

**RECOMMENDED  
CONDITIONS OF APPROVAL**

**PLN17-0023  
1911 Fairway Drive  
Alameda County Assessor's Parcel Numbers 77A-646-17-2, -3  
Blüm San Leandro (applicant) and  
Fairway Medical Plaza, LLC (property owner)**

**I. COMPLIANCE WITH APPROVED PLANS**

- A. The project shall comply with Exhibits A through L, attached to the staff report dated February 1, 2017, 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 – Project Information & Index (A00)  
Exhibit B – Existing Site Plan (A0)  
Exhibit C – Proposed Site Plan (A1)  
Exhibit D – Site Easements Exhibit (A1.2)  
Exhibit E – Existing Floor Plan (A2)  
Exhibit F – Elevations and Signage (A4)  
Exhibit G – Elevations and Signage (A5)  
Exhibit H – Facade Render (A6)  
Exhibit I – Site Photos (A7)  
Exhibit J – Preliminary Landscape Plan (L1.0)  
Exhibit K – Preliminary Landscape Plan Photos (L1.1)  
Exhibit L – Parking Lot Photometry (E-17.5.3)

- 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 13,015 square foot medical cannabis dispensary with manufacturing and production kitchen within an existing industrial building at 1911 Fairway Drive; Assessor's Parcel Numbers 77A-646-17-2, -3. The Conditional Use Permit authorizes the medical cannabis dispensary to package and dispense medical cannabis to patients, including flowers, infused products, concentrates, clones (small rooted plants without flowers), and accessories.
- B. The medical cannabis dispensary may operate from 9:00 a.m. to 8:00 p.m., Monday through Sunday. The hours of operation shall not exceed those

specified in the Medical Cannabis Dispensary Performance Standards identified in San Leandro Municipal Code Section 4-33-500.

- C. Pursuant to Zoning Code Section 5-2218, this approval shall lapse on February 1, 2019, unless all of the following occur:
  - a) a license or temporary license from the State of California for operation of a medical cannabis dispensary has been issued,
  - b) a building permit has been issued, coupled with diligent progress evidencing a good faith intent to commence the intended use, or
  - c) a written request for a one-year extension of the use permit is approved by the Zoning Enforcement Official.
- D. The City shall be notified in writing within 10 days of any change in licensure status with the State Bureau of Cannabis Control.
- E. Upon issuance, failure to hold a valid license from the State of California for a medical cannabis dispensary shall constitute discontinuance of the Conditional Use Permit.
- F. The City shall be notified in writing within 10 days of any change in the licensure status with the California Bureau of Cannabis Control.
- G. These conditions of approval shall be prominently posted at the business, shall be distributed to all employees, and made available to patients and vendors upon request.
- H. No application for amendment or modification to this Conditional Use Permit or the 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 Zoning Enforcement Official waives compliance with minor terms of the application and Conditions of Approval pending application for amendment or modification.

### **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 Zoning Enforcement Official who may administratively approve or at his or her sole discretion 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 Zoning Enforcement Official. 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 Zoning Enforcement Official, 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, prepared by a qualified professional in accord with California Code of Regulations Title 23, Division 2, Chapter 2.7, Model Water Efficient Landscape Ordinance, Bay-Friendly Landscape Guidelines, and San Leandro Zoning Code Article 19, 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 Zoning Enforcement Official.
- E. Prior to issuance of building permits for the medical cannabis dispensary use, the applicant shall submit details for any proposed new lighting and photometric plan for the site. Outdoor lighting fixtures shall shine below the horizontal plane and existing fixtures shall be retrofitted with cut-offs or shields, if necessary, to eliminate light spillover in accordance with "dark sky" protocols. Said lighting shall be subject to the review and approval of the Zoning Enforcement Official.
- 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 cannabis 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 cannabis dispensary use, the applicant shall submit precise details for the proposed signage for the review of the Zoning Enforcement Official. 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 Zoning Code 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, businesses and properties. Dirt and mud shall not be tracked onto Fairway Drive, Nicholson Street and/or Merced Street 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.
- F. Construction workers on the project shall be provided clean drinking water and access to toilets and handwashing stations as sanitary facilities for use during all phases of construction. Portable toilets shall be screened from view from the public right-of-way or located to the interior or rear of the site.

#### **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 Zoning Enforcement Official. Screening, if needed, shall be installed prior to occupancy of the building.
- D. Existing fencing along the perimeter shall be removed and replaced with wrought iron, tubular steel or aluminum, or a similar fencing material approved by the Zoning Enforcement Official, constructed a minimum 8 feet in height and shall meet setbacks.

## **VI. ENGINEERING AND TRANSPORTATION REQUIREMENTS**

### General Conditions:

- 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 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.
- 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 Principal Engineer.

### Municipal Regional Stormwater Permit Provision C.3 (Clean Water Program) Conditions:

- C. 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 concrete or masonry walls so that pests that gain access to the area are less likely to access the rest of the building.
  - b. 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.

