

**RECOMMENDED
CONDITIONS OF APPROVAL**

**PLN17-0054
575 Marina Boulevard
Alameda County Assessor's Parcel Number 75-87-4-16
Enterprise Rent-A-Car (applicant) and McLellan Estate Co (property owner)**

I. COMPLIANCE WITH APPROVED PLANS

- A. The applicant and/or property owner and project shall comply with Exhibits A through J, attached to the staff report dated December 7, 2017, 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 – Existing Site Plan (SP.1)
Exhibit B – Proposed Site Plan (SP.2)
Exhibit C – Existing Floor Plan (A1.1)
Exhibit D – Proposed Floor Plan (A1.2)
Exhibit E – Existing Elevation Plan (A5.1)
Exhibit F – Proposed Elevation Plan (A5.2)
Exhibit G – Photo Board Plan (PB.1)
Exhibit H – Exterior Horizontal Monument
Exhibit I – Exterior View 1 Car Sales Illuminated Cabinet Sign
Exhibit J – Exterior View 2 Car Sales Illuminated Cabinet Sign

- B. The applicant and/or property owner and developer shall be responsible for assuring that any successor in interest who assumes responsibility for the zoning approval is informed of its terms and conditions.
- C. Conditional Use Permit approval shall lapse after one (1) year following Board of Zoning Adjustments approval of the application unless a grading permit or building permit has been issued, coupled with diligent progress evidencing good faith intention to commence the intended use; or an occupancy permit has been issued; or the approval is renewed, as provided in Section 5-2218.E. Pursuant to Zoning Code Section 5-2218.E. upon written request the approval may be renewed by the Zoning Enforcement Official for one (1) year, with one additional (1) one-year renewal allowed for a total period not to exceed two (2) years without notice or public hearing if the findings required by Section 5-2212.A. remain valid. Application for renewal shall be made in writing to the Zoning Enforcement Official not less than 30 days or more than 120 days prior to expiration of the Conditional Use Permit approval. Denial of a request for a renewal may be appealed.

II. PERMITTED USES

- A. This is a conditional use approval to allow car sales, car rental, light duty truck rental, rideshare (vanpool) and administrative and maintenance functions at 575 Marina Boulevard. Pursuant to the Zoning Code, the proposed Vehicle/Heavy Equipment Dealers Used, Vehicle/Heavy Equipment Rentals, Vehicle/Equipment Repair Limited, and Vehicle Storage is Conditionally Permitted per Zoning Code Section 2-706.B.30-33. Zoning District: IG(S) Industrial General Special Review Overlay District; Alameda County Assessor's Parcel Number 75-87-4-16.
- B. The interior use of the building shall remain in substantial compliance with the approved plans and exhibits. Any change to project design shall be subject to the review and approval of the Zoning Enforcement Official who may administratively approve or require review by the Board of Zoning Adjustments as a modification to the Conditional Use Permit.
- C. The days and hours of operation will range from 10:00 AM to 8:00 PM seven days a week. Any modification to the hours shall be subject to the review and approval of the Zoning Enforcement Official.
- D. Any change or additional occupancy deemed minor in nature may be approved by the Zoning Enforcement Official. 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. PLAN SUBMITTAL FOR PROJECT SITE IMPROVEMENTS

- A. Prior to issuance of building permits, all building specifications shall be submitted for review and approval to the Zoning Enforcement Official to ensure quality of the exterior design. Any changes to the approved building specifications must be made in writing to the Zoning Enforcement Official, who may either administratively approve the modification or bring it back to the Board of Zoning Adjustments for review. In addition, a final color and materials board shall be submitted for the exterior for the review and approval of the Zoning Enforcement Official, prior to issuance of building permits.
- B. Within 60 days of the approval date of this conditional use application, a final sign program shall be submitted to the Building Services Division for a sign permit. Said sign program shall include individual letters on the exterior of the building. Details including, but not limited to size, colors, materials and finishes shall be subject to the review and approval of the Zoning Enforcement Official. The overall sign area for the sign program shall conform with the City's Zoning Code relating to signs, Article 18. Temporary signs, including but not limited to banners, shall not be permitted on the property unless authorized by a temporary sign permit. Any unauthorized exterior signs on the property including but not limited to extraneous signs advertising products, services, phone numbers, pennants, flags, streamers, balloons, and temporary banners shall be removed from the exterior of the property. Said unauthorized signs shall not be permitted on the property unless authorized by a temporary sign permit. Said temporary sign permits are limited to two 15-day periods per year. No signs shall be erected without prior approval by the Zoning Enforcement Official and after first obtaining a building permit.

- C. The project and use shall remain in substantial compliance with the approved plans and exhibits. Any change to project design shall be subject to the review and approval of the Zoning Enforcement Official who may administratively approve or require review by the Board of Zoning Adjustments as a modification.

