

City of San Leandro

Civic Center, 835 E. 14th Street
San Leandro, California 94577
www.sanleandro.org



March 12, 2015

Laura M. Pate,
Engineer II
Waste Management of Alameda County
172 98th Avenue
Oakland, CA 94603

**SUBJECT: Response to Request for a Second Timeline Extension for PLN2010-00026 –
AGREEMENT TO CONDITIONS**

Dear Ms. Pate:

In a letter dated November 21, 2014, Waste Management of Alameda County requested a second extension to the timeline included in the Agreement to Conditions for PLN2010-00026. The letter cited a delay in implementing most of the Master Plan Improvements on the Davis Street Transfer Station campus because of the protracted tendering and award process with the City of Oakland Zero Waste Services contracts. In response to this request, I am writing you with our determination.

The Agreement to Conditions from the January 4, 2011 approval allows for a modification of the approved schedule upon written request. The schedule approved on January 4, 2011 and extended on January 26, 2012, with the second extension changes requested are as follows:

Phase I: Anticipated Permit Application Date: ~~Third Quarter, 2012~~ **First Quarter, 2015**
• ~~Food Waste/Organics Recycling Facility (a.k.a. Integrated Waste Processing Facility, IWPF)~~

- ~~Employee Building~~
- **Alternate Fuel (Clean Air) Retrofit**

Phase II: Anticipated Permit Application Date: ~~Fourth Quarter, 2012~~ **Third Quarter, 2015**

- **Single Stream Expansion Line (New SS Expansion)**
- ~~Food Waste/Organics/Green Waste Compost Facility~~
- **Food Waste/Organics Recycling Facility (a.k.a. Integrated Waste Processing Facility, IWPF)**
- **Employee Building**
- **C/D Receiving Canopy**
- **Green Waste Biofiltration**

Pauline Russo Cutter, Mayor

City Council:

Deborah Cox
Jim Prola

Benny Lee
Ursula Reed

Corina N. López
Lee Thomas



Phase III: Anticipated Permit Application Date: ~~First Quarter, 2014~~ Second Quarter, 2016

~~Public Receiving (Disposal) Enclosure~~

- Overhead Conveyance System

~~Alternate Fuel (Clean Air) Retrofit~~

~~Vehicle Maintenance~~

Phase IV: Anticipated Permit Application Date: First Quarter, 2017 (New Phase)

- Food Waste/Organics/Green Waste Compost Facility
- Public Receiving (Disposal) Enclosure
- Vehicle Maintenance

The City of San Leandro is able to extend the timeline as requested above, since a landscape funding agreement has been made between Waste Management of Alameda and the East Bay Regional Park District. If you have any questions, please call the Anjana Mepani, Planner II at 510-577-3348.

Sincerely,



Cynthia Battenberg, Zoning Enforcement Official
Community Development Department

[illegible]

**PARKING REQUIRED FOR USES DEFINED IN SAN
LEANDRO ZONING CODE**

100' OFFICE (1,300 S.F.)	18,500/300 = 61.67
100' WAREHOUSE (CATERILLAR 300 S.F.)	30,000/1,000 = 30.00
100' WAREHOUSE (FURNITURE 200 S.F.)	72,000/300 = 240.00
TOTAL PARKING REQUIRED FOR	163.67 CARS
*see table in ATTACHMENT	

[illegible]

