

City of San Leandro Planning Commission

RESOLUTION NO. 2026-XXX

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF SAN LEANDRO**

**A RESOLUTION OF THE PLANNING COMMISSION APPROVING A
CONDITIONAL USE PERMIT, 1091 DOOLITTLE DRIVE
(PLN21-0027)**

WHEREAS, Michael Bercovich, on behalf of Alco Iron & Metal Company ("Applicant" and "Property Owner") submitted an application, PLN21-0027 ("Project"), for a Conditional Use Permit to allow the expansion of an existing Heavy-Processing Facility located at 1091 Doolittle Drive onto two adjacent vacant one-acre lots at 1091 Doolittle Drive (APNs: 42-4530-1-1 and 42-4530-1-2) ("Property"); and

WHEREAS, the subject property ("Property") consists of four lots, further described as Assessor's Parcel Numbers 77A-649-7-4, 77A-649-6-5 (existing operations); 42-4530-1-1 and 42-4530-1-2 (proposed expansion); and

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

WHEREAS, the Applicant has continuously operated a metal recycling facility at the subject site since 1953; and

WHEREAS, the existing metal recycling facility use consists of the receipt, outdoor storage, sorting, staging, and preparation of ferrous and non-ferrous scrap metals for shipment to end users. Processing activities include mechanical sorting, segregation by material type, and preparation for shipment through cutting, compacting, and staging; and

WHEREAS, the existing use is consistent with the definition of a Heavy Processing Facility in the San Leandro Zoning Code, which requires a Conditional Use Permit in the IG Zoning District in accordance with Zoning Code Section 2.12.200(B) and 4.04.232; and

WHEREAS, the existing use was established prior to the Conditional Use Permit requirement for Heavy Processing Facilities in the IG Zoning District; and

WHEREAS, per Zoning Code Chapter 4.20, the proposed expansion of the operational footprint of the metal recycling facility requires a Conditional Use Permit to review the expansion's compatibility with current zoning and development standards; and

WHEREAS, the Property lies within an Airport Influence Area (Zone 2 – Inner Approach/Departure Zone) for the Airport Land Use Compatibility Plan for the Oakland International Airport; and

WHEREAS, the Alameda County Airport Land Use Commission (ALUC) held a public hearing on January 21, 2026, to review Alco's proposal and adopted a resolution determining that the proposal was consistent with the adopted Airport Land Use Compatibility Plan; and

WHEREAS, the ALUC recommended several conditions of approval to reduce potential hazards, and those recommendations have been incorporated into the Conditions of Approval for this Conditional Use Permit; and

WHEREAS, the Planning Commission held a duly noticed public hearing regarding the proposed Project on March 5, 2026, at which time all interested parties had the opportunity to be heard; and

WHEREAS, on March 5, 2026, the Planning Commission adopted a Resolution adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project; and

WHEREAS, the Planning Commission fully considered the Project application and entitlements, applicant's statements, staff report, supporting technical studies, Findings of Fact (**Exhibit A**), the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, conditions of approval, public comments, and all other testimony and evidence presented at the public hearing; and

WHEREAS, the Planning Commission 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 Planning Commission desires to approve a Conditional Use Permit for the Project; 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 and on the City's website.

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

BE IT FURTHER RESOLVED THAT the Planning Commission of the City of San Leandro does hereby make the necessary Findings of Fact below and further described in **Exhibit A** as required by Section 5.08.124 of the City of San Leandro Zoning Code to approve a Conditional Use Permit:

Conditional Use Permit Findings

1. The proposed location of the use is in accord with the objectives of the Zoning Code and the purposes of the IG district.
2. The proposed location of the use and the proposed conditions under which it would be operated and 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 use will comply with the provisions of the Zoning Code including any specific condition required for the proposed use in the district in which it is located.
4. The proposed use 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 approval of the Project is subject to the following conditions of approval:

PLANNING DIVISION REQUIREMENTS

1. **Compliance with Approved Plans.** The Project shall comply with **Exhibit B**, Site Plans, except as hereinafter modified. Exhibits are on file at the City of San Leandro, Community Development Department located at 835 East 14th Street, San Leandro, California, 94577.
2. **Successors in Interest.** The Applicant/Property Owner shall be responsible for assuring that any successor in interest who assumes responsibility for this approval is informed of its terms and conditions.
3. **Approved Use.** This Conditional Use Permit authorizes the operation of a "Heavy Processing Facility" use at the Property as currently defined in Chapter 1.12.108 of the Zoning Code, which is a conditionally permitted use in the IG Zoning District. The approved use consists of the receipt, outdoor storage, sorting, staging, and preparation of ferrous and non-ferrous scrap metals for shipment to end users. Processing activities include mechanical sorting, segregation by material type, and preparation for shipment through cutting, compacting, and staging. The approved use shall remain in substantial compliance with the use described in the Planning Commission staff report dated March 5, 2026, the adopted Mitigated Negative Declaration, approved plans, exhibits, and conditions of approval. This Conditional Use Permit does not authorize the addition of any new structures, new product lines, or expansion of the use onto properties not specifically identified in this Conditional Use Permit. Proposed changes to the approved use shall be made in writing to the Zoning Enforcement Official. The Zoning Enforcement Official may

approve changes to approved Exhibits or Conditions of Approval without a public hearing upon determining that the changes are minor and are consistent with the intent of the original approval. Revisions involving substantial changes to approved Exhibits or Conditions of Approval shall be treated as new applications, to be reviewed as a new project. The Zoning Enforcement Official may also refer any changes to the Planning Commission.