IV. MAINTENANCE

- A. The use permit conditions of approval shall be made accessible to all employees on the property.
- B. No automotive repair, maintenance, servicing work, or use of pneumatic lifts shall be conducted outside the covered maintenance areas or the building.
- C. Fueling station is for the applicants use only and shall not be available or open to the public or outside entities for use.
- D. At no time shall vehicles or equipment be displayed for rent or sale on the street, landscaping, drive aisles, sidewalks, or public right of way.
- E. No wrecked vehicles or engines and discarded auto parts shall be stored outside the covered areas or the building on the property.
- F. All vehicle parking on the site shall be undertaken in a neat and orderly manner at all times.
- G. Employees and customers shall be instructed by the applicant and/or property owner to park in the internal parking areas and not to park on the street in front of nearby businesses.
- H. Prior to commencement of business, employee-parking spaces shall be designated on the property.
- I. Any graffiti shall be promptly removed from the property.
- J. Any graffiti shall be promptly removed from building walls, perimeter sound walls and/or fences. The developer 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.
- K. All fencing and walls on the project site shall be structurally sound, graffiti- free and well maintained at all times.
- L. The project site shall be well maintained and shall be kept free of litter, debris and weeds at all times.
- M. All landscaping shall be maintained in a healthy and growing condition at all times. Any damaged or dead plant material shall be promptly replaced with a plant material similar in type and comparable in size to the plant(s) being removed.

- N. The applicant shall keep the entire site free of litter accumulations, including removal of litter, which collects against fences or the building or the landscaped areas.
- O. Barbed or razor wire installed on the fencing, walls, or buildings on the property is prohibited within three hundred feet of the public street frontage.
- P. The perimeter fencing shall be structurally sound and well maintained at all times. Any damage to the fencing shall be promptly replaced or repaired.
- Q. All dumpsters or trash containers shall be kept in the storage shed except for the day(s) the collection company is scheduled for pick-up. Immediately after pick-up all dumpsters or trash containers shall be returned to the trash enclosure, out of public view.

V. ENVIRONMENTAL SERVICES SECTION REQUIREMENTS

- A. The storage of hazardous materials in quantities equal to or greater than 55 gallons, 200 cubic feet or 500 pounds requires submittal of a Hazardous Materials Business Plan (HMBP). HMBP submittal shall be completed via the California Environmental Reporting System (CERS) online database at <http://cers.calepa.ca.gov/>. An HMBP shall be submitted prior to placement of the registerable materials onsite. The plan is subject to review and approval of Environmental Services.
- B. Generators of hazardous waste must register with the City's Environmental Services, which is the Certified Unified Program Agency (CUPA), through the California Environmental Reporting System.
- C. Discharge of anything other than rainwater to the stormwater collection system, which includes area drains, sidewalks, parking areas, street curb and gutter, is prohibited.
- D. The elimination of exposure of materials, processes, or equipment to the maximum extent practicable is necessary to prevent contamination of stormwater runoff. Exposures that cannot be eliminated require use of Best Management Practices (BMPs), both engineered and administrative, to prevent any exposure from impacting rainwater runoff.
- E. The storage of materials or installation of processes and/or equipment outdoors may subject the facility to the General Industrial Stormwater Permit program and require submittal to the Regional Water Quality Control Board (RWQCB) of a Notice of Intent (NOI) for coverage under the Statewide General Industrial Facility Permit. Elimination of exposure to stormwater of materials or activities by relocating indoors, covering, or utilizing engineered controls is highly recommended. If an NOI is required, it must be submitted prior to finaling the building permit. A copy of the NOI shall be provided to the City's' Environmental Services office.

- F. The generation or discharge of wastewaters, other than domestic sewage, may require a pretreatment permit for discharge to the sanitary sewer. If a permit is required, submittal of an application to the City's Environmental Services office is required prior to finaling the building permit or commencing the discharge, whichever occurs first.
- G. If the facility stores petroleum products, including mixtures with any concentration of petroleum, in a quantity equal to or greater than 1,320 gallons as an aggregate of all individual aboveground containers equal to or greater than 55 gallons shell capacity (including drums, tanks, containers, totes, oil-filled electrical equipment, oil-filled manufacturing equipment and oil-filled operational equipment), the facility must comply with the requirements of the California Aboveground Petroleum Storage Act (APSA) as required in Chapter 6.67 of the California Health & Safety Code and implement a Spill Prevention Control and Countermeasure Plan (SPCC) in conformance with 40 CFR 112.
- H. 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 the facility's compliance with wastewater discharge regulations.