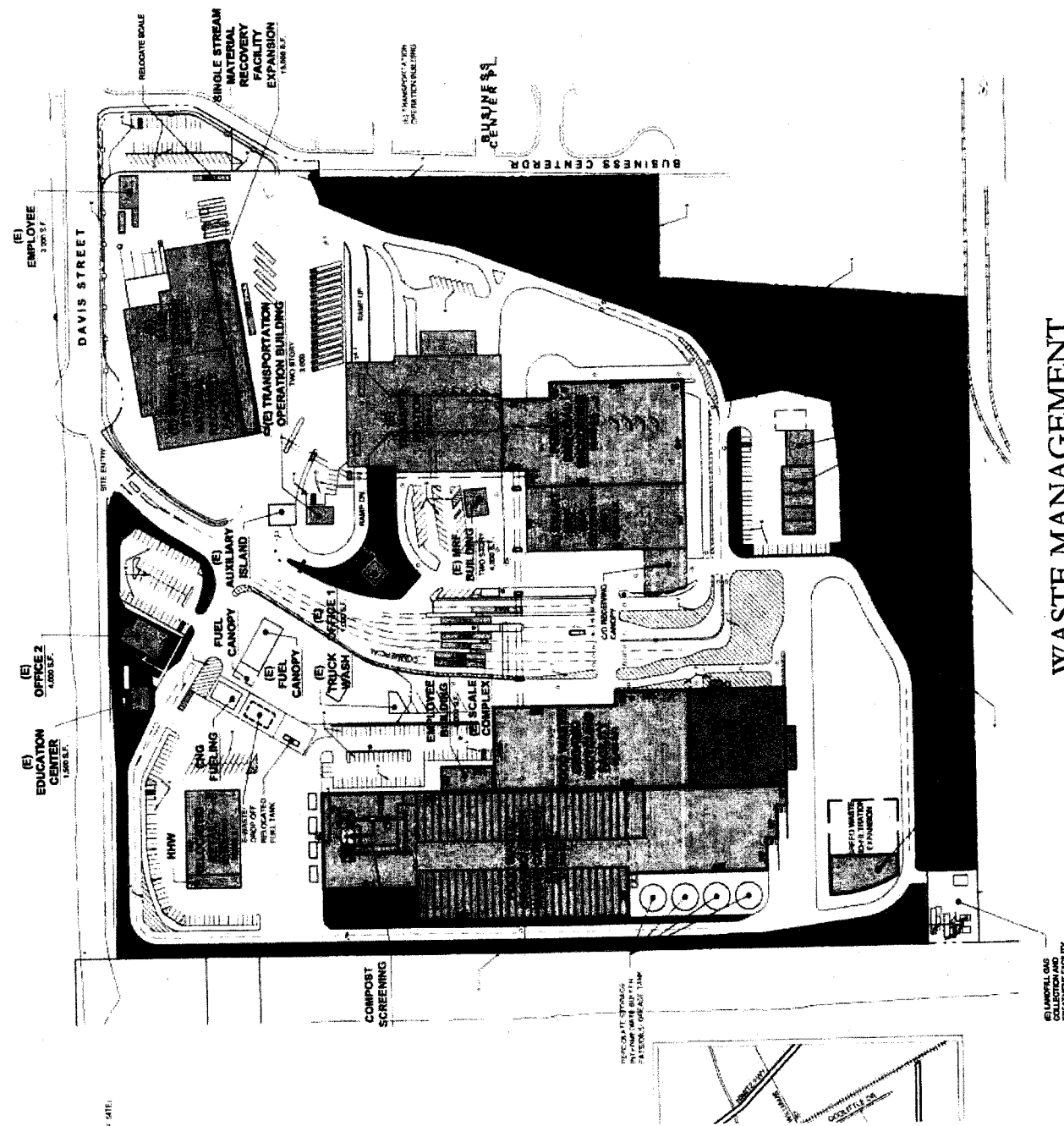
STABLE DOLPHINS IN COAST	21 STABLE
STABLE PART OF CAMEL CAMEL	10 STABLE
TOTAL HARBORING WILDLIFE	309 STABLE

16"	2	14"	6
EREN, STORMING STALL		UNCO, WAPPING STAN.	
EXES, JAMNAB STALL		UNCO, WAPPING STALL	

TOTAL PARKING PROVIDED: 309 STALLS

0-021215

2615 DAVIS STREET
SAN LEANDRO, CA.



RECORDING REQUESTED BY:

City of San Leandro
Planning Services Division
835 East 14th Street
San Leandro, California 94577

WHEN RECORDED MAIL TO:

Marian Handa, City Clerk
City of San Leandro
835 East 14th Street
San Leandro, California 94577



2011379367

12/29/2011 02:38 PM

OFFICIAL RECORDS OF ALAMEDA COUNTY
PATRICK O'CONNELL
RECORDING FEE: 0.00



17 PGS

THIS SPACE FOR RECORDER'S USE ONLY

(No fee pursuant to Government Code Section 27383)

AGREEMENT TO CONDITIONS

PLN2010-00026 – 2615 Davis Street
Davis Street Transfer Station Master Plan Improvements
Waste Management of Alameda County, Inc. (applicant and property owner)

THIS AGREEMENT is entered into by and between the CITY OF SAN LEANDRO, a municipal corporation, hereinafter referred to as "City," and Waste Management of Alameda County, Inc., hereinafter referred to as "applicant and property owner".

Applicant and property owner applied for and received Site Plan Review approval of PLN2010-00026 approved on January 4, 2011, to construct the build-out of the Davis Street Transfer Station Master Plan Improvements, approved as a Conditional Use Permit in February 1998 under CU-96-1, with six facilities totaling approximately 353,000 square feet, where new construction over 2,500 s.f. requires Site Plan Review per Article 25; Assessor's Parcel 77A-0475-7-32.