4. **Materials Accepted.** Materials accepted for processing include the following ferrous and non-ferrous metals: borings; car engines (dry); cast iron; construction scrap; cuttings; cylinder casts; grey iron casts; heavy machinery; light iron; marine engines; shearing; steel; swarf; trains; truck engines (dry); wrought iron; aluminum; allows and alloy wheels; armored cable; brass; bright wire; carbide tips; cast zinc; chrome; copper cable; coils and windings; heavy copper; household cable; lead acid batteries; lead piping; mixed copper; nickel; palladium; precious and semi-precious metals; platinum; sheet lead; solder; stainless steel; tin; titanium; tungsten; zinc cuttings, dross, and residues.
5. **Materials Prohibited.** Materials that are prohibited and may not be accepted for processing include: airbags; any material containing hazardous or toxic substances, materials, or wastes; catalytic converters; closed containers with no punctures or openings such as tanks; flammable materials; fluids – oils, gasoline, grease, etc; fluorescent lights; lithium ion batteries or any other batteries, except lead-acid batteries; paint cans; radioactive materials; refrigerants; wood, concrete, dirt, and other non-metals. If discovered in a recycling load, prohibited materials may be retained on site for no more than 30 days before being collected by a waste handler that is permitted to dispose of such materials.
6. **Scope of Work.** Physical modifications of the Property shall be in substantial conformance with the modifications described in the Planning Commission staff report dated March 5, 2026, the adopted Mitigated Negative Declaration, approved plans, exhibits, and conditions of approval, including grading of the two-acre expansion area to level it and lay steel plates directly on the graded surface; installation of a new scale; relocation of scrap piles onto the expansion area, replacement of non-code compliant fencing, installation of 45-new parking spaces, and new landscaping and stormwater improvements.
7. **Grading.** A Grading Permit for the expansion area shall not be issued until the appeal period has expired.
8. **Eden Road Improvements.** Operation of the approved use within the expansion area shall not commence until construction of improvements to Eden Road, as outlined in the executed Eden Road Public Improvement Agreement, effective March 19, 2024, have been completed to the satisfaction of the City Engineer.

9. **Ongoing Maintenance of Eden Road.** The Property Owner (or any subsequent owner of the Property) shall be solely responsible for the maintenance of Eden Road, in perpetuity, as outlined in the executed Eden Road Public Improvement Agreement, effective March 19, 2024. If the condition of the road is ever determined to have degraded to a level below the minimum level described in the Eden Road Public Improvement Agreement, this shall be considered a violation of these conditions of approval and could result in the rescission of this Conditional Use Permit.
10. **Airport Land Use Compatibility.** Any future modifications to the approved use, or physical modifications to the Property shall be subject to the review and approval of the Port of Oakland and the Airport Land Use Commission to ensure consistency with the Oakland International Airport Land Use Compatibility Plan.
11. **Compliance with Zoning Code.** The Project shall comply with all requirements of the San Leandro Zoning Code.
12. **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 Appeals.
13. **Expiration.** The Project approval shall lapse two years after the date of approval of the Project, unless a grading permit or building permit has been issued, coupled with diligent progress evidencing good faith intention to commence the intended use, an occupancy permit has been issued, or the approval is granted a one-year extension by the Zoning Enforcement Official upon receipt of a written application with the required fee prior to the expiration of the approval.
14. **Access to Conditions of Approval.** These Conditions of Approval shall be available and accessible to all tenants, employees, and vendors on the property.
15. **Fees.** Any outstanding Planning, Engineering or Building deposit fees or balances shall be paid prior to permit issuance. The Applicant/Property Owner shall pay all applicable development, permitting, and plan checking fees in accordance with the fee schedules in effect at the time of the Building Permit approval.
16. **Demonstration of Compliance.** Prior to permit issuance, the Applicant/Property Owner shall demonstrate that the Project complies with applicable minimum objective standards and criteria of the San Leandro Zoning Code, the General Plan, and all other applicable objective standards and criteria.
17. **Revocation.** The City shall maintain the ability to revoke this Conditional Use Permit and set a new public hearing date in order to impose

additional conditions to correct problems that may arise such as property maintenance and related Code violations and excessive nuisance related responses from code enforcement.

Operational Conditions

18. **Operating Hours.** The facility may operate between 4:00 a.m. and 12:00 a.m. Monday through Friday and between 5:00 a.m. and 12:00 p.m. on Saturday, with public hours from 6:00 a.m. to 5:00 p.m. Monday through Friday and 6:00 a.m. to 12:00 p.m. Saturday.
19. **Rights of Way.** No vehicles may obstruct the public right of way at any time. Access to and from Eden Road must be maintained for all other users of Eden Road and may not be obstructed.
20. **Noise Regulations.** All uses and activities shall comply with the provisions of the San Leandro Noise Regulations (Title 4, Chapter 1 of the Municipal Code). Tenants and vendors shall take proactive measures to avoid and reduce noise generated by forklift and delivery vehicles' audible reverse back-up signals and to ensure that loading and delivery activities are in compliance during the City's established quiet hours and do not pose a public nuisance during other times. The use of a spotter, rear cameras and/or radar is recommended over audible signals for all service and delivery vehicles.
21. **Vibrations.** No use, activity, or process shall produce vibrations that are perceptible without instruments by a reasonable person at the property lines of a site.
22. **Lighting.** All lighting shall comply with Zoning Code Section 4.08.156.
23. **Dust.** No use, process, or activity shall produce dust that is perceptible without instruments by a reasonable person at the property lines of a site.
24. **Truck and Vehicle Access.** All commercial trucks shall enter and exit the site from the Doolittle Drive and Eden Road driveways. Queuing, staging, and laydown shall not impede access to any properties that take access from Eden Road, emergency routes, or evacuation corridors.

Maintenance Conditions

25. **Fences.** All fencing, gates and walls on the project site shall be structurally sound, graffiti-free and well maintained at all times. All fences, walls and hedges shall comply with Zoning Code Section 4.04.364 (Fences, Walls, and Hedges).
26. **Site Maintenance.** The property owner, occupants, and tenants shall maintain the Project site and ensure that it is free of litter, weeds, and other debris in accordance with San Leandro Municipal Code Chapter 3-1,

Article 2.

27. **Graffiti.** Any graffiti shall be promptly removed from the property. Any graffiti shall be promptly removed from building walls. The developer and its successors in interest shall comply with the rules and regulations of the City's graffiti removal program and shall grant a license and right of entry as requested to enforce the terms of such program.
28. **Sidewalks.** Sidewalk areas shall be kept free of obstruction and available for their designated use at all times. Building egress and accessible paths of travel shall remain unobstructed.
29. **Landscape Maintenance.** All landscaping improvements shall be maintained in a healthy, growing, and weed-free condition at all times, in accordance with the Municipal Code. Any missing, dead, or damaged plant and groundcover material shall be promptly replaced with a material similar in type and comparable in size to the plant(s) or groundcover being removed. Street trees and tree wells shall be maintained to provide shade cover and a healthy canopy. All trees shall be planted so that at maturity they are located far enough away from the sidewalk so that their branches are at least eight (8) feet above the sidewalk area and 14 feet above the roadway/vehicle traveled way. Pruning and tree trimming shall be avoided during nesting season.

