

**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

**THIS SPACE FOR RECORDER'S USE ONLY**

*(No fee pursuant to Government Code Section 27383)*

**AGREEMENT TO CONDITIONS**

**PLN2011-00021**

**2661 Alvarado Street, Unit 22**

**Damon McKinney, C&M Trailer Rental (Applicant)**

**Robert Legallet, 2661 Alvarado LLC (Property Owner)**

THIS AGREEMENT is entered into by and between the CITY OF SAN LEANDRO, a municipal corporation, hereinafter referred to as "City", Damon McKinney, an individual, hereinafter referred to as "Applicant", and, Robert Legallet, 2661 Alvarado LLC, a Limited Liability Company, hereinafter referred to as "Property Owner".

Applicant applied for and received a Conditional Use Permit to operate a trailer rental and sales business at 2661 Alvarado Street, Unit 22, where Vehicle/Heavy Equipment Dealers, Used and Vehicle/Heavy Equipment Sales are conditionally permitted uses in the IG Industrial General District; Alameda County Assessor's Parcel Number 77A-648-3-11.

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 Board of Zoning Adjustments, 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 San Leandro Board of Zoning Adjustments in accordance with law, and hereby agree 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 **CONDITIONAL USE PERMIT** must be exercised within **ONE YEAR** or it expires.

(Acknowledgment)

**Damon McKinney, an individual, as Applicant**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

(Acknowledgment)

**Robert Legallet, 2661 Alvarado LLC, as Property Owner**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

Receipt of Executed Approval: I hereby certify that I am the Secretary to the Board of Zoning Adjustments of the City of San Leandro and in that capacity did receive this copy of **PLN2011-00021** Agreement to Conditions fully executed by all parties thereto, and that the effective date of this zoning approval granted herein is **September 1, 2011**.

CITY OF SAN LEANDRO, a municipal corporation

Attest: \_\_\_\_\_  
Marian Handa, City Clerk

\_\_\_\_\_  
Sally Barros, Secretary  
Board of Zoning Adjustments

Approved as to Form:

\_\_\_\_\_  
Richard Pio Roda, Assistant City Attorney

## CONDITIONS OF APPROVAL

**PLN2011-00021**

**2661 Alvarado Street, Unit 22**

**Damon McKinney, C&M Trailer Rental (Applicant)**

**Robert Legallet, 2661 Alvarado LLC (Property Owner)**

### **I. COMPLIANCE WITH APPROVED PLANS**

- A. The property owner shall comply with Exhibits A through C, dated September 1, 2011, except as hereinafter modified. (Copies of the Exhibits are on file in the Community Development Department, 835 East 14th Street, San Leandro, California).

Exhibit A – Site Plan on an Aerial Photograph

Exhibit B – Building Plan

Exhibit C – Floor Plan

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

### **II. PERMITTED USE**

- A. This conditional use permit allows to operate a trailer rental and trailer sales business at 2661 Alvarado Street, Unit 22, where Vehicle/Heavy Equipment Dealers, Used and Vehicle/Heavy Equipment Sales are conditionally permitted uses in the IG Industrial General District; Alameda County Assessor's Parcel Number 77A-648-3-11. Per the proposed conditional use permit application there shall be no display or storage of the trailers outside the building.
- B. Any change or additional occupancy deemed minor in nature may be approved by the Community Development Director. A change or additional occupancy deemed major shall be referred to the Board of Zoning Adjustments for its consideration as a modification to the existing use permit.

### **III. MAINTENANCE**

- A. No repair or maintenance work on any trailer and/or vehicle shall be conducted on the property, except minor trailer maintenance using hand tools.
- B. The use permit Conditions of Approval shall be made accessible to all of the applicant's employees on the property.
- C. All Conditions of Approval listed in the Agreement to Conditions for PLN2006-00017 shall remain in effect, including but not limited to keeping the project site well maintained and free of litter, debris and weeds at all times; to removing litter which collects against the building or within the landscaped areas along Alvarado Street and Aladdin Avenue; to maintain landscaping on the site be a healthy and growing condition at all times; to replacing promptly any damaged or dead plant material with plant material

similar in type and comparable in size to the plant(s) being removed; and to removing promptly any graffiti from the property.

- D. Razor wire shall not be installed on any fence or buildings on the project site.
- E. Any dumpsters or trash containers shall be kept in an area out of public view at all times except for the day(s) the collection company is scheduled for pick-up. Immediately after pick-up all dumpsters or trash containers shall be removed out of public view.

#### **IV. FIRE REQUIREMENTS**

- A. The project shall comply with the applicable Building and Fire Codes as adopted by the City of San Leandro. Building plans shall be provided for review and approval by the Fire Department. Note: The trailer storage area shall not exit through another storage area.

#### **V. ENGINEERING AND TRANSPORTATION REQUIREMENTS**

- A. The proposed development/use shall comply with City ordinances, policies and regulations. All or any improvements shall be in accordance with the City's Design Standards, Specifications and Standard Plans unless otherwise specifically approved by the City Engineer.
- B. 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.
- C. Design review fees, development impact fees, permit fees, inspection fees, and any other fees charged by the City or other reviewing agencies for the review, approval, permitting and inspection of the above listed public improvements shall be paid by the applicant and/or property owner.
- D. In the event there are on-site or off-site improvements, Site Improvement Plans for all on-site and/or off-site improvements shall be approved by the City Engineer prior to the issuance of Building Permits for the project. All improvements shall be designed and constructed in accordance with the City's Design Standards, Specifications and Standard Plans, unless otherwise specifically approved by the City Engineer.
- E. Prior to the issuance of building permits, the Applicant shall pay Development Fee for Street Improvements (DFSI) or enter into an agreement with the City to pay the DFSI on monthly installments to a maximum term of 36 months, for conversion to Personal Services and credit will be given for the existing General Industrial use. An estimate of this fee is \$8,639.55. The exact fees will be determined at the time of Building Permit Issuance and may be adjusted to reflect any change in the ENR Construction Cost Index.

- F. Prior to the issuance of building permits for the project, the Applicant shall obtain an Encroachment Permit from the Engineering and Transportation Department for any work within the public right-of-way.

## **VI. SIGNS**

- A. Within 45 days of the approval of this Conditional Use Permit, the property owner shall submit precise details for an on-site sign program for the site, for the review of the Community Development Director. Said details for the sign program shall include signs with a uniform size; uniform placement on the building wall; flush mounted to the wall; and framed design. Signs shall only include information essential to provide adequate business identification, so that the sign does not appear cluttered and does not distract from the identification of other signs in the area. Extraneous copy such as telephone numbers, website, and other advertising shall not be included in the sign program.
- B. 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 Special Event Permit.

## **VII. 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.
- 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 Development Services 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 **September 1, 2012**, 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.