

**RECOMMENDED
CONDITIONS OF APPROVAL**

PLN2016-0032

1251 Doolittle Drive (southwest corner of Doolittle Drive and Davis Street)

R. Williams, Chemical Strategies, Inc. (applicant)

C. Lutz, Balco Properties, LTD. LLC (property owner)

I. COMPLIANCE WITH APPROVED PLANS

- A. The project shall comply with Exhibits A through C, dated September 1, 2016, except as hereinafter modified. (Exhibits are on file at the City of San Leandro, Community Development Department, 835 East 14th Street, San Leandro, California, 94577).

Exhibit A – Site Plan, Perspectives

Exhibit B – Floor Plan

Exhibit C – Elevations

- B. The applicant and/or property owner shall be responsible for assuring that any successor in interest who assumes responsibility for this zoning approval is informed of its terms and conditions.
- C. Conditional Use Permit approval shall lapse after one (1) year following Board of Zoning Adjustments approval of the application unless a grading permit or building permit has been issued, coupled with diligent progress evidencing good faith intention to commence the intended use; or an occupancy permit has been issued; or the approval is renewed, as provided in Section 5-2218.E. Pursuant to Zoning Code Section 5-2218.E. upon written request the approval may be renewed by the Zoning Enforcement Official for one (1) year, with one additional (1) one-year renewal allowed for a total period not to exceed two (2) years without notice or public hearing if the findings required by Section 2-580.H. remain valid. Application for renewal shall be made in writing to the Community Development Director not less than 30 days or more than 120 days prior to expiration of the Conditional Use Permit approval. Denial of a request for renewal of the Project approval may be appealed.

II. PERMITTED USE

- A. This Conditional Use Permit approval permits warehouse and distribution of chemicals from 1251 Doolittle Drive, which includes distribution of hazardous chemicals. Alameda County Assessor's Parcel Numbers 79A-515-1-19 and 79A-515-7.
- B. No application for amendment of the application or Conditions of Approval may be submitted or accepted for processing by the city unless (i) there is full compliance with all other legally binding documents regulating development on the property; and (ii) there is full compliance with all terms of the application and Conditions of Approval, or (iii) the Community Development Director has waived compliance with the terms of the application because they are minor in content.

- C. Construction of the project shall remain in substantial compliance with the approved exhibits and plans. The Zoning Enforcement Official may approve changes to approved plans or in conditions of approval without a public hearing upon determining that the changes in conditions are minor and are consistent with the intent of the original approval. Revisions involving substantial changes in project design or conditions of approval shall be treated as new applications, to be reviewed as a new project.

III. ADDITIONAL PLAN SUBMITTALS

- A. Prior to approval of a building permit for the interior tenant improvements an actual colors and materials board for the exterior paint colors of the building shall be submitted and subject to the review and approval of the Zoning Enforcement Official.
- B. Prior to issuance of building permits, the developer shall submit final landscape and irrigation plans for the review and approval of the Zoning Enforcement Official. Said plans shall include existing landscaped setbacks, with existing landscaping (i.e., turf, shrubs, trees, etc.) and the actual location, size, and species of the proposed trees along the Davis Street landscaped setback. At a minimum, the planting plan shall include trees with a minimum size of 15 gallons with a minimum spacing of 30 feet on-center.
- C. In the event new outdoor lighting will be constructed or installed, prior to issuance of building permits, the developer shall submit final plans and details for the site lighting (including submittal of a photometric study) for the review and approval of the Zoning Enforcement Official and the City Engineer. No site lighting may spill offsite.
- D. Prior to issuance of any Certificate of Occupancy on the property, the improvements outlined above shall be completely installed to the satisfaction of the Planning Manager and the City Engineer.
- E. Within one year of this Conditional Use Permit approval, the applicant and/or the property owner shall submit plans to replace the existing chainlink fencing and gates along the Davis Street frontage with new architectural/decorative fencing and new landscaped planters to the extent possible without significant variation to existing vehicle circulation and parking on the property. Said plans shall include but is not limited to actual location of the replacement fencing and gates, details, specifications (i.e., catalog page, color, finish, etc.) and actual landscaped planter(s) with locations, sizes, and species of the proposed new plant materials.