General Conditions

30. **Signage.** All signage shall conform to the regulations in Chapter 4.12 of the Zoning Code for the development. Neon signs and flashing signs are prohibited, including those placed in windows. All signs shall be well maintained at all times. Any damaged signs shall be promptly repaired or replaced. Window signs, whether painted or adhered to the glass or within eight feet of the window excluding merchandise display, shall be no larger than 25 percent of the window in which they are located. No temporary or unauthorized signs including but not limited to banners, balloons, streamers, and pennants, shall be placed on the property, unless approved by the City under a Temporary Sign Permit or Special Event Permit. The use of spotlights, feather signs, animated or inflatable signs, balloons, and lasers shall be prohibited at all times.
31. **Screened Mechanical Equipment.** All exterior mechanical equipment such as air conditioning/heating units, emergency generators, wireless antennas and exhaust systems shall be located such that they will not be visible from any public-rights-of-way. Alternatively, they shall be screened or enclosed from view so as not to be visible from any public-rights-of-way. Screening shall be to the satisfaction of the Zoning Enforcement Official.
32. **Screened Utilities.** All electrical, gas, and water meters shall be located

such that they will not be visible from any public-rights-of-way. Alternatively, they shall be screened or enclosed from view so as not to be visible from any public-rights-of-way. Screening shall be to the satisfaction of the Zoning Enforcement Official.

33. **Screened Appurtenances.** The Applicant/Property Owner shall subsurface all new transformers, switching boxes, and similar appurtenances, or shall screen them by locating them in an enclosure with walls matching the material and color of the nearest building. The enclosures shall include gates of heavy gauge corrugated steel and shall be surrounded by trees, shrubs and climbing vines. The Applicant/Property Owner shall arrange the location and treatment of the appurtenances with the gas, electric and communication providers prior to the approval of building permit(s) for vertical construction. A detail of the transformer screening shall be included on the improvement plans submitted for review and approval by the City.
34. **Backflow Prevention Devices.** Backflow prevention devices shall be installed on all new and existing domestic, commercial, irrigation, and fire water services and as required by the East Bay Municipal Utility District (EBMUD). The location of water service and backflow devices shall be subject to review and approval by EBMUD and the City. Devices shall be screened from public view by landscaping or other approved methods in the area in which the device is located. Landscaping shall blend with surrounding landscaping and, if necessary, landscaping shall be added in other areas, as required for symmetry. The final landscape package shall include landscape screening of any backflow prevention devices.
35. **Noise of Equipment.** All mechanical equipment shall be designed and maintained to comply with City noise standards and noise from any mechanical equipment, elevators or generators shall be minimized and insulated from adjacent residential units.
36. **Wireless Telecommunications Facilities.** Any future wireless telecommunications facilities proposed on the subject property shall be considered through a separate permit, and subject to lease approval and conditions, as applicable. Such facilities shall be fully screened and incorporated wholly within the building's architecture. All service equipment and conduit shall be accommodated within the building's interior. No conduit, panels or equipment shall be permitted to be mounted on the building's exterior walls. No conduit, panels or mechanical equipment may be mounted in a visible location or manner on the sides of the building.

Indemnification

37. The Applicant/Property Owner hereby agrees to defend, indemnify, and hold harmless the City of San Leandro, its Council, boards, commissions,

officers, employees and agents, from and against any and all claims, suits, actions, liability, loss, damage, expense, cost (including, without limitation, attorneys' fees, costs and fees of litigation) of every nature, kind or description, which may be brought by a third party against, or suffered or sustained by, the City of San Leandro, its Council, boards, commissions, officers, employees or agents to challenge or void the permit granted herein or any California Environmental Quality Act determinations related thereto.

38. In the event that any person should bring an action to attack, set aside, void or annul the City's approval of this Project, the Applicant/Property Owner shall defend, indemnify and hold harmless the City and/or its agents, officers and employees from any claim, action, or proceeding against the City and/or its agents, officers and employees with counsel selected by the Applicant/Property Owner (which shall be the same counsel used by Applicant/Property Owner) and reasonably approved by the City. Applicant/Property Owner's obligation to defend, indemnify and hold harmless the City and/or its agents, officers and employees shall be subject to the City's compliance with Government Code Section 66474.9.

Additional Submittals

39. **Notations to Conditions of Approval.** Prior to issuance of a Grading Permit for the expansion or area any building permits, the Applicant/Property Owner shall include notations to the conditions of approval and clearly indicate how all conditions of approval will be or have been complied with, a reference shall be provided to specific plan sheets that demonstrate compliance. Construction plans shall not be accepted without the annotated final conditions of approval document.
40. **Removal of Non-Conforming Fences.** Prior to the operation of the approved use within the expansion area, all fences on the Property taller than 7 feet as measured from grade, including structures intended to anchor climbing plants for which building permits have not been obtained, shall be removed. A Fencing Plan depicting the modifications shall be submitted to the Zoning Enforcement Official for review and approval.
41. **Landscape Improvements.** Prior to the issuance of a Grading Permit for the expansion area, a Landscaping and Irrigation Plan addressing the site perimeter along Doolittle Drive and Eden Road shall be submitted for review and approval by the Zoning Enforcement Official. The Landscaping Plan shall otherwise consistent with the requirements of Zoning Code Section 4.16. Landscaping shall be maintained consistent with the requirements of Municipal Code Section 301-205.

The plans shall document compliance with applicable Zoning Code requirements, including minimum soil depths, and shall include details such as: 1) tree size, species and location; 2) shrubs and groundcover

size, species, and location; 3) installation specifications, including tree staking; 4) irrigation details; 5) water conservation techniques; and 6) maintenance programs. Final landscape and irrigation plans shall be prepared and certified by a California licensed landscape architect and shall conform to the Model Water Efficient Landscape Ordinance (MWELO) as updated by the State of California Department of Water Resources. At the discretion of the City, the landscape plan may be reviewed by a consulting landscape architect, the cost of which shall be the responsibility of the Applicant/Property Owner.