NOW, THEREFORE, pursuant to the applicable provisions of the Zoning Code, it is mutually agreed as follows:

1. Applicant agrees to comply with the Conditions of Approval adopted by the City of San Leandro Community Development Director, more specifically described in the list of Conditions of Approval, attached hereto, and as described in the exhibits on file in the Community Development Department, all of which are incorporated herein by this reference.
2. This agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, successors, and assigns.
3. City is authorized to record this agreement and any amendments thereto with the Alameda County Recorder, California. All amendments hereto must be in writing and signed by the appropriate authorities of the City and Applicant. The Applicant will be charged the costs of recordation and agrees to pay same. Conditions run with the land and are binding to future owners of the property.
4. Applicant and Property Owner have read and fully understand all of the foregoing terms and conditions, and hereby agree that all said terms and conditions are as approved by the City of


San Leandro Community Development Director in accordance with law, and hereby agrees to comply with all of said terms and conditions.

IN WITNESS WHEREOF, duly executed by the parties as of the day and year below written.

This SITE PLAN REVIEW must be exercised within ONE YEAR or it expires.

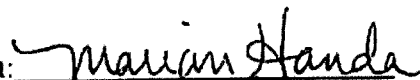
(Acknowledgment)

Barry Skolnick, Vice President,
Cal Bay Market Area
Waste Management of Alameda County,
Inc. as applicant and property owner


Signature Date 9/28/2011


Receipt of Executed Approval: I hereby certify that I am the Community Development Director of the City of San Leandro and in that capacity did receive this copy of PLN2010-00026 Agreement to Conditions fully executed by all parties thereto, and that the effective date of this zoning approval granted herein is January 4, 2011.

CITY OF SAN LEANDRO, a municipal
corporation

Attest: 
Marian Handa, City Clerk


William Schock, Zoning Enforcement Official
Community Development Director

Approved as to Form:


Richard Pio Roda, Assistant City Attorney

CONDITIONS OF APPROVAL

**PLN2010-00026 – 2615 Davis Street
Davis Street Transfer Station Master Plan Improvements
Waste Management of Alameda County, Inc. (applicant and property owner)**

I. COMPLIANCE WITH APPROVED PLANS

- A. The project shall comply with Exhibits A through J, attached to the staff report dated January 4, 2011, except as hereinafter modified. (Exhibits are on file at the City of San Leandro, Community Development Department, 835 East 14th Street, San Leandro, California, 94577).

Exhibit A – Site Layout

Exhibit B – Circulation Plan

Exhibit C – Overall Floor Plan

Exhibit D – Food Waste/Organic/Green Waste Compost Facility Floor Plan

Exhibit E – Food Waste/Organic Recycling Facility Floor Plan

Exhibit F – Public Disposal Enclosure Floor Plan

Exhibit G – Food Waste Recycling Elevations

Exhibit H – Renderings

Exhibit I – Existing Water Quality Plan

Exhibit J – Ultimate Water Quality Plan

- B. The applicant and/or property owner shall be responsible for assuring that any successor in interest who assumes responsibility for this zoning approval is informed of its terms and conditions.
- C. The Conditions of Approval under CU-96-1 approved by the Board of Zoning Adjustments in February 1998 shall remain in full effect except as hereinafter modified.
- D. Construction of the project shall remain in substantial compliance with the approved exhibits and plans, with the exception of interim improvements that may be implemented that are necessary to allow the applicant to maintain operations during construction and/or remain operational until a future phase is completed.
- E. The project shall have the following phasing for construction:
- Phase I: Anticipated Permit Application Date: First Quarter, 2012
- Food Waste/Organics Recycling Facility
 - Employee Building
 - Single Stream Expansion Line (New SS Expansion)
- Phase II: Anticipated Permit Application Date: First Quarter, 2013
- Food Waste/Organics/Green Waste Compost Facility

Phase III: Anticipated Permit Application Date: First Quarter, 2014

- Public Receiving (Disposal) Enclosure
- Overhead Conveyance System
- Alternate Fuel (Clean Air) Retrofit
- Vehicle Maintenance

Construction for each phase shall commence within one (1) year of the approval of the Site Plan Review of the Master Plan Improvements or the subsequent Phase timeline listed above, and shall be substantially completed one year after commencement of construction. Staff notes that the above phasing is approximate and is subject to financing timelines that are subject to change. The applicant may request extensions of the timelines above, with a written request to the Zoning Enforcement Official.

For the purpose of compliance with this condition, commencement of construction shall be defined as the pouring or construction of a substantial portion of the building foundation structure. Pursuant to Zoning Code Section 5-2218, this approval shall lapse on January 4, 2012 unless a) a building permit has been issued for one of the Phase I facility listed above, coupled with diligent progress evidencing good faith intent to commence the intended use, or b) a written request for a one-year extension is approved by the Zoning Enforcement Official.

