

Exhibit A – Draft Conditions of Approval

Planning Division

1. **Project Approval.** This Conditional Use Permit (CUP 26-01) and Design Review Permit (DRP 26-01) authorize the operation of a general retail store with drive-up donation operations by Goodwill of the San Francisco Bay at 1551 Sycamore Avenue within Creekside Shopping Center. 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 26-01 / DRP 26-01 (Exhibit B hereto), 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 and donation drop-off operations shall be limited to 9:00 AM to 9:00 PM, Monday through Sunday. Employees may arrive beginning at 8:00 AM for store preparation. No public-facing operations or donation acceptance shall occur outside approved hours.
4. **Donation Operations.** A dedicated Donation Attendant shall be present at the donation drop-off area during all hours of operation. All donations shall be accepted directly from customer vehicles. No unsupervised donation bins or exterior storage of donated items shall be permitted at any time. Items left outside after hours shall be removed from the exterior of the building within one (1) hour of store opening each day.
5. **Non-business Hours Donation.** Donations left at the donation drop-off area during non-business hours shall be addressed in accordance with the operational commitments described in the project description for Application CUP 26-01 / DRP 26-01, including video monitoring, after-hours deterrent measures, and next-morning removal of any items left overnight.
6. **Cameras.** Goodwill of the San Francisco Bay shall install and maintain video security equipment to discourage off-hours donations.
7. **No Outdoor Storage.** No merchandise, donated goods, trash, or equipment shall be stored or displayed on the exterior of the building or in the parking lot or drive aisles at any time, except for donation handoff at the drive-up door during operating hours.
8. **Signage.** All signs shall be installed in conformance with the approved signage package (DRP 26-01) and in compliance with the Creekside Master Sign Program. Any new or modified signage not included in the approved package shall require a separate Administrative Design Review Permit.
9. **Temporary Signage.** Pursuant to HMC 13-34.500(6), temporary signs include but are not limited to those for special, promotional, or seasonal events. Examples of

temporary signs include but are not limited to banners, pennants, wind socks, posters, or flags. Temporary signs shall be limited to two (2), not exceeding 36 square feet in combined area or exceeding 40 percent of the length of the building elevation on which they are displayed. Temporary signs shall be removed at the conclusion of the authorized display period and the applicant shall notify the Community Development Director of the installation and removal dates consistent with HMC 13-34.500(6).

10. **Parking.** No changes to the existing parking supply or layout within the shopping center are authorized under this permit. Existing parking shall remain available to all shopping center tenants and customers.
11. **Trash and Compactor.** The trash compactor shall be installed, operated, and maintained as described in the project description for Application CUP 26-01 / DRP 26-01, and the compactor area and loading dock shall be maintained in a clean and sanitary condition at all times in compliance with applicable solid waste and vector control requirements.
12. **Refuse/Trash Collection.** A refuse collection plan shall be formulated, working with the refuse collection provider, Republic Services, to provide for an efficient and effective trash/refuse collection system.
13. **Business License.** Prior to commencing operations, the Applicant shall obtain a Business License from the Finance Department of the City of Hercules.
14. **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.
15. **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.
16. **Building Permit Required.** Applicant shall obtain a building permit for the construction, which shall comply with all pertinent California Building Codes and Standards adopted by the City of Hercules.

Contra Costa County Fire Protection District

17. **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

18. **Stormwater.** If the total new impervious surface area (concrete landing, compactor pad, and sign post footings) triggers C.3 thresholds under the current Municipal Regional Permit, the Applicant shall submit a Stormwater Control Plan to the Public Works Department for review and approval prior to building permit issuance.
19. **Encroachment.** Any work within the public right-of-way shall require an encroachment permit from the Public Works Department prior to commencement of work.