- a. A minimum of one 24-inch box size or greater tree shall be planted per 25 linear feet of landscape area. Tree grates shall be used for trees located in hardscape areas.
- b. Shrubs shall be a container size of five gallons or greater at planting and planted at spacing distances appropriate for the plant species.
- c. Landscaped areas that are not planted with trees or shrubs shall be planted with groundcover plants. Mulch (as a ground cover) shall be confined to areas underneath plants and is not a substitute for ground cover plants.
- d. Groundcover plants other than grasses shall be four-inch pot size or greater and planted at spacing distances appropriate for the plant species.
- e. Groundcover plants shall be planted at a density that will cover the entire area within two years.
- f. Street trees proposed in the Public Rights-of-Way shall be from the approved street tree list published by the City of San Leandro Public Works Department, subject to the approval of the Public Works Director. The Applicant/Property owner shall provide irrigation to the street trees.

42. Lighting Plan. Should night lighting be added in the future, the applicant shall submit a Lighting Plan, including a photometric study, to the Community Development Department for review and approval. Such plans shall also be subject to the review of the Port of Oakland and the Airport Land Use Commission to avoid potential conflicts with aircraft.

- a. All on-site lighting shall conform to the Code requirements in effect at the time of building permit submittal.
- b. The plans and details shall show location, height, decorative features, and construction details showing materials and finishes to be used for construction.

- c. Fixtures on buildings shall be attached only to walls or eaves, and the top of the fixture shall not exceed the height of the parapet or roof or eave of roof.

ENGINEERING DIVISION REQUIREMENTS

- 43. 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.
- 44. 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.
- 45. The Contractor shall obtain an Encroachment Permit from the City of San Leandro Engineering and Transportation Department prior to beginning any work within the Public Right-of-Way.
- 46. A Grading Permit is necessary for this project. The requirements for said permit are indicated in San Leandro Municipal Code Section 7-12. The Grading Permit can be processed prior to or concurrent with other permits.
- 47. The applicant shall submit a detailed Operations and Maintenance (O&M) agreement in accordance with MRP Section C.3.h, and if desired to gain compliance with Attachment I of the amended General Permit. The O&M agreement shall be required prior to Grading Permit issuance.
- 48. The project is subject to a Construction General Permit according to the *National Pollutant Discharge Elimination System* (NPDES) General Permit No. CAS000002. The general permit is applicable to construction sites that disturb one or more acres of land surface. The applicant will be required to register the project with the State Water Board's Stormwater Multi-Application and Report Tracking System (SMARTS) website. A Qualified SWPPP Developer (QSD) and a Qualified SWPPP Practitioner (QSP) must be responsible for permit compliance. The SMARTS system will generate a Waste Dischargers Identification (WDID) number, which must be printed on the grading and/or erosion control plans.
- 49. Prior to the initiation of site work, stormwater calculations must be approved by the Engineering Division.

50. 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 the office structure, thus minimizing the need for pesticides. The trash area shall be separated from the office structure so that pests that gain access to the trash are less likely to access the rest of the office.
- b. The property shall be swept regularly to minimize the accumulation of litter and debris. Loaded trucks entering or exiting the site must have their loads covered with tarps to prevent debris from escaping.
- c. 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.
- d. 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.
- e. 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.
- f. 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.
- g. Irrigation shall be appropriate to the water requirements of the selected plants.

51. The project shall be constructed in conformance with the Geotechnical Investigation and Liquefaction Evaluation prepared by Friar Associates, Inc. dated July 2018.

52. The Phase II Subsurface Soil Investigation completed by Environmental Investigation Services, Inc. (EIS) found soil contaminants throughout the site and recommended the implementation of a Soil Management Plan (SMP) "to assure the protection of human health and the environment during site development activities and future site use." The SMP prepared by EIS shall be adhered to during the construction of this project, and includes several risk management measures, which include the following:

a. General Dust Control Measures

- i. Lightly spray active construction areas with water at least twice a day or as necessary to prevent visible dust. Avoid over-watering, which could result in runoff.
- ii. Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed construction stockpiles. Additional guidance regarding cover options is provided in Section 4.2.3 of the SMP.
- iii. Mist or spray water while loading soils into transportation vehicles or on-site roll-off bins.
- iv. Minimize drop heights while loading transportation vehicles or on-site roll-off bins.
- v. Use tarpaulins or other effective covers for trucks carrying soils that travel on streets or for covering on-site roll-off bins.
- vi. Pave, apply water, or apply (non-toxic) soil stabilizers to all unpaved access roads, parking areas and staging areas at construction sites.
- vii. Sweep daily all paved access routes, parking areas and staging areas if visible soil material is present.
- viii. Sweep street daily if visible soil material is carried onto public streets.
- ix. Limit on-site traffic speeds to 15 miles per hour.
- x. Wash off the tires or tracks of trucks and equipment leaving the Site.
- xi. Suspend excavation and other soil movement activities when winds (instantaneous gusts) exceed 20 mph.
- xii. Minimize the area of excavation, grading and other construction activities at any one time.
- xiii. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- xiv. Install wind breaks or plant trees/vegetative wind breaks at windward side(s) of construction areas, as appropriate.

b. Stockpile Management Measures

- i. When dust and erosion of a stockpile are controlled through the use of a cover, the cover will consist of anchored plastic sheeting, hydroseeding (spraying a mixture of grass seed and mulch to create a vegetative cap), or an equivalent cover. The cover type will depend on the anticipated time the stockpile will be in place, weather conditions (i.e., whether favorable to hydroseeding or not), and other practical factors such as the size of the stockpile. If a stockpile is to be in place and unused for one year or greater, it will usually be covered with hydroseeding, soil binders, or an equivalent cover.
- ii. Soil stockpiles left on-site over the long term will be inspected quarterly to ensure the integrity and continued effectiveness of implemented control measures. Unauthorized access to stockpiles located within the boundaries of an active construction site will be restricted through the use of a fence or other appropriate barrier.
- iii. If large roll-off bins up to 15 cubic yards are staged at the site and used to store stockpiled soils in conjunction with small on-site stockpiles, they must be covered with anchored sheeting as described above to control dust.