II. PERMITTED USE

- A. This Site Plan approval permits the following facilities related to existing operations at 2615 Davis Street; Alameda County Assessor's Parcel Number 79A-475-7-32 (floor area figures are approximate):

- Food Waste/Organics Recycling Facility: 62,000 square feet
- Food Waste/Organics/Green Waste Compost Facility: 200,000 square feet
- Public Receiving (Disposal) Enclosure: 62,000 square feet
- Employee Building: 9,000 square feet
- Vehicle Maintenance: 7,000 square feet
- Single Stream Expansion Line (New SS Expansion): 13,000 square feet
- Overhead Conveyance System
- Alternate Fuel (Clean Air) Retrofit

- B. Any lighting shall be high pressure sodium or other energy conserving lighting and shall be designed and located so as not to interfere with traffic on adjacent streets and so as not to shine on adjacent properties, details subject to the approval of the City Engineer and Zoning Enforcement Official or Community Development Director.

- C. All exterior/roof-top mechanical equipment shall be screened from view so as not to be visible from adjacent properties or streets, to the satisfaction of the Zoning Enforcement Official. Pacific Gas and Electric (PG&E) transformer(s) shall be located underground or, if above ground, shall be shielded or located in an

obscure location. This condition shall not apply to wireless cable receivers that do not exceed three feet in diameter.

- D. The new parking areas shall be paved with an impervious surface and have drainage, wheel stops, lighting, space marking, and directional signs.
- E. Outdoor parking area lighting shall not employ a light source higher than twelve (12) feet and shall create no cone of direct illumination greater than sixty degrees (60°) from a light source higher than six (6) feet and shall not directly shine onto an adjacent street.
- F. Public deliveries of waste shall be controlled by Waste Management staff at the self-haul site.

III. PLAN SUBMITTALS

A. Landscape Design

Prior to issuance of building permits, a California licensed landscape architect or California licensed landscape contractor shall develop and submit landscape and irrigation plans. The approved landscaping and irrigation shall be installed prior to issuance of Certificate of Occupancy for the Food Waste/Organic/Green Waste Compost Facility of the Master Plan Improvements.

Prior to issuance of a building permit for the proposed Food Waste/Organic/Green Waste Compost Facility, the Applicant shall work with the City and the East Bay Regional Park District (Park District) to prepare a landscape plan for the areas to the west of the new Food Waste/Organic/Green Waste Compost Facility, along the western boundary of the Transfer Station.

1. Landscape areas on Waste Management site, including the landscape swath of approximately 9,600 square feet (approximately 10 feet by 960 feet), shown on the Site Plan (Exhibit A) as "Site Landscaping": The landscape plan shall consist of plant materials that add visual interest and that complement the architectural design of the Food Waste/Organic/Green Waste Compost Facility.
2. Landscape areas located on the Oyster Bay Regional Park (Park) along the east facing slope of the Park adjacent to the Davis Street Transfer Station: The landscape plan shall address deficiencies in landscaping on the site and that have a visual benefit to the overall area with selective additional plantings. Said plan shall consist of an appropriate pallet of native and drought resistant trees and shrubs that are consistent with the landscaping the Park District has planted on other portions of the Park.

Proposed landscape plans shall conform to the City of San Leandro Zoning Code Article 19 and shall be subject to the review and approval of the Community Development Director.

B. Architectural Design

Prior to issuance of building permits, building plans and specifications for each of the facilities within the phases outlined in Condition I.E above, shall be submitted for review and approval to the Community Development Director to ensure the quality of the exterior design.

1. The applicant shall provide detailed architectural elevations for the review and approval of the Community Development Director. Said elevations shall include architectural features that have adequate articulation, with appropriate window placement, use of detailing, and changes in window planes to provide visual interest.
2. The applicant shall provide a color and materials board for the review and approval of the Community Development Director. Said materials and colors shall be compatible with those of surrounding structures.

C. Green Building Specifications

Building permit construction documents shall include a completed Leadership in Energy and Environmental Design (LEED) checklist showing a minimum compliance with mandatory measures on the checklist. The checklist must be submitted with plan sets, and any items that are marked on the checklist must then be referenced and detailed in the plans. Any items checked on the list for which official LEED points are sought by the project applicant must be completed prior to receipt of final permit. Said checklist is subject to the review and approval by the Community Development Director.