IV. BUILDING AND SAFETY SERVICES REQUIREMENTS

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

V. ENGINEERING AND TRANSPORTATION DEPARTMENT REQUIREMENTS

- A. 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.
- B. 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.
- C. Northern most driveway on Davis Street is identified as an abandoned driveway. All abandoned driveways shall be removed and replaced with City standard sidewalk, curb and gutter prior to issuance of Certificate of Occupancy. Refer to the City of San Leandro Standard Plan Drawing No. 100.
- D. The applicant shall obtain an Encroachment Permit from the Engineering and Transportation Department for any work within the public right-of-way including the use of lifting equipment or the staging of materials. Barricades, traffic cones, and/or caution ribbon shall be positioned around any equipment or materials within the right-of-way to provide a barrier to public access and assure public safety. Any damage to the right-of-way improvements shall be promptly repaired by the applicant according to City adopted standards.
- E. The existing parking lot layout or any future restriping of the parking lot shall be in compliance with the City Standard Plans Drawing No. 600 and Drawing No. 602.
- F. The applicant shall implement construction best management practices during construction to control erosion, keep sediment from leaving the project site and prevent storm water pollution.
- G. Although this project is considered as change in use, it is not considered a new construction project. Hence, as per Utility District Master Plans, Section G paragraph 3, overhead conversion fees were not imposed.

VI. ENVIRONMENTAL SERVICES REQUIREMENTS

- A. 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 chemicals on to the site, whichever occurs first. The plan

is subject to the review and approval of Environmental Services Division of the Public Works Department.

- B. 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.
- C. All hazardous waste generated on site shall be handled and disposed pursuant to applicable local, state and federal law. Generators of hazardous waste must register with the City's Environmental Services (local CUPA) through the online California Environmental Reporting System (CERS).
- D. 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.
- E. Containerized management of trash, solid waste, and recyclables shall be required to prevent exposure to or contamination of rainwater runoff.
- F. 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.
- G. 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.

VII. ALAMEDA COUNTY FIRE DEPARTMENT REQUIREMENTS

- A. The following conditions shall be met in the submittal of the Building Permit and prior to the issuance of a fire clearance for occupancy (Certificate of Occupancy):
 - 1. Modifications to the fire sprinkler system shall be made to accommodate the storage of hazardous materials.
 - 2. A manual fire alarm system shall be required due to the H Occupancies.
 - 3. Fire Extinguishers with ratings of 4A 40 B:C shall be required (1A for every 1,000 square feet of warehouse).
 - 4. Panic hardware shall be required on exterior doors of the H Occupancies.

5. Emergency lighting and exit signs shall be required.
6. Electrical wiring shall comply with applicable H Occupancy requirements.
7. The H Occupancies shall be provided with a berm that will accommodate the flow of the fire protection system.
8. A Knox Box shall be required at multiple locations for Fire Department access into the building.

VIII. PUBLIC WORKS SOLID WASTE AND RECYCLING REQUIREMENTS

- A. Project is subject to Construction & Demolition Debris Recycling Ordinance as per Chapter 3-7 of the San Leandro Municipal Code, which requires the following:
 1. All asphalt and concrete and 50% of all other materials generated at a project site shall be recycled for projects with a valuation in excess of \$100,000.
 2. Permit applicants shall demonstrate compliance by completing and submitting an online Waste Management Plan using Green Halo Systems prior to permit issuance. Note: Project will not be finaled until all recycling and disposal tags have been registered into Green Halo Systems.
 3. Applicants shall submit recycling and disposal receipts online and submit the waste management report before scheduling the final inspection.
- B. Solid waste & recycling bins shall be stored in a location not visible from the street per San Leandro Municipal Code §3-1-200.
- C. Applicant is subject to Alameda County Mandatory Recycling Ordinance. Requirements for compliance can be found at: www.RecyclingRulesAC.org.
- D. The subject property is located within the Alameda County Industries (ACI) service area. As a commercial customer, applicant shall comply with the following options for solid waste and recycling services:
 1. Obtain collection services with the local franchised waste hauler (ACI);
 2. Establish combined collection services with another tenant on the commercial/industrial property; or
 3. Self-haul materials to an authorized disposal or recycling facility.