c. Control of Offsite Runoff Measures

- i. All pollutants and their sources, including sources of sediment associated with construction, construction site erosion and all other activities associated with construction activity are controlled.
- ii. Where not otherwise required to be under a Construction Stormwater General Permit, all applicable non-stormwater discharges are identified and either eliminated, controlled, or treated.
- iii. Site best management practices (BMPs) can be effective and result in the reduction or elimination of pollutants in stormwater discharges and authorized non-stormwater discharges from construction activity, based on best available technology (BAT) economically achievable for toxic pollutants and non-conventional pollutants and best conventional pollutant control technology (BCT) for conventional pollutants (BAT/BCT), when deemed appropriate.
- iv. Calculations and design details as well as BMP controls for site run-on are complete and correct, as appropriate.
- v. Stabilization BMPs installed to reduce or eliminate pollutants after construction are completed, as appropriate.

d. Soil Disposal Measures

- i. If ground disturbing activities at the Site result in the need to dispose of soil offsite, such soils must be managed and disposed in an appropriate manner which is consistent with all laws and regulations at the time of disposal.
- ii. Prior to the off-site removal of shallow soils from the Site, the waste disposal facility should be contacted, and the waste materials should be fully characterized in accordance with the waste profiling requirements and threshold acceptance levels specific to the selected disposal facility, and applicable regulatory requirements. It is the responsibility of the contractor to provide adequate information to obtain acceptance to the designated disposal facility.

e. Unknown Conditions. Development activities may reveal conditions substantially different from what is expected, such as previously unknown areas of contamination, previously unknown contaminants, or previously unknown underground structures. Upon discovery of previously unknown contamination or structures, contact EIS for assistance to determine if additional sampling is necessary or if mitigation is required. Unknown conditions that may trigger contingency monitoring procedures during development include, but are not limited to, the following:

- i. Soil with a significant chemical, petroleum hydrocarbon or solvent odor, or exhibiting conditions apparently substantially different from known Site conditions.
- ii. Significantly discolored soils substantially different from known Site conditions.

iii. Oily, shiny, or saturated soil or free product in previously undocumented areas.

- f. **Site Health and Safety Plan.** The contractor shall prepare a Site Health and Safety Plan (SHSP) for the protection of workers involved in activities that disturb the soil during construction. The SHSP shall be prepared by a qualified professional, and per the requirements in the SMP and Cal OSHA. The SHSP shall be submitted to the City for review.

53. Utility Undergrounding. New and existing electrical, telephone, CATV, and similar distribution lines providing direct service to the site, shall be installed underground within the site. The transmission pole adjacent to the site shall be undergrounded as part of the development or an in lieu fee shall be paid to the City at the time of building permit issuance.

54. Traffic Impact Fee. The City's traffic impact fee program is called "Development Fee for Street Improvements" (DFSI). No increase in traffic is expected to occur as the result of implementation of this Conditional Use Permit. However, future expansion of the site or use may be subject to fees in effect at that time. These fees are subject to change on July 1st of each year and are not vested until Building Permit issuance.

Construction Provisions

55. 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.

56. Removal of Street Trees. Prior to the removal of any street trees, the Applicant/Property Owner shall obtain the necessary approval from the Public Works Director as required by San Leandro Municipal Code Section 5-2-215, and any necessary encroachment permits from the Engineering and Transportation Department to remove the street trees at the Owner's expense.

57. 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 this City of San Leandro's Noise Ordinance, "construction" shall mean any site preparation, assembly, erection, substantial repair,

alteration, demolition or similar action, for or on any private property, public or private right-of-way, streets, structures, utilities, facilities, or other similar property. Construction activities carried on in violation of this Article may be enforced as provided in Section 4-1-1130, and may also be enforced by issuance of a stop work order and/or revocation of any or all permits issued for such construction activity. Prior to the start of construction activities, the construction contractor shall:

- a. Maintain and tune all proposed equipment in accordance with the manufacturer's recommendations to minimize noise emission.
- b. Inspect all proposed equipment and fit all equipment with properly operating mufflers, air intake silencers, and engine shrouds that are no less effective than as originally equipped by the manufacturer.
- c. Post a sign, clearly visible at the site, with a contact name and telephone number of the construction manager.
- d. Place stationary construction equipment and material delivery in loading and unloading areas as far as practicable from the residences.
- e. Limit unnecessary engine idling to the extent feasible.
- f. Use smart back-up alarms, which automatically adjust the alarm level based on the background noise level, or switch off back-up alarms and replace with human spotters.
- g. Use low-noise emission equipment.
- h. Limit use of public address systems.
- i. Minimize grade surface irregularities on construction sites.

58. Construction Activity. 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.

59. Construction Truck Route. The Applicant/Property Owner shall prepare a construction truck route plan that would restrict trucks to arterial streets that have a sufficient pavement section to bear heavy truck traffic, thereby minimizing noise and traffic impacts to the community. The construction

truck route plan shall be reviewed and approved by the City Engineer prior to receipt of the grading permit.

60. **Noise.** Procedures with the highest noise potential shall be scheduled for daylight hours, when ambient noise levels are highest.

61. **Construction Contract.** All construction contracts shall include the following requirements:

- a. Unpaved construction sites shall be sprinkled with water at least twice per day;
- b. Trucks hauling construction materials shall be covered with tarpaulins or other effective covers;
- c. Streets surrounding demolition and construction sites shall be swept at least once per day.
- d. Paving and planting shall be done as soon as possible. The City shall charge the Applicant/Property Owner, and the Applicant/Property Owner shall pay, for all costs of sweeping city streets in the vicinity of the project as necessary to control dust and spillage.

62. **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 businesses.

63. **Property Maintenance.** The project site and public right-of-way shall be well maintained and shall be kept free of litter, debris and weeds at all times. Post construction, the project site and public right of way shall be well maintained and shall be kept free of litter, debris and weeds. The Property Owner shall be responsible for the maintenance of the project site and adjacent public right-of-way.

64. **Signage.** No temporary or unauthorized signs including but not limited to banners, streamers and pennants shall be placed on the property, unless approved by the City under a Temporary Sign Permit or Special Event Permit. The use of spotlights, feather signs, animated or inflatable signs, balloons, and lasers shall be prohibited at all times.

65. **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.

