE WITH APPROVED PLANS

- A. The project shall comply with Exhibits A through I, attached to the staff report dated July 7, 2016, except as hereinafter modified. (Exhibits are on file at the City of San Leandro, Community Development Department, 835 East 14th Street, San Leandro, California, 94577).

Exhibit A – Overall Site Plan (CUP-1)
Exhibit B – Floor Plans (CUP-2)
Exhibit C – Egress Analysis (CUP-3)
Exhibit D – Elevations (CUP-4)
Exhibit E – Site Pictures (CUP-5)
Exhibit F – Renderings and Signage (CUP-6)
Exhibit G – Landscaping Plan and Trash Enclosure Details (CUP-7)
Exhibit H – Planting Plan (L1.00)
Exhibit I – Plant List (L1.10)

- B. The applicant and property owner shall be responsible for assuring that any successor in interest who assumes responsibility for this zoning approval is informed of its terms and conditions.

II. PERMITTED USES

- A. The Conditional Use Permit is an approval to establish an approximate 15,000 square foot medical marijuana dispensary from existing industrial commercial space at 1965 Marina Boulevard; Assessor's Parcel Numbers 77-646-27.
- B. The medical marijuana dispensary may operate from 9:00 a.m. to 8:00 p.m. Monday through Sunday.
- C. All employees and visitors of the businesses on the site and the medical marijuana dispensary shall be encouraged to park at the onsite parking stalls.
- D. The medical marijuana dispensary shall comply with Title 4, Chapter 4-33 of

the San Leandro Municipal Code pertaining to Medical Cannabis Dispensary Permits, including but not limited to the Performance Standards in Section 4-33-500.

- E. These conditions of approval shall be prominently posted at the business and shall be distributed to all staff and employees.

III. ON-SITE IMPROVEMENTS/ADDITIONAL PERMITS

- A. The interior use of the building and construction of the project shall remain in substantial compliance with the approved plans and exhibits. Any change to the project design shall be subject to the review and approval of the Community Development Director who may administratively approve or require review by the Board of Zoning Adjustments as a modification to the Conditional Use Permit.
- B. Any change or additional occupancy deemed minor in nature may be approved by the Community Development Director. A change or additional occupancy deemed major shall be referred to the Board of Zoning Adjustments for its consideration as a modification to the Conditional Use Permit.
- C. Prior to issuance of building permits, a final color and materials board shall be submitted for the exterior of the building for review and approval as part of the building permit to ensure the quality of the exterior design. Any changes to the approved building specifications must be made in writing to the Community Development Director, who may either administratively approve the modification or bring it back to the Board of Zoning Adjustments for review.
- D. Prior to issuance of building permits a final landscape and irrigation plan that is Water Efficient Landscape Ordinance, Bay-Friendly Landscape Guidelines, and Zoning Code Article 19 compliant shall be submitted for review and approval as part of the building permit. The minimum size for the shrubs shall be five gallons and the ground cover shall be one gallon or shall be from flats with the necessary spacing to cover the planting areas in one growing season. To reduce on-site water consumption and reduce the energy required for the pumping and distribution of water, drought tolerant and native species shall be used for site landscaping where possible. Said landscape and irrigation plans shall be subject to the review and approval of the Community Development Director.
- E. Prior to issuance of building permits for the medical marijuana dispensary use, the applicant shall submit details for any proposed new lighting for the site. Any outdoor lighting that would be used in the evening shall be retrofitted with light fixtures that have cut-offs or shields, to eliminate any

light spillover in accordance with “dark sky” protocols. Said lighting shall be subject to the review and approval of the Community Development Director.

- F. Construction shall commence within one (1) year following Board of Zoning Adjustments approval of the Conditional Use Permit and shall be substantially completed one year after commencement of construction. For the purpose of compliance with this condition, commencement of construction shall be defined as the construction or reconfiguration of a substantial portion of the interior building.
- G. Applicant shall obtain the necessary permits to operate the medical marijuana dispensary in the City of San Leandro, including a San Leandro Business License and any necessary permits required under State law or regulations.
- H. Prior to issuance of a business license for the medical marijuana dispensary use, the applicant shall submit precise details for the proposed signage for the review of the Community Development Director. Said details shall include but are not limited to location, color or copy.

IV. CONSTRUCTION PROVISIONS

- A. Construction activity shall not commence prior to 7:00 a.m. and shall cease by 7:00 p.m. Monday through Friday, and construction activity shall not commence prior to 8:00 a.m. and shall cease by 7:00 p.m. on Sunday and Saturday. No such construction is permitted on Federal holidays. As provided in the City of San Leandro’s Noise Ordinance (ORDINANCE NO. 2003–005), “construction” shall mean any site preparation, assembly, erection, substantial repair, alteration, demolition or similar action, for or on any private property, public right-of-way, streets, structures, utilities, facilities or 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.
- B. Construction activity shall not create dust, noise, or safety hazards for adjacent residents and properties. Dirt and mud shall not be tracked onto Verna Court and/or Marina Boulevard or surrounding streets from the project site.
- C. Upon demolition or removal of existing structures, improvements, and construction the site shall be enclosed with a security fence and shall be well maintained in a neat manner, free of weeds, litter and debris.