IV. FIRE DEPARTMENT

- A. Fire hydrants and fire flow are required for the buildings per the California Fire Code. If additional fire hydrants are required, they shall be installed prior to vertical construction of the building. The fire flow information for the site is available from EBMUD.
- B. Automatic sprinkler systems are required in the buildings. The sprinkler systems are required to be monitored by a UL listed and certificated central station.
- C. A Knox key box is required at the entry to each building.
- D. All weather emergency vehicle access roads (minimum 20 feet wide with a minimum 42 feet turning radius) shall be provided within 150 feet of the exterior walls of the buildings. Red curbs or signage (labeled "NO STOPPING FIRE LANE CVC 22500.1") shall be provided where parking or storage would block the access roads.
- E. Outdoor combustible storage shall comply with the San Leandro Fire Code section 315. The storage over 6 feet high shall not be within 10 of property lines. The storage 6 feet high or less shall not be within 3 of the property lines. The storage shall not exceed 20 feet high.

- F. The project shall comply with the applicable building and fire codes as adopted by the City of San Leandro. Site and building plans shall be provided for review and approval.

V. BUILDING AND SAFETY SERVICES DIVISION

The applicant shall apply for building permits with construction documents that address the following issues. For each of the facilities outlined in Condition I.E above, plans shall comply with the California Building Code that is in effect at the time of permit application.

- A. Type of construction and occupancy must be determined and be stated on plans.
- B. Based on location of property lines, fire resistivity of exterior walls and protection of their openings must be determined as per the California Building Code (CBC) in effect at the time of the permit application.
- C. Based on type of occupancy and type of construction the documents must demonstrate that total floor area of all building is within allowable floor area. The location of any assumed property lines between the buildings must be shown on plans as well as their clear dimensions from property line/assumed property line to closest exterior face of wall of the building. (See CBC Table 503, CBC Sec. 503.1.2 & Sec.704.3 or corresponding table in the CBC in effect at time of permit application.)
- D. Plans must demonstrate whether occupancy separation is needed between different types of occupancy as per CBC. Table 508.3.3 and CBC. Sec.508 or the corresponding table in the CBC in effect at time of permit application.)
- E. Toilet fixture count for each building should be based on California Plumbing Code in effect at time of permit application and must be accessible.
- F. Subject parcel is located within a Flood Zone. An Elevation Certificate is required for each new building and pad, indicating that they are above Base Flood Elevation.
- G. Adequate seismic structural separation between buildings is required.

VI. ENGINEERING & TRANSPORTATION DEPARTMENT

- A. Pursuant to Government Code Section 66020, including Section 66020 (d) (1), the City HEREBY NOTIFIES the applicant for this Project that the 90-day approval period (in which the applicant may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) will begin on the date of the conditional approval of this Project. If you fail to file a protest within this 90-day period, complying with all of the

requirements of Government Code Section 66020, you will be legally barred from later challenging any such fees, dedications, reservations or other exactions.

- B. The proposed development shall comply with City ordinances, policies and regulations current at the time of each permit issuance. All improvements shall be in accordance with the City's Design Standards, Specifications and Standard Plans unless otherwise specifically approved by the City Engineer.
- C. Applicant shall pay design review fees, permit fees, inspection fees, sewer connection fees, and any other fees charged by the City or other reviewing agencies for the review, approval, permitting and inspection of the public and/or private improvements. Applicant shall pay fees calculated at the time of each permit issuance.
- D. Applicant shall participate in and not object to the formation of an assessment district for the construction of Eden Road provided that the cost to each property owner within the district is based on a rational distribution of the value of benefit received.
- E. Applicant shall have site improvements designed and stamped by a civil engineer registered to practice within the State of California. Applicant shall obtain approval of the City Engineer for all on site improvements prior to the issuance of Building Permits for the project.
- F. Applicant shall obtain a Grading Permit from the Engineering and Transportation Department for onsite work prior to issuance of Building Permits and shall complete all grading work prior to issuance of a certificate of occupancy.
- G. If the design of any site improvement requires encroachments onto neighboring properties during construction, Applicant shall submit written agreements with that property owner to the City Engineer, for review and approval, prior to issuance of the building permit.
- H. Applicant shall have public improvements designed and stamped by a civil engineer registered to practice within the State of California. Applicant shall obtain approval of the City Engineer for all public improvements prior to the issuance of Building Permits for the project.
- I. Applicant shall obtain an Encroachment Permit from the Engineering and Transportation Department and pay encroachment permit fees for any work within the public right-of-way prior to the issuance of building permits for the project.
- J. Applicant shall comply with the regulations and provisions contained in the City's Grading Ordinance, and the City's Municipal Regional Storm Water Permit current at the time of permit issuance, to the satisfaction of the City Engineer.
- K. Applicant shall comply with the following high standards for sanitation during construction of improvements: Garbage cans, construction dumpsters, and debris piles shall be removed on a minimum weekly basis. All food related trash items

such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers only and shall be regularly removed from the site. Inspections, conducted as part of the regular construction compliance, will be conducted to ensure compliance of the Applicant and contractors with this requirement.