- c. Interior floor drains (if any) shall not be connected to the storm drain system.
- d. 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.
- e. Boiler or water heater drain lines shall be directly or indirectly connected to the sanitary sewer system and may not discharge to the storm drain system.
- f. 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.
- g. 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.
- h. 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.
- i. Selection of the plants that will require minimal pesticide use.
- j. Irrigation shall be appropriate to the water requirements of the selected plants.
- k. The applicant shall select pest and disease resistant plants.
- l. The applicant shall plant a diversity of species to prevent a potential pest infestation from affecting the entire landscaping plan.
- m. The applicant shall plan insectary plants in the landscaping to attract and keep beneficial insects.
- n. All proposed storm drain onsite and offsite inlets shall be marked "NO DUMPING, DRAINS TO BAY" as per the City of San Leandro Standard Plan Dwg. No. 204.

- D. During construction the following high standards for sanitation are required: Garbage cans, construction dumpsters, and debris piles shall be removed on a minimum weekly basis. All food related trash items such as wrappers,

cans, bottles, and food scraps shall be disposed of in closed containers only and shall be regularly removed from the site. The improvement shall construct a stabilized construction entrance per City Standard Detail Dwg. No. 606 or similar to prevent the tracking of sediment onto the public right-of-way. Inspections, conducted as part of the regular construction compliance, will be conducted to ensure compliance of the Applicant and contractors with this requirement.

Off-Site Improvement Conditions:

- E. The Applicant shall obtain an Encroachment Permit from the Engineering and Transportation Department for any work within the Public Right-of-Way.

Site Conditions:

- F. The Applicant shall combine the two separate parcels, or record a reciprocal private easement to memorialize the rights of both parcels to access the one proposed driveway to Fairway Drive and to access the alley in the rear of the properties. The Lot Line Adjustment/Parcel Combine application can be found at <http://www.sanleandro.org/civicax/filebank/blobdload.aspx?blobid=3617> if the applicant decides to merge the two parcels.

- G. The Applicant shall place all utilities serving the site underground.

Grading Conditions:

- H. A Grading Permit will be necessary for the project. The requirements for said permit are indicated in San Leandro Municipal Code §7-12. The permit will be issued prior to or concurrent with the Building Permit.

Other Conditions:

- I. The Development Fee for Street Improvements (DFSI) is calculated for the project using the Fiscal Year 17-18 "General Retail" rate of \$4.32 per square foot for the retail section of the building, with a credit of \$1.24 per square foot for the previous industrial use. The total comes out to \$17,992.93 and is due at the time of Building Permit issuance. These fees are subject to change on July 1 of each year and are not vested until Building Permit issuance.
- J. The Marina Boulevard/Interstate 880 Interchange Traffic Impact Fee is calculated for the project using the Fiscal Year 17-18 "General Retail" rate of \$1.71 per square foot for the retail section of the building, with a credit of \$0.91 per square foot for the previous industrial use. The total comes out to \$4,655.70 and is due at the time of Building Permit issuance. These fees are subject to change on July 1 of each year and are not vested until Building Permit issuance.

## **VII. ALAMEDA COUNTY FIRE DEPARTMENT REQUIREMENTS**

The following conditions shall be met prior the issuance of a building permit and fire clearance for occupancy:

- A. A Deferred Submittal is required for the hood and duct fire suppression system.
- B. Fire extinguishers shall be provide with a rating of 2A 10B:C (1 extinguishers for every 1,500 sq./ft. of area and no more than a 75 feet of travel distance).
- C. An exit analysis clearly demonstrating how egress is achieved for all occupants for both the manufacturing and the sales floors, and showing occupant load for each area and the occupant load at the exits.
- D. Emergency lighting shall be provide with 1 foot candle at the floor.
- E. Exit signs shall be indicate the means of egress route.
- F. Details of the exit door hardware to be used.
- G. Where and how products/supplies are to be stored (racks, cabinets, piles) in the manufacturing area.
- H. Where and how the CO2 and Organic propane is to be stored and used and the amount to be stored and used.
- I. MSDS sheets for all hazardous materials.
- J. Hazardous materials shall comply with Chapter 50 of the Fire Code.
- K. A Knox Box shall be provided for fire department access (key switch for the electric gate and lock boxes for pedestrian and building access).