ALAMEDA COUNTY FIRE DEPARTMENT

- 66. All site changes shall comply with applicable Building and Fire Codes adopted at time of Building Permit submittal.
- 67. Pedestrian egress and access gates to the public way shall be provided.
- 68. Permanent fire hydrants shall be installed along Eden Road and on-site as needed to comply with the adopted Fire Code.
- 69. A Knox box or key switch shall be installed at all vehicle gates for Fire Department access.

PORT OF OAKLAND AND AIRPORT LAND USE COMMISSION

- 70. **Avigation Easement.** Prior to issuance of a Grading Permit or Building Permit, the Applicant/Property owner shall prepare a dedicated avigation easement to the satisfaction of the Port of Oakland, and shall record the easement with the Alameda County Clerk's Office.
- 71. **Outdoor Lighting.** Any new outdoor lighting must be reviewed and approved the Port of Oakland and the Airport Land Use Commission prior to issuance of a Building Permit to prevent aircraft navigational conflicts.
- 72. **Hazardous Wildlife.** The applicant shall comply with FAA AC 150/5200-33C and shall implement measures to avoid attracting hazardous wildlife. Any stormwater features or landscaping shall be designed to minimize wildlife attractants and shall be reviewed by the Port of Oakland.
- 73. **Compressed Air Foam System.** The applicant shall maintain onsite a Compressed Air Foam System (CAFS) unit as specified in the 2021 Fire Prevention Plan, and subject to acceptance by the Port of Oakland and the Alameda County Fire Department.
- 74. **Notification.** The Applicant shall comply with notification protocols to Oakland International Airport Operations for smoke, fire, or hazardous release events.
- 75. **Staff Training.** The City of San Leandro shall verify staff training during the previous year as outlined in the Fire Prevention Plan and confirm satisfactory inspections by City of San Leandro Environmental Services and the Alameda County Fire Department during the previous year.
- 76. **FAA Filing.** The project applicant shall file a Federal Aviation Administration (FAA) Form 7460.

MITIGATED NEGATIVE DECLARATION MITIGATION MEASURES

- 77. **BAAQMD Best Management Practices for Construction-Related Fugitive Dust Emissions. (AQ-1)** The project applicant shall require all construction contractors to implement the basic construction mitigation

measures recommended by BAAQMD to reduce fugitive dust emissions. Emission reduction measures will include, at a minimum, the following measures:

- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- f. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
- g. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
- h. Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch compacted layer of wood chips, mulch, or gravel.
- i. Publicly visible signs shall be posted with the telephone number and name of the person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's General Air Pollution Complaints number shall also be visible to ensure compliance with applicable regulations.

78. Nesting Bird Avoidance and Minimization Measures (BIO-1). The following avoidance and minimization measures shall be implemented during project construction activities:

- a. Initial site disturbance shall occur outside the general avian nesting season (February 1 through September 15), if feasible.
- b. If initial site disturbance occurs in a work area within the general avian nesting season indicated above, a qualified biologist shall conduct a pre-construction nesting bird survey no more than 14 days prior to initial disturbances in the work area. The survey shall include the entire area of disturbance area plus a 50-foot buffer (relevant to non-raptor

species) and 300-foot buffer (relevant to raptors) around the site. If active nests are located, all construction work shall be conducted outside a buffer zone from the nest to be determined by the qualified biologist. The buffer should be a minimum of 50 feet for non-raptor bird species and at least 300 feet for raptor species. Larger buffers may be required and/or smaller buffers may be established depending upon the species, status of the nest, and construction activities occurring in the vicinity of the nest. The buffer area(s) shall be closed to all construction personnel and equipment until the adults and young are no longer reliant on the nest site. A qualified biologist shall confirm that breeding/nesting is completed and young have fledged the nest prior to removal of the buffer.

- c. If construction activities in a given work area cease for more than 14 days, additional surveys shall be conducted for the work area. If active nests are located, the aforementioned buffer zone measures shall be implemented.

79. Unanticipated Discovery of Cultural Resources (CUL-1). In the event that archaeological resources are unexpectedly encountered during ground-disturbing activities, work within 50 feet of the find shall halt and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (National Park Service 1983) shall be contacted immediately to evaluate the find. If the resource is determined by the qualified archaeologist to be prehistoric, then a Native American representative shall also be contacted to participate in the evaluation of the resource. If the qualified archaeologist and/or Native American representative determines it to be appropriate, archaeological testing for CRHR eligibility shall be completed. If the resource proves to be eligible for the CRHR and impacts to the resource cannot be avoided via project redesign, a qualified archaeologist shall prepare a data recovery plan tailored to the physical nature and characteristics of the resource, per the requirements of CCR Guidelines Section 15126.4(b)(3)(C). The data recovery plan shall identify data recovery excavation methods, measurable objectives, and data thresholds to reduce any significant impacts to cultural resources related to the resource. Pursuant to the data recovery plan, the qualified archaeologist and Native American representative, as appropriate, shall recover and document the scientifically consequential information that justifies the resource's significance. The City shall review and approve the treatment plan and archaeological testing as appropriate, and the resulting documentation shall be submitted to the regional repository of the CHRIS, per CCR Guidelines Section 15126.4(b)(3)(C).

80. Natural Gas Use Reduction (GHG-1). The building and its appliances (space heating, hot water heating, office cooking facilities, etc.) shall all be electric. Natural gas plumbing shall be permitted, activated and operated only for specific industrial or manufacturing processes that require natural

gas as a critical component to that process or processes. The final site plans shall note that building appliances must be all electric. Building tenants shall be made aware of the restricted use of natural gas through language in the leasing and/or deed documentation.

- 81. Project Demolition Activities (HAZ-1).** In conformance with State and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site building(s) to determine the presence of asbestos-containing materials (ACMs) and/or lead-based paint. Documentation of the survey shall be provided to the City of San Leandro prior to commencement of demolition activities.

During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Title 8, California Code of Regulations (CCR), Section 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of lead being disposed.

All potentially friable asbestos containing materials (ACMs) shall be removed in accordance with National Emission Standards for Air Pollution (NESHAP) guidelines prior to demolition or renovation activities that may disturb ACMs. All demolition activities shall be undertaken in accordance with Cal/OSHA standards contained in Title 8, CCR, Section 1529, to protect workers from asbestos exposure.