- D. Procedures with the highest noise potential shall be scheduled for daylight hours, when ambient noise levels are highest.
- E. The contractor(s) shall be required to employ the quietest among alternative equipment or to muffle/control noise from available equipment.

V. FENCING AND SCREENING REQUIREMENTS

- A. All fencing and walls on the project site shall be structurally sound, graffiti-free and well-maintained at all times.
- B. Barbed or razor wire shall not be installed on any fence or buildings on the project site.
- C. Any new or abandoned roof top or exterior mechanical equipment for the building such as air conditioning/heating units, venting, or radio/television antennas shall be screened from view so as not to be visible from adjacent properties or surrounding streets to the satisfaction of the Community Development Director. Screening, if needed, shall be installed prior to occupancy of the building.

VI. ENGINEERING AND TRANSPORTATION REQUIREMENTS

- A. Pursuant to Government Code Section 66020, including Section 66020 (d) (1), the City HEREBY NOTIFIES the applicant for this Project that the 90-day approval period (in which the applicant may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) will begin on the date of the conditional approval of this Project. If you fail to file a protest within this 90-day period, complying with all of the requirements of Government Code Section 66020, you will be legally barred from later challenging any such fees, dedications, reservations or other exactions.
- B. The proposed development shall comply with City ordinances, policies and regulations. All improvements shall be in accordance with the City's Design Standards, Specifications and Standard Plans unless otherwise specifically approved by the City Engineer.
- C. Prior to the issuance of the Building Permit, the property owner shall pay the Sewer Connection fee, Engineering Review and Inspection Fees, and other fees as required by City Ordinances and regulations.
- D. Design review fees, development impact fees, permit fees, inspection fees, and any other fees charged by the City or other reviewing agencies for the review, approval, permitting and inspection of the above listed use shall be paid by the Applicant.

- E. The applicant shall construct any new utilities via underground facilities.
- F. A one-time Marina Boulevard/Interstate 880 Traffic Impact Fee is required in the amount of \$12,818.58, and is due at the time of permit issuance. This fee is subject to change at the beginning of each fiscal year.
- G. A one-time Development Fee for Street Improvements (DFSI) is required in the amount of \$33,522.60, and is due at the time of permit issuance. This fee is subject to change at the beginning of each fiscal year.
- H. The applicant shall remove any broken and uplifted driveway, sidewalk, curb and gutter along the full project frontage and shall construct new City standard driveway, sidewalk, curb and gutter in the same location and alignment as the existing facilities prior to issuance of Certificate of Occupancy.
- I. Prior to the issuance of building permits for the project, the Applicant shall obtain an Encroachment Permit from the Engineering and Transportation Department for any work within the public right-of-way.
- J. On sheet CUP-1, the southernmost driveway on Verna Ct needs to be open all the time during business hours so that parking lot B1 remains accessible to all the customers.
- K. Please confirm if the concrete walkway along the building perimeter is at grade and is ADA compliant and security station could be accessed through this route. If the existing concrete walkway along the building perimeter is not at grade, accessible parking spaces will need ADA ramps to the walkway.
- L. On sheet CUP-1, show location for bike parking.
- M. On sheet CUP-1, confirm if the solid grey hatch indicates landscape area. Provide a pedestrian walkway through the landscape area from Verna Ct public sidewalk to the security station so that pedestrians are not directed to the driveway and walk through the parking lot to access the facility.
- N. On sheet CUP-1, show dimensions for the parking stalls. Please refer to City of San Leandro Standard Plans Dwg. No. 602, Case 3101 for accessible parking layout, signage and pavement markings.
- O. Please show North arrow on the plans.
- P. On sheet CUP-1, provide a legend for different hatching patterns.

- Q. During construction the following high standards for sanitation are required: Garbage cans, construction dumpsters, and debris piles shall be removed on a minimum weekly basis. All food related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers only and shall be regularly removed from the site.
- R. Applicant shall reduce storm water pollution by implementing the following pollution source control measures:
- a) All storm drains shall be marked "NO DUMPING, DRAINS TO BAY"
 - b) All on-site storm drains shall be inspected and, if necessary, cleaned at least twice a year including immediately prior to the rainy season.
 - c) 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.
 - d) Air conditioning condensate shall be directed to landscaped areas.
 - e) 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.
 - f) Where feasible, landscaping shall be designed and operated to treat storm water runoff by incorporating elements that collect, detain, and infiltrate runoff. In areas that provide detention of water, plants that are tolerant of saturated soil conditions and prolonged exposure to water shall be specified.
 - g) 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.
 - h) Proper maintenance of landscaping, with minimal pesticide use, shall be the responsibility of the property owner.
 - i) Irrigation shall be appropriate to the water requirements of the selected plants. Irrigation system shall automatically adjust for weather conditions.