IX. FENCING AND SCREENING REQUIREMENTS

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

- B. Barbed or razor wire shall not be installed on any fence, wall or building on the project site.
- C. All walls, fences, and landscaping within the 10 foot front setback or driveway shall be maintained at a height of not more than 36 inches above the top of the nearest adjacent curb and gutter to allow for adequate sight distance, or unless otherwise approved by the City's Transportation Engineer.
- D. All exterior mechanical equipment such as air conditioning/heating units and radio/television antennas shall be screened from view so as not to be visible from adjacent properties or streets to the satisfaction of the Community Development Director. This condition shall not apply to wireless cable receivers that do not exceed three feet in diameter.

X. MAINTENANCE

- A. The project site shall be well-maintained and shall be kept free of litter, debris and weeds at all times.
- B. Any graffiti shall be promptly removed from building walls, perimeter soundwalls and/or fences. The developer and its successors in interest shall comply with the rules and regulations of the City's graffiti removal program and shall grant a license and right of entry as requested to enforce the terms of such program.
- C. All fencing and walls on the project site shall be structurally sound, graffiti- free and well maintained at all times.
- D. All landscaping improvements shall be maintained in a healthy, growing condition at all times.

XI. CONSTRUCTION PROVISIONS

- A. Construction on the project site shall not commence prior to 7:00 a.m. and shall cease by 7:00 p.m., Monday through Friday, and shall not commence prior to 8 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 4-11-1130, and may also be enforced by issuance of a stop work order and/or revocation of any or all permits issued for such construction activity.
- B. Construction activity shall not create dust, noise or safety hazards for adjacent businesses and properties. Dirt and mud shall not be tracked onto Davis Street or Doolittle Drive from the project site during construction. Standard construction dust control procedures, such as wetting, daily roadwashing and other maintenance functions to control emissions, shall be implemented at all times during outdoor

construction. Dust generating activities such as grading, excavation, paving, etc. shall be scheduled the early morning and other hours when wind speeds are low. All construction activities entailing soil disturbance shall cease when winds exceed 30 miles per hour as an hourly average.

- C. The developer shall prepare a construction truck route plan that would restrict trucks to arterial streets that have sufficient pavement section to bear the heavy truck traffic, thereby minimizing noise and traffic impacts to the community. The construction truck route plan shall be reviewed and approved by the City Transportation Engineer prior to receipt of the grading permit.
- D. Procedures with the highest noise potential shall be scheduled for daylight hours, when ambient noise levels are highest.
- E. All construction contracts shall include the following requirements: 1) Unpaved construction sites shall be sprinkled with water at least twice per day; 2) Trucks hauling construction materials shall be covered with tarpaulins or other effective covers; 3) Streets surrounding demolition and construction sites shall be swept at least once per day; and 4) Paving and planting shall be done as soon as possible. City shall charge developer, and developer shall pay, for all costs of sweeping city streets in the vicinity of the project as necessary to control dust and spillage.

XII. GENERAL CONDITIONS

- A. Prior to issuance of building permits, a lighting plan and specific street (interior driveway) lighting details regarding location, candle power, and light levels (by submittal of a photometric study) shall be reviewed and approved by the City Engineer and Community Development Director.
- B. Developer shall pay its City development, permitting, and plan checking fees in accordance with the fee schedules in effect at the time of the Building Permit approval.
- C. All mechanical equipment shall be designed and maintained to comply with City noise standards.
- D. The approvals granted by the City as a result of this application, as well as the Conditions of Approval, shall be recorded in the Office of the County Recorder of Alameda County.
- E. Pursuant to Zoning Code Section 5-2218, this approval shall lapse on **September 1, 2017**, unless a) a business license has been issued, coupled with diligent progress evidencing a good faith intent to commence the intended use, or b) a written request for a one-year extension of the use permit is approved by the Community Development Director, and there are no outstanding enforcement complaints.