A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above in this mitigation measure. Materials containing more than one-percent asbestos are also subject to Bay Area Air Quality Management District regulations. Removal of materials containing more than one-percent asbestos shall be completed in accordance with Bay Area Air Quality Management District requirements and notifications.

Based on Cal/OSHA rules and regulations, the following conditions shall be implemented to limit impacts to construction workers:

- a. Prior to commencement of demolition activities, a building survey, including sampling and testing, shall be completed to identify and quantify building materials containing lead-based paint.
- b. During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, CCR, Section 1532.1, including employee training, employee air monitoring and dust control.
- c. Any debris or soil containing lead-based paint or coatings shall be

disposed of at landfills that meet acceptance criteria for the type of waste being disposed.

82. Implementation of the Revised Soil and Groundwater Management Plan and DTSC Regulatory Oversight (HAZ-2). The project shall implement the appropriate handling procedures and worker health and safety measures during excavating or dewatering activities as described in the site-specific Revised Soil and Groundwater Management Plan developed by RMD Environmental Solutions for the project in June 2021 (included as Appendix D to this EIR). Measures included in the Revised Soil and Groundwater Management Plan to control potential hazardous contamination and exposure include, but are not limited to the following:

- a. Construction contractors shall implement dust control mitigation measures during construction activities at the project site to minimize the generation of dust. Examples of dust control measures that shall be implemented include routinely applying water or non-toxic soil stabilizers to exposed soils while performing grading and excavation activities; sweeping (with wet power sweepers) paved access roads, parking areas, and staging areas; covering or otherwise stabilizing soil stockpiles at the end of each workday; And suspending construction activities that cause visible dust plumes and odors to extend beyond project site boundaries. Some additional dust control mitigation measures listed in the Soil and Groundwater Management Plan include limiting construction vehicle and equipment speeds to 15 miles per hours when operated on exposed soils and removing visible loose soils from vehicles before leaving the project site.
- b. To prevent or minimize construction equipment from tracking polluted spoils off the site onto roadways, trucks used to transport soil will be loaded in a manner to minimize soil spillage and fugitive dust. Examples of ways to load trucks to minimize spillage and dust include loading the truck bed to less than full capacity and covering the bed of truck after it has been loaded.
- c. Construction equipment shall be cleaned prior to movement out of active work zones in impacted areas. The equipment wheels/tires shall be cleaned by means of shovels and stiff-bristled brooms or brushes until they are fully cleaned. Upon completion of cleaning, debris shall be placed in the appropriate transportation vessel and the plastic sheeting shall be disposed. If washing water is required, decontamination wash water shall be profiled and transported to an appropriate disposal or recycling facility. Equipment exiting the project site shall be inspected and logged for compliance with the site decontamination requirements.
- d. A construction Health and Safety Plan shall be prepared by the

project applicant or its general contractor for the proposed project in accordance with Federal and State Occupational Safety and Health Administration (OSHA) standards for hazardous waste operations (29 Code of Federal Regulations [CFR] 1910.1208 and 8 California Code of Regulations [CCR] 5192, respectively). Subcontractors shall either adopt the General Contractor's Health and Safety Plan or prepare their own Health and Safety Plan satisfying the same regulatory requirements. The General Contractor shall be responsible for verifying that onsite construction workers and visitors have read and adhere to the procedures established in the Health and Safety Plan. A copy of the Health and Safety Plan shall be kept onsite during redevelopment activities. In the event that unanticipated conditions occur at the site, the General Contractor shall be responsible for modifying the Health and Safety Plan accordingly.

- e. Field screening of soil shall be conducted continuously during ground disturbing activities using a calibrated handheld photoionization detector or other organic vapor meter. Field screening using a photoionization detector shall be conducted by properly trained General Contractor and/or Environmental Consultant personnel. Based on the field screening, excavated soil shall be separated into stockpiles in three categories: 1) Background Soil: No visual and odor indicators, and photoionization detector measurements that are consistent with background levels. Photoionization detector readings of up to 5 parts per million by volume (ppmv) shall be considered background levels. These soils can be characterized for onsite reuse, if applicable; 2) Interim Soil: No visual and odor indicators, and photoionization detector measurements between 5 ppmv and 50 ppmv. These soils can be characterized for onsite reuse, if applicable; and 3) Contaminated Soil: Staining and odor indicators present, and/or photoionization detector measurements of more than 50 ppmv. These soils shall be further evaluated and are likely to be characterized for offsite disposal.
- f. If soil exhibiting evidence of contamination (e.g., visual and odor indicators, and photoionization detector measurements of more than 50 ppmv), is encountered during ground disturbing activities, the project applicant and/or General Contractor shall cease ground disturbing activities in the area and delineate the area with barricades or fencing, stakes and plastic sheeting as appropriate, and signage to notify onsite workers and visitors of access restrictions. The General Contractor shall notify the Property Owner and Environmental Consultant. Upon notification, the Environmental Consultant shall implement and/or provide oversight. Stormwater pollution controls shall be implemented by the project applicant and/or General Contractor to minimize sediment runoff in

stormwater. Best Management Practices including grading the site and installing stormwater control measures such as temporary earth berms or erecting silt fences around the perimeter of exposed soil at the site, shall be implemented to prevent erosion and sediment runoff from the site. Straw bale barriers or sediment traps shall be required to protect any existing catch basins or drainage channels.

- g. During project construction activities, soil and/or groundwater sampling, removal and management of discovered underground structures (e.g., storage tanks), chemical analysis and proper disposal of contaminated materials, and soil import activities shall be documented in a daily field log by the project applicant and/or General Contractor and/or Environmental Consultant. At the completion of the construction activities, a Construction Completion Report shall be prepared by the Environmental Consultant for submittal to DTSC that summarizes the soil and groundwater handling activities.

The DTSC shall continue to be utilized for agency oversight of assessment and remediation of the project site through completion of construction activities. In addition to implementing the Revised Soil and Groundwater Management Plan, prior to commencement of construction and grading activities at the project site, the project applicant shall implement and/or complete the following tasks, and other tasks if requested by DTSC, regarding the open Site Cleanup Program Case:

- h. Implement the November 19, 2020, Redevelopment-Related Groundwater Monitoring Well Network Modification Work Plan, as approved by DTSC on May 26, 2021
- i. Implement the October 5, 2021, Revised Vapor Intrusion Mitigation System Implementation Work Plan, as approved by DTSC on December 1, 2021
- j. Implement the October 21, 2021, Revised Community Air Monitoring Plan (CAMP), as approved by DTSC on December 1, 2021
- k. Prepare a Five-Year Remedial Action Review Report for the years 2019-2023 as specified in a DTSC letter dated May 3, 2022
- l. Implement the August 30, 2022, Soil Vapor Probe Destruction Workplan, as approved by DTSC on September 29, 2022.