#### **VIII. BUILDING AND SAFETY DIVISION REQUIREMENTS**

- A. The project shall comply with all applicable Building and Fire codes and standards. 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. ENVIRONMENTAL SERVICES REQUIREMENTS**

- A. A Hazardous Materials Business Plan (HMBP) is required to be submitted



to the California Environmental Reporting System (CERS) if the facility has on site (for any purpose) at any one time, hazardous materials at or above 55 gallons for liquids, 500 pounds for solids, or 200 cubic feet for compressed gases (include liquids in ASTs and USTs); or the applicable Federal threshold quantity for an extremely hazardous substance specified in 40 CFR Part 355, Appendix A or B; or handles radiological materials in quantities for which an emergency plan is required pursuant to 10 CFR Parts 30, 40 or 70. The CERS website can be found at: <http://cers.calepa.ca.gov>. If the facility is below the above thresholds but generates any amount of hazardous waste, the business is required to submit a one-time notification to CERS by completing the Facility Information element and include the hazardous waste generator identification number assigned to the facility. The business is required to submit the appropriate information to CERS when it begins to handle hazardous materials / generate hazardous waste.

- B. A properly sized grease interceptor is required for all grease-bearing fixtures in the commercial kitchen.

#### **X. POLICE DEPARTMENT REQUIREMENTS**

- A. A high resolution security cameras and alarm system shall be installed, maintained, and operated 24 hours a day, 7 days a week to monitor the exterior of the entire building, product receiving areas, and interior areas where patients and visitors are allowed. The security camera system shall be capable of producing retrievable and identifiable images and storing them digitally, where the records are able to be enlarged and used to assist law enforcement. The security camera system must be capable of identifying all vehicles entering and leaving the parking lot areas of the property, as well as all individuals entering and leaving the site.
- B. Non-breachable glass windows shall be installed on the building to improve security.
- C. Employees shall wear panic alarm remotes on necklaces or concealed on their person.

#### **XI. PUBLIC WORKS REQUIREMENTS**

- A. Trash enclosure shall be of adequate size to accommodate at least one solid waste and one recycling container. If required, enclosure size must also accommodate a separate container for the collection of organics (food scraps, compostable paper, and plant debris).
- B. Designated trash area(s) should be easily accessible to collection vehicles. Driveways shall provide unobstructed access for collection vehicles.

Applicant must ensure that there is adequate space for a collection vehicle to enter and exit the property in order to service containers.

- C. Project must comply with all City and State construction and demolition debris recycling requirements. Permit applicants must demonstrate compliance by completing and submitting an online Waste Management Plan using Green Halo Systems ([www.GreenHaloSystems.com](http://www.GreenHaloSystems.com)) prior to permit issuance. Applicants must submit recycling and disposal receipts online and submit the waste management report before scheduling the final inspection. Project will not be finalized until all recycling and disposal tags have been registered into Green Halo Systems.
- D. Applicant is subject to Alameda County Mandatory Recycling Ordinance # 2012-01.
- E. The property owner, occupant and tenants shall maintain enclosure/trash area free of litter and other debris in accordance with San Leandro Municipal Code Section 3-15-215.

## **XII. 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 cannabis 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 to not 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 promptly removed.
- D. All uses and activities shall comply with the provisions of the San Leandro Noise Regulations (Title IV, Chapter 1 of the Municipal Code).
- E. The signs on the property shall be well maintained at all times. Any damage to the signs shall be promptly repaired or replaced.
- F. 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.

- G. Garbage service shall be arranged through Alameda County Industries and shall include trash, recycling, and green/food waste service. Rendered cannabis waste shall be removed in accord with State law.
- H. 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.
- I. 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.

### **XIII. GENERAL CONDITIONS**

- A. The medical cannabis 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 San Leandro Municipal Code Section 4-33-500.
- B. Applicant shall comply with the security measures identified in the dispensary application submitted to the San Leandro City Council.
- C. All employees, patients, and visitors shall be encouraged to park in the onsite parking stalls in a neat and orderly manner at all times.
- D. Products, pallets, and containers shall not be stored in the parking lot or in the required off-street parking spaces. Delivery vehicles shall use the secure indoor loading area and shall be prohibited from parking in the surface parking lot.
- E. Medical cannabis waste and unsold material shall be rendered unusable and unrecognizable prior to disposal by grinding and incorporating the cannabis waste with other non-hazardous ground materials so the resulting mixture is at least fifty percent non-cannabis waste by volume. No on-site composting of cannabis waste shall be permitted. All waste material shall be disposed of in accord with State law.

- F. Applicant's Membership Agreement shall include a provision that prohibits medical cannabis use in the parking lot and in the public right-of-way in the immediate and surrounding neighborhoods.
- G. Applicant shall fully comply with the terms of the San Leandro Cannabis Business Tax Ordinance in Chapter 2-21 of the Municipal Code. The cost of any required audits to determine the correctness of figures provided by the cannabis business shall be fully reimbursed by the business to the City. The City may require the cannabis business to submit their tax payments by an armored delivery service.
- H. Applicant shall pay its City development, permitting, and plan check fees in accordance with the fee schedules in effect at the time.
- I. Any outstanding Planning Services deposit fees or balance shall be paid prior to issuance of a building permit.
- J. 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.
- K. Applicant must comply with the San Leandro Municipal Code to engage in other cannabis operations at the site.