- L. Applicant shall provide utility service to the new building on site via underground conduits. Applicant may be required to pay an Underground Utility Conversion fee if the cost of the improvements are greater than 25 percent of the value of the existing site improvements.
- M. Applicant shall provide off-street parking spaces and vehicle travel ways that conform with City standards.
- N. Applicant shall remove any unused driveways or damaged driveways, sidewalk, and curb and gutter along the full property frontage and shall construct new City standard driveway, sidewalk, curb and gutter in place of the removed items.
- O. Applicant shall revise the plans to show bioswales included in City of San Leandro Grading Permit GRA2010-0001 and their relation to the proposed site layout. Applicant shall demonstrate that the requirements of the current Municipal Regional Storm Water Permit are met. For permits issued after December 2011, bioswales require special approval before they may be used.
- P. Applicant shall designate the area listed on the plans as "undeveloped native landscaping" as wetlands or indicate that this area is not an improvement area.
- Q. Applicant shall confirm that trucks can exit past the fuel station and make the turn onto the driveway without crossing into oncoming traffic by adding a turning template to the site drawing.
- R. Applicant shall include adequate traffic control at the intersection before the scales.
- S. Applicant shall improve the safety of the left turn movement shown crossing in front of the inbound self haul vehicles near the southwest corner of the Smart MRF.
- T. Applicant shall improve the safety of the left turn movement of the self haul inbound traffic where it crosses the self haul outbound traffic.
- U. Applicant shall coordinate improvements near Davis Street with East Bay Regional Parks District so that the adjacent entries do not create conflicting traffic movements and allow for pedestrians and bicycles to access the park.
- V. On-site storm drain inlets shall be clearly marked with the words "No Dumping! Flows to Bay".
- W. Interior floor drains shall be plumbed to the sanitary sewer system and shall not be connected to storm drains.

- X. Landscaping shall be designed to minimize irrigation and runoff, promote surface infiltration where possible, minimize the use of fertilizers and pesticides that can contribute to stormwater pollution and incorporate Bay Friendly Landscaping principles.
- Y. Structures shall be designed to discourage the occurrence and entry of pests into buildings, thus minimizing the need for pesticides. For example, dumpster areas should be located away from occupied buildings, and building foundation vents shall be covered with screens.
- Z. Landscape plans shall meet the following conditions related to reduction of pesticide use on the project site:
 - 1. Where feasible, landscaping shall be designed and operated to treat stormwater runoff by incorporating elements that collect, detain, and infiltrate runoff. In areas that provide detention of water, plants that are tolerant of saturated soil conditions and prolonged exposure to water shall be specified.
 - 2. 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.
 - 3. Existing native trees, shrubs, and ground cover shall be retained and incorporated into the landscape plan to the maximum extent practicable.
 - 4. Proper maintenance of landscaping, with minimal pesticide use, shall be the responsibility of the property owner.
 - 5. Integrated pest management (IPM) principles and techniques shall be encouraged as part of the landscaping design. Examples of IPM principles and techniques include:
 - a) Select plants that are well adapted to soil conditions at the site.
 - b) Select plants that are well adapted to sun and shade conditions at the site. Consider future conditions when plants reach maturity. Consider seasonal changes and time of day.
 - c) Provide irrigation appropriate to the water requirements of the selected plants.
 - d) Select pest- and disease-resistant plants.
 - e) Plant a diversity of species to prevent a potential pest infestation from affecting the entire landscaping plan.

f) Use "insectary" plants in the landscaping to attract and keep beneficial insects.

- AA. An efficient irrigation system shall be installed in areas requiring irrigation. An example of an efficient irrigation system is one that includes a weather-based (automatic, self-adjusting) irrigation controller with a moisture and/or rain sensor shutoff, and in which sprinkler and spray heads are not permitted in areas less than 8 feet wide.
- BB. By January 15, 2015, process activities, except those listed below, shall be performed either indoors or in roofed outdoor areas. If performed outdoors, the area shall be designed to prevent run-on to and runoff from the area with process activities. The following activities are pre-existing conditions that are outside the scope of proposed improvements and are exempted from this requirement:
- Wood waste / public brush drop-off and processing
 - Container wash, maintenance and storage
 - Truck wash
 - Mulch and compost sales
 - Recycled concrete and rock storage, processing
 - Miscellaneous recycling activities (appliances, tires, mattresses, e-waste, etc.)
 - Storage of miscellaneous parts and materials for maintenance and repair of processing equipment
 - Commodity loading
 - Storage of materials on designated outdoor overflow tip floors
- CC. New process equipment areas that are approved and constructed pursuant to this permit shall drain to the sanitary sewer system.
- DD. Storage areas containing non-hazardous liquids shall be covered by a roof and drain to the sanitary sewer system, and be contained by berms, dikes, liners, vaults or similar spill containment devices.
- EE. All on-site hazardous materials and wastes, as defined and/or regulated by the California Public Health Code and the local Certified Unified Program Agency (CUPA) [i.e., Alameda County Environmental Health Department], must be used and managed in compliance with the applicable current CUPA program regulations and the facility hazardous materials management plan approved by the CUPA authority.
- FF. Wastewater from vehicle and equipment washing operations shall not be discharged to the storm drain system.
- GG. Vehicle/equipment repair and maintenance shall be performed in a designated area indoors, or if such services must be performed outdoors, in an area designed to prevent the run-on and runoff of stormwater.

