

**RECOMMENDED
CONDITIONS OF APPROVAL**

PLN2012-00021

MODIFYING CONDITIONS OF APPROVAL PLN2008-00049

14808 East 14th Street - The BAL Theatre

D. Dillman (Applicant and Property Owner)

I. COMPLIANCE WITH APPROVED PLANS

- A. The applicant and/or property owner shall comply with Exhibits A through C, dated January 15, 2009, except as hereinafter modified. (Exhibits are on file at the City of San Leandro Community Development Department, 835 East 14th Street, San Leandro, California).

Exhibit A - Site Plan & Floor Plans
Exhibit B - First Floor Plan
Exhibit C - Second Floor Plan

- B. The applicant and/or property owner shall be responsible for assuring that any successor in interest who assumes responsibility for the zoning approval is informed of its terms and conditions.

II. USE RESTRICTIONS

- A. This is a conditional use approval and parking exception that allows a computer and media-related business to be operated inside the Bal Theatre in a 1,411-square foot area in the SA-1 South Area – 1 District.
- B. This approval is for a computer-repair business and alcohol consumption/sales at events and performances appropriately licensed and permitted by the State of California Alcohol Beverage Control (ABC).
- C. These conditions of approval shall be made accessible to all employees.

III. FIRE DEPARTMENT COMMENTS

- A. The applicant shall submit plans to the Building and Safety Services Division for any change of use of the space or building.
- B. Prior to occupancy, the applicant shall provide a Knox box at the main entry door to the space.
- C. The project shall comply with the applicable Building and Fire Codes as adopted by the City of San Leandro. Building construction plans shall be submitted and approved prior to start of any work.

IV. PERMITTED USES

- A. This Conditional Use Permit grants zoning approval for The Bal Theatre, 14808 East 14th Street, to conduct the following activities (events/performance) inside the building without exceeding maximum occupant load, which includes:
1. Theatrical Show.
 2. Dance Recital.
 3. Comedy Act.
 4. Live Music/Concert.
 5. Magic Show.
 6. Conference/Lecture.
 7. Motion Picture.
 8. Televised event featured with the "big screen projection system."
 9. Talent and Variety Shows
 10. Any combination of the above events
- B. Events or performances shall not utilize overhead curtains, drops, and scenery or stage effects other than lighting and sound. Combustible materials shall meet the fire propagation performance criteria in accordance with Sections 806 and 2603 of the Fire Code. Originally permitted rear projection screen curtains with a current and valid Certificate of Flame Resistance from the State of California Fire Marshal may remain.
- C. The double egress doors along both sides of the platform shall not be chained or barricaded shut during business hours and during theatre events/performance.
- D. Applicant shall comply with the following:
1. The exit discharge at the north facing egress doors shall be identified as an emergency egress path with ground markings "NO PARKING – EMERGENCY EXIT" and exterior door signage indicating "EMERGENCY EXIT – DO NOT BLOCK." In addition, provisions to prevent the blockage of the exit doors shall be implemented, details and locations shall be subject to the review and approval of the Chief Building Official.
 2. The following features serving the raised platform shall be functional and in good operating condition:
 - a. emergency exit lighting and signs,
 - b. handrails at every stairway, and
 - c. guards (guardrails) at the side wings of the platforms and as required to protect openings adjacent to the stairways.
- E. In the event the platform is enlarged, modified, or its use is changed from those outlined above, the Building and Fire Code requirements applicable for new buildings or a change of use, shall be complied with, including provisions for an accessible platform or performance area to the satisfaction of the Chief Building Official. Permits shall be obtained from the City Building and Safety Services Division by filing the appropriate application, drawings, details and specifications

(i.e., construction documents), which shall be prepared by an appropriately licensed professional.

- F. There shall be no permanent storage of any type outside the building.
- G. The appropriate State of California Alcohol Beverage Control (ABC) license shall be obtained for serving beer and wine. Alcoholic beverage (beer and wine) service shall be limited to the hours of 10:00 a.m. to 12:00 a.m. (midnight). Alcohol shall be served in an appropriate container.
- H. The general hours of the permitted activities (events/performances) shall be limited to the following:
 - 1. Sunday, Monday, Tuesday, Wednesday, and Thursday - Not prior to 9:00 a.m. and shall cease by 12:00 a.m.
 - 2. Friday and Saturday - Not prior to 9:00 a.m. and shall cease by 1:00 a.m.
 - 3. These conditions do not apply to New Year's Eve (December 31st) when it occurs on a Sunday through Thursday, where the event shall cease by 1:00 a.m.
- I. The frequency of the permitted activities (events/performances) shall be limited to a maximum of 260 per year where an event or performance may include multiple shows in a day. This condition on frequency does not apply to the showing of motion pictures or televised events featured with the "big screen projection system."
- J. Any proposed increase in general hours, increase in frequency, or addition of another type of assembly activity shall be submitted in writing to the Community Development Director who may administratively approve minor changes or for more substantial changes, require review by the Board of Zoning Adjustments as a modification to the Conditional Use Permit.
- K. Litter pick up shall be required for a minimum distance of a 300 foot radius.
- L. **PROHIBITED USES.** The following activities (events/performances) shall not be permitted at the BAL Theatre, 14808 East 14th Street.
 - 1. No Dance Hall/No Dance Permit.
 - 2. No Adult Cabaret.
 - 3. No Adult Motion Pictures.
 - 4. No Adult Theatre (No adult live entertainment).
- M. Any noise or sounds from the activities inside the building shall not be detectable from beyond the property lines.
- N. There shall be no loitering permitted outside the building. "NO LOITERING" signs shall be posted outside the building.

- O. This Conditional Use Permit may be subject to review by the City within six-months.
- P. A condition for the annual renewal of the Business License for assembly use may be the inspection and clearance from the City Building and Safety Services Division.

V. MAINTENANCE

- A. The site shall be maintained and shall be kept free of litter, debris and weeds.
- B. Any graffiti shall be promptly removed from the building walls and fences.

VI. GENERAL CONDITIONS

- 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.
- B. No application for amendment of the application or conditions of approval may be submitted or accepted for processing by the City of San Leandro's unless (i) there is full compliance with all terms of the application and Conditions of Approval; or (ii) the Community Development Director waives compliance with the terms of the application and Conditions of Approval pending application for amendment.
- C. Pursuant to Zoning Code Section 5-2218, this approval shall lapse on **August 9, 2013**, unless a) a business license has been issued, coupled with diligent progress evidencing a good-faith intent to commence the intended use, or b) a written request for a one-year extension of the use permit is approved by the Zoning Enforcement Official.