Upon submittal or completion of the information above, and in accordance with the 2012 Land Use Covenant, DTSC may require actions such as:

development of subsurface investigation workplans; completion of soil, soil vapor, and/or groundwater subsurface investigations; installation of soil vapor or groundwater monitoring wells; soil excavation and offsite disposal; completion of human health risk assessments; and/or completion of remediation reports or case closure documents. Subsurface soil, soil vapor, and groundwater investigations, if required, shall be conducted in accordance with a sampling plan that shall be reviewed and approved by the DTSC.

The DTSC approval documents shall be submitted to and reviewed by the City prior to issuing grading permits.

- 83. Construction Dewatering Requirements (HAZ-3).** Construction dewatering effluent, if produced, shall be pumped into holding tanks or United Nations (UN)-rated 55-gallon drums with appropriate labeling and secondary containment. If dewatering effluent would be discharged to an existing storm drain or drains, a National Pollutant Discharge Elimination System (NPDES) permit shall be obtained from the Regional Water Quality Control Board. If dewatering effluent would be discharged to the San Leandro Water Pollution Control Plant, an industrial pre-treatment permit shall be obtained from the San Leandro Environmental Services Section.

Chemical analysis shall be performed in accordance with the receiving facility's requirements prior to discharge. If concentrations exceed the limits established for the discharge point, the dewatering effluent shall either be (1) transferred into a vacuum truck or properly labeled UN-rated 55-gallon drums and transported offsite for disposal at an appropriately licensed disposal facility; or (2) treated and discharged following sampling and analysis to confirm compliance with permit requirements.

- 84. Groundwater Monitoring Well Protection (HAZ-4).** A November 19, 2020, Redevelopment-Related Groundwater Monitoring Well Network Modification Work Plan (RMD Environmental Solutions 2020c), which was approved in 2021 DTSC letter, was prepared to reduce the potential for damaged or lost wells during development of the project site. Based on available development plans at that time, the monitoring wells were designated for either:

- a. Protection in areas where minimal grade changes are anticipated. These monitoring wells shall be marked with paint and/or installation of delineators/snow fencing/bollards. The project applicant and/or General Contractor shall protect these groundwater monitoring wells and maintain access to the wells for routine monitoring to the extent practicable; or
- b. Destruction in areas within the building footprint and areas with substantial grade changes.

The DTSC shall be notified of changes to these designations based on modifications to the development plans and/or input from the project applicant and/or General Contractor with rationale for wells that do not warrant replacement. Prior to removal or installation of any wells, permits shall be acquired from the Alameda County Public Works Agency.

85. Engineered Vapor Barrier Requirement (HAZ-5). An engineered vapor barrier shall be employed to further protect against possible vapor intrusion of chemicals of potential concern into the proposed building. The vapor barrier shall be designed to meet the needs of the building. Vapor barriers are generally constructed using membranes constructed with high-density polyethylene or other polyolefin-based resins. The vapor barrier shall be resistant to volatile organic compounds. The vapor barrier shall meet the American Society for Testing and Materials guideline for a vapor barrier and have a permeance rating of 0.1 perms or less. The thickness and strength of the vapor barrier shall be based on the needs for the building, but the architect and contractor shall use a material strong enough to easily withstand the building construction and other building considerations. The selected vapor barrier shall be approved by the DTSC or Regional Water Quality Control Board prior to installation. Written approval from either the DTSC or Regional Water Quality Control Board shall be provided to the City of San Leandro before building permits are issued.

86. Bioretention Design Coordination (HAZ-6). The project applicant shall consult with the City of San Leandro on location and/or design of the on-site bioretention basins to ensure protection of the groundwater basin, which may include, but is not limited to, locating the basins outside of the restricted areas or use of a liner in the detention basin. The final design and location of the on-site bioretention basins shall demonstrate that groundwater would be protected from contamination. If bioretention basins are proposed in the restricted areas, DTSC and/or the San Francisco Bay RWQCB shall also approve the design of the bioretention basins.

87. On-Site Noise Barrier (NOI-1). The applicant shall install a permanent noise barrier along the property boundary that is oriented in a northwest-southeast direction and separates the project site from APN 77A-742-3-2. The noise barrier shall be a solid fence or wall design and no less than 8 feet tall. The noise barrier shall be no less than 140 feet in length, beginning at the southernmost end of this property boundary.

88. Static Roller Requirement (NOI-2). The project applicant and/or its construction contractors shall use of a static roller in lieu of a vibratory roller for paving activities within 15 feet of the existing off-site buildings to

the north and west of the project site. City staff shall verify that this requirement is incorporated into construction plans prior to issuance of a building permit and verified in the field.

89. Unanticipated Discovery of Tribal Cultural Resources (TCR-1). In the event that cultural resources of Native American origin are identified during project construction, all earth-disturbing work within 50 feet of the find shall be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find as a cultural resource and an appropriate local Native American representative is consulted. If the City, in consultation with local Native American tribes, determines that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with state guidelines and in consultation with local Native American group(s). The plan shall include avoidance of the resource or, if avoidance of the resource is infeasible, the plan shall outline the appropriate treatment of the resource in coordination with the appropriate local Native American tribal representative and, if applicable, a qualified archaeologist. The plan shall include measures to ensure the find is treated in a manner that respectfully retains, to the degree feasible, the qualities that render the resource of significance to the local Native American group(s). Examples of appropriate mitigation for tribal cultural resources include, but are not limited to, protecting the cultural character and integrity of the resource, protecting traditional use of the resource, protecting the confidentiality of the resource, or heritage recovery.

PASSED, APPROVED, AND ADOPTED, on this 5th day of March, 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Anthony Tejada,
Chair of the Planning Commission

ATTEST:

Wayland Li, AICP
Secretary to the Planning Commission