- HH. Secondary containment shall be provided for exterior work areas where motor oil, brake fluid, gasoline, diesel fuel, radiator fluid, acid-containing batteries or other hazardous materials or hazardous wastes are used or stored. Drains shall not be installed within the secondary containment areas.
- II. Vehicle service facilities shall not contain floor drains.
- JJ. Tanks, containers or sinks used for parts cleaning or rinsing shall not be connected to the storm drain system. Tanks, containers or sinks used for such purposes may only be connected to the sanitary sewer system if allowed by an industrial waste discharge permit.
- KK. Fueling areas shall have impermeable surfaces (i.e., portland cement concrete or equivalent smooth impervious surface) that are: a) graded at the minimum slope necessary to prevent ponding; and b) separated from the rest of the site by a grade break that prevents run-on of stormwater to the maximum extent practicable.
- LL. Loading docks that are not covered shall be graded to minimize run-on to and runoff from the loading area. Roof downspouts shall be positioned to direct stormwater away from the loading area. Stormwater runoff from loading dock areas shall be drained to the sanitary sewer, or diverted and collected for ultimate discharge to the sanitary sewer.
- MM. Fire sprinkler test water shall be drained to the sanitary sewer system or drain to landscaped areas where feasible.
- NN. Boiler drain lines shall be directly or indirectly connected to the sanitary sewer system and may not discharge to the storm drain system.
- OO. For small air conditioning units, air conditioning condensate should be directed to landscaped areas as a minimum BMP. For large air conditioning units, in new developments or significant redevelopments, the preferred alternatives are for condensate lines to be directed to landscaped areas, or alternatively connected to the sanitary sewer system after obtaining permission from the sanitary sewer's owner. As with smaller units, any anti-algal or descaling agents must be properly disposed of. Any air conditioning condensate that discharges to land without flowing to a storm drain may be subject to the current 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.
- PP. Roof top equipment shall drain to the sanitary sewer.
- QQ. All washing and/or steam cleaning must drain to the sanitary sewer. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge of soaps or other pollutants to the storm drain.

VII: ENVIRONMENTAL SERVICES CONDITIONS

- A. Prior to issuance of a certificate of occupancy, a Hazardous Materials Business Plan (HMBP) shall be submitted to the Environmental Services Section for the storage and use of hazardous materials and generation of hazardous waste. The plan is subject to the review and approval of the Environmental Services Section.
- B. All fees and charges related to Environmental Services programs shall be paid promptly in full. Failure to keep accounts current shall be grounds for revocation of the conditional use permit.
- C. Compressed gas containers, cylinders, tanks, and systems shall comply with Chapter 30 of the 2007 California Fire Code or applicable adopted code at time of construction.
- D. Hazardous Materials shall be managed in accordance with Chapter 27 of the 2007 California Fire Code or applicable adopted code at time of construction.
- E. All hazardous waste generated on site shall be managed and disposed in accordance with applicable local, state and federal laws, rules, and regulations.
- F. Discharges other than rainwater to the stormwater collection system are prohibited.
- G. Exposure of materials, processes, or equipment shall be eliminated to the maximum extent practicable to prevent contamination of rainwater. Exposures that cannot be eliminated shall require the use of Best Management Practices (BMPs) to prevent exposures from impacting stormwater runoff, creating illicit discharges, or contaminating receiving waters.
- H. The generation or discharge of wastewaters other than domestic sewerage shall require a Pretreatment Permit for discharge to the sanitary sewer. A completed Pretreatment Permit Application shall be submitted to the City's Environmental Services Section prior to final approval of the building permit or commencing discharge, whichever occurs first.
- I. Properly-sized grease interceptors shall be installed and maintained to pretreat discharges from food handling facilities to the sanitary sewer. No domestic wastewater may discharge through grease interceptors.
- J. Accessible and secure monitoring facilities shall be constructed at the site's final combined sanitary sewer outfall to allow for the City to periodically install sampling equipment and collect wastewater samples to determine compliance with the facility's Pretreatment Permit.
- K. The facility shall comply with the California Aboveground Petroleum Storage Act (APSA) and federal Spill Prevention, Control, and Countermeasures (SPCC) rule requirements. A completed City of San Leandro Environmental Services Aboveground Storage Tank Installation Application Package and associated fees

shall be submitted to the Environmental Services Section. Compliance with these requirements shall be demonstrated to the Environmental Services Section prior to issuance of a certificate of occupancy or final approval of building permit, whichever occurs first.