- j) Applicant shall select pest- and disease-resistant plants.
- k) Applicant shall plant a diversity of species to prevent a potential pest infestation from affecting the entire landscaping plan.
- l) Applicant shall plant “insectary” plants in the landscaping to attract and keep beneficial insects.

VII. ALAMEDA COUNTY FIRE DEPARTMENT REQUIREMENTS

- A. Prior to issuance of a business license for this use, a building permit shall be obtained from the City of San Leandro Building and Safety Services Division. Said building permit shall include the following provisions:
 - 1. It appears the building has had modifications over the years without the benefit of permits. Exiting does not meet code and the building maybe oversized for the type of construction. A complete evaluation needs to be completed to ensure safety of all occupants in the building not just the proposed facility.
 - 2. Modifications to the Fire Sprinkler System.
 - 3. Delayed egress is prohibited without complete coverage of the Fire protection system throughout the building and Automatic detections system as required in the CBC. A Note on the plans stating “Delayed egress will not occur” will suffice.
 - 4. A Knox Box is required for the facility, electrical room, and a Knox box key switch would be required if an electric gate is installed.
 - 5. All doors shall have a single motion to exit (panic, paddle, or lever handle). An accessory lock must release upon a single motion of the main locking device.
 - 6. Emergency lighting and exit signs shall be provided throughout the facility.

VIII. BUILDING AND SAFETY DIVISION REQUIREMENTS

- A. The project shall comply with all applicable Building and Fire codes. Site and Building plans shall be provided for review and approval prior to issuance of building permits.
- B. Compliance required with the City’s green building programs and Build It Green’s protocols.

IX. PUBLIC WORKS REQUIREMENTS

- A. A 96 gallon organics cart shall be included in the trash enclosure.

X. MAINTENANCE

- A. The site shall be well-maintained and shall be kept free of litter, debris and weeds. All litter and debris associated with the medical marijuana dispensary within the property boundaries and perimeter of the property shall be picked up daily.
- B. All landscaping shall be maintained in a healthy, growing condition at all times. Any damaged or dead plant material shall be promptly replaced with a plant material similar in type and comparable in size to the plant(s) being removed. Any landscaping shall be maintained so as not to interfere or obstruct the public right-of-way for pedestrians and vehicles. The landscaping adjacent to the driveway shall be maintained so it does not exceed three feet in height above the top of the nearest adjacent curb and gutter to allow for adequate sight distance, or unless otherwise approved by the City's Transportation Engineer.
- C. Any graffiti on the property occupied by the applicant shall be removed.
- D. All vehicle parking on the property shall be undertaken in a neat and orderly manner at all times.
- E. All uses and activities shall comply with the provisions of the San Leandro Noise Regulations (Title IV, Chapter 1 of the Municipal Code).
- F. The signs on the property shall be well maintained at all times. Any damage to the signs shall be promptly repaired or replaced.
- G. Unauthorized and temporary signage shall not be permitted on the property, except as approved for a specified amount of time in a Temporary Sign Permit granted by the Community Development Department.
- H. Garbage service shall be arranged through Alameda County Industries and shall include trash, recycling and green/food waste service.
- I. Upon any type of notification from any City Official, any type of overflow from the trash enclosure shall be cleaned up within 4 hours. The City reserves the right to have its Public Works Division or subcontractor clean up the condition and the applicant shall be responsible for all associated costs with the cleanup.
- J. Dumpsters shall remain inside the trash enclosure at all times with the exception of emptying by the disposal company. Gates to the refuse area shall be closed except when necessary to move out the dumpsters or deposit trash from garbage receptacles. The applicant shall maintain an adequate number of trash/recycle containers. Individual trash receptacles placed near the building entrances shall be emptied on at least a daily basis

and shall not be allowed to overflow.

XI. GENERAL CONDITIONS

- A. The approvals granted by the City as a result of this application, as well as the Conditions of Approval, shall be recorded in the office of the County Recorder of Alameda County.
- B. No application for amendment of the application or Conditions of Approval may be accepted or submitted for processing by the City unless (i) there is full compliance with all terms of the application and Conditions of Approval; or (ii) the Community Development Director waives compliance with minor terms of the application and Conditions of Approval pending application for amendment.
- C. Pursuant to Zoning Code Section 5-2218, this approval shall lapse on **July 7, 2017**, unless a) a building permit has been issued, coupled with diligent progress evidencing a good faith intent to commence the intended use, or b) a written request for a one-year extension of the use permit is approved by the Community Development Director.