

Exhibit A – Draft Conditions of Approval

Planning Division

1. **Project Approval.** This Conditional Use Permit (CUP 26-02) authorizes the operation of a general retail store (Dollar Tree) by Dollar Tree Stores, Inc. at 1560 Sycamore Avenue. Any change of use, expansion of floor area, or material modification to operations not described in the approved project description shall require prior Planning Division review and may require a permit amendment.
2. **Project Plans.** Development and operation shall be in substantial conformance with the plans and materials submitted as part of Application CUP 26-02 (Exhibit B hereto attached to the Resolution), as approved and as modified by these Conditions of Approval. Minor modifications may be approved by the Community Development Director; significant changes shall require a permit amendment.
3. **Hours of Operation.** The retail store shall be limited to 8:00 AM to 10:00 PM, daily. No public-facing operations shall occur outside approved hours.
4. **No Alcohol Sales.** No alcoholic beverages shall be sold or served on the premises under this Conditional Use Permit. Any future request to sell alcoholic beverages shall require a separate permit and review by the City.
5. **Deliveries.** Deliveries shall occur no more than once weekly, via the existing rear delivery door and loading area shown on the submitted Site Plan.
6. **Trash and Organics Collection.** Trash and organics shall be serviced by one (1) 4-yard dumpster, placed within the existing dumpster enclosure located in the rear loading dock area. The Applicant shall coordinate with its waste hauler to establish a collection schedule (anticipated to be weekly).
7. **No Use of Parking Spaces for Waste Collection.** No parking spaces shall be used at any time for the storage, staging, or collection of trash, organics, cardboard, or other refuse. The Community Development Director may require additional measures, including signage or striping, if compliance issues arise.
8. **Parking and Shared Access Easement.** No changes to the existing parking supply or layout are authorized under this permit. The Applicant and property owner shall maintain the shared parking and access easement with the adjacent property at 1550 Sycamore Avenue in accordance with its recorded parking easement, and shall not take any action that reduces parking availability to the adjacent multi-family development below what is provided for under the easement.
9. **Signage.** No signage is approved under this Conditional Use Permit. Any new or modified signage shall require a separate Administrative Design Review Permit in compliance with the Hercules Municipal Code prior to installation.
10. **Business License.** Prior to commencing operations, the Applicant shall obtain a Business License from the Finance Department of the City of Hercules.

11. **Indemnification.** Applicant agrees as a condition of approval to indemnify the City, its agents, officers, and employees and to defend at developer's own expense against and from any claim, action, or proceeding brought within the time period provided for in Section 66499.37 of the Government Code to attack, set aside, void, or annul the approval of this resolution. City shall promptly notify developer of such claim, action, or proceeding of which City receives notice, and City will fully cooperate with developer in the defense therefor. Developer/applicant shall reimburse the City for any court costs and attorney's fees which the City may be required to pay as a result of any such action. City may, in its sole discretion, participate in the defense of any such claim, action, or proceeding, but such participation shall not relieve the developer of the obligations of this condition.
12. **Permit Expiration.** This Conditional Use Permit shall expire one (1) year from the date of the approving Resolution if the authorized use has not commenced, unless an extension is granted by the Community Development Director prior to expiration upon written request by the Applicant.
13. **Building Permit Required.** Applicant shall obtain a building permit for the tenant improvement construction, which shall comply with all pertinent California Building Codes and Standards adopted by the City of Hercules.

Contra Costa County Fire Protection District

14. **Fire Plan Review.** Tenant improvements of the existing commercial building require review and permit approval through the Contra Costa County Fire Protection District (CCCFPD) prior to issuance of a building permit. The Applicant shall contact CCCFPD early in the process.

Public Works Department

15. **Encroachment.** Any work within the public right-of-way shall require an encroachment permit from the Public Works Department prior to commencement of work.