VIII. POLICE DEPARTMENT

- A. All building addresses shall be placed in such a position as to be plainly visible and legible from the street. Said numbers shall contrast with their background and be visible at night. Details including number size and location shall be submitted for the review and approval of the City of San Leandro Police Department, Fire Marshal and the Community Development Director, prior to issuance of building permits. Specific property addresses will be assigned by the City's Building and Safety Division of the Community Development Department.

IX. MAINTENANCE

- A. The site shall be well maintained and shall be kept free of litter, debris and weeds at all times; during construction, the site shall be well maintained and shall be kept free of litter, debris and weeds.
- B. Any graffiti shall be promptly removed from building walls and perimeter fencing. The applicant and its successors in interest shall comply with the rules and regulations of the City's graffiti removal program and shall grant a license and right of entry as requested to enforce the terms of such program.
- C. All approved and required landscaping on the property shall be maintained in a healthy growing condition at all times; any damaged or unhealthy plants shall be replaced promptly.
- D. There shall be no parking or storage of boats, trailers, camper tops, inoperable vehicles and the like outside the building, within the project site.

X. CONSTRUCTION PROVISIONS

- A. Construction activity shall not commence prior to 8:00 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 5:00 p.m. on Sunday and Saturday. No such construction is permitted on Federal holidays. As provided in this City of San Leandro's Noise Ordinance (ORDINANCE NO. 2003 - 005), "construction" shall mean any site preparation, assembly, erection, substantial repair, alteration, demolition or similar action, for or on any private property, public or private right-of-way, streets, structures, utilities, facilities, or other similar property. Construction activities carried on in violation of this Article may be enforced as provided in Section 4-11-1130, and may also be enforced by issuance of a stop work order and/or revocation of any or all permits issued for such construction activity.

- B. Construction activity shall not create dust or safety hazards for adjacent properties. Dirt and mud shall not be tracked onto Davis Street, Doolittle Drive, or any nearby streets from the project site.

XI. STATE AND REGIONAL RECYCLING AGENCY PROVISIONS

- A. Prior to issuance of a Certificate of Occupancy, the applicant shall provide the Resources Agency (CalRecycle) and StopWaste.Org any required updates for the Solid Waste Facility Permit and Countywide Integrated Waste Management Plan, including but not limited to an Odor Minimization Plan (OIMP). Said documents shall be forwarded to the City of San Leandro upon being updated.

XII. GENERAL REQUIREMENTS

- A. The approvals granted by the City as a result of this application, as well as the Conditions of Approval, shall be recorded in the office of the County Recorder of Alameda County against the parcel known as Alameda County Assessor's Parcel Number 79A-475-7-32.
- B. No application for amendment of the application or Conditions of Approval may be submitted or accepted for processing by the city unless (i) there is full compliance with all terms of the application and Conditions of Approval; or (ii) the Community Development Director can waive compliance with the terms of the application if they are minor in content.

ACKNOWLEDGMENT

State of California

County of Alameda) ss.

On 9/28/2011 before me, Kent L. Shephard, Notary Public, personally appeared Barry Skolnick

who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Kent L. Shephard
Signature



OPTIONAL INFORMATION

Date of Document

Jan 4, 2011

Thumbprint of Signer

Type or Title of Document

Agreement to Cond.

Number of Pages in Document

15

Document in a Foreign Language

NO

Type of Satisfactory Evidence:

☐ Personally Known with Paper Identification

☒ Paper Identification CDL

☐ Credible Witness(es)

Capacity of Signer:

☐ Trustee

☐ Power of Attorney

☐ CEO / CFO / COO

☒ President / Vice-President / Secretary / Treasurer

☐ Other: _____

☒ Check here if no thumbprint or fingerprint is available.

Other Information: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Alameda

On 12/9/2011 before me, KIMBERLY DAWN FREITAS NOTARY PUBLIC
Date Here Insert Name and Title of the Officer

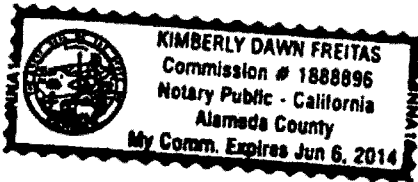
personally appeared WILLIAM SCHOCK
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature Kimberly Dawn Freitas
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: PLN 2010-00026

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here