VI. ENGINEERING & TRANSPORTATION DEPARTMENT REQUIREMENTS

- A. General Comments:
 - 1. 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 the applicant fails to file a protest within this 90-day period, complying with all of the requirements of Government Code Section 66020, the applicant will be legally barred from later challenging any such fees, dedications, reservations or other exactions.
 - 2. The proposed development shall comply with City ordinances, policies and regulations. All improvements shall be in accordance with the City's Design Standards, Specifications and Standard Plans unless otherwise specifically approved by the Principal Engineer.
 - 3. Add below notes to the plans:
 - a) The applicant shall obtain an Encroachment Permit from the Engineering and Transportation Department for any work within the public right-of-way including the use of lifting equipment or the staging of materials. Barricades, traffic cones, and/or caution ribbon shall be positioned around any equipment or materials within the right-of-way to provide a barrier to public access and assure public safety. Any damage to the right-of-way improvements must be promptly repaired by the applicant according to City adopted standards.

- b) 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.
- c) The applicant shall implement construction best management practices during construction to control erosion, keep sediment from leaving the project site and prevent storm water pollution. The applicant shall protect existing storm drain inlets and conveyances within the project area to prevent sediment from construction activities entering the storm drain system.

VII. ALAMEDA COUNTY FIRE DEPARTMENT REQUIREMENT

- A. A deferred submittal will be required for modifications to the fire sprinkler system.
- B. Emergency lighting and exit sign will be required.
- C. All above ground tanks shall be permitted.
- D. If gates or fences are installed a knox box will be required.
- E. Fire access routes shall be unobstructed at all times. On sheet SP.2 it appears that the fire department access is obstructed by parking on the South East side of the building. Fire Access routes shall be unobstructed at all times.
- F. A knox box will be required if one is not presently on site.

VIII. BUILDING & SAFETY SERVICES DIVISION REQUIREMENTS

- A. The proposed project shall comply with all Applicable Code and City ordinances, policies and regulations.
- B. Code Compliance for Call Green is required and must be incorporated onto plans.

IX. PUBLIC WORKS RECYCLING PROGRAM REQUIREMENTS

- A. Solid waste & recycling bins must be stored out of public view. Trash enclosure guidelines for commercial establishments are available at: <https://www.sanleandro.org/civicax/filebank/blobdload.aspx?blobid=15084>. Enclosure shall be of adequate size to accommodate at least one solid waste and one recycling container of similar size. If required, enclosure size must also accommodate a separate container for the collection of organics (food scraps, compostable paper, and plant debris).
- B. Enclosure(s) should be easily accessible to collection vehicles. Driveways shall provide unobstructed access for collection vehicles. Applicant must ensure that there is adequate space for a collection vehicle to enter and exit the property in order to service containers.

- C. Applicant is subject to Alameda County Mandatory Recycling Ordinance #2012-01. www.RecyclingRulesAC.org.

X. CONSTRUCTION PROVISIONS

- A. Pest and vermin control measures shall be incorporated into the demolition and construction of the project.
- B. During construction the following high standards for sanitation are required: 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. At no time shall debris remain on site unattended within the front yard setback of the property. Inspections will be conducted as part of the regular construction compliance, to ensure compliance of the applicant and contractors with this requirement.
- C. Construction activity shall not commence prior to 7:00 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 7:00 p.m. on Saturday and Sunday. No construction is permitted on Federal holidays. As provided in the 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 4-1-1130, 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. Procedures with the highest noise potential shall be scheduled for daylight hours, when ambient noise levels are highest. The contractor(s) shall be required to employ the quietest among alternative equipment or to muffle/control noise from available equipment.
- D. Construction activity shall not create dust, noise or safety hazards for adjacent residents and properties. Dirt and mud shall not be tracked onto Marina Boulevard from the project site during construction. Standard construction dust control procedures, such as wetting, daily roadwashing and other maintenance functions to control emissions, shall be implemented at all times during outdoor construction. Dust generating activities such as excavation, paving etc., shall be scheduled in the early morning and other hours when wind speeds are low. All construction contracts shall include the following requirements: 1) unpaved construction sites shall be sprinkled with water at least twice per day; 2) trucks hauling construction materials shall be covered with tarpaulins or other effective covers; 3) streets surrounding demolition and construction sites shall be swept at least once per day; and 4) paving and planting shall be done as soon as possible. City shall charge applicant, and applicant shall pay, for all costs of sweeping city streets in the vicinity of the project as necessary to control dust and spillage.

- E. The applicant shall prepare a construction truck route plan that would restrict trucks to arterial streets that have sufficient pavement section to bear the heavy truck traffic, thereby minimizing noise and traffic impacts to the community. The construction truck route plan shall be reviewed and approved by the City Transportation Administrator prior to receipt of the grading permit.
- F. Construction-related truck hauling activities shall be restricted to 8:00 a.m. to 5:00 p.m. There shall be no truck hauling activity on Saturdays, Sundays and Federal holidays.
- G. The property shall be secured during construction with a six (6) foot tall chain link fence and any other security measures in accordance with recommendation of the San Leandro Police Department.
- H. Construction workers on the project shall be provided clean drinking water, portable toilets and handwashing stations as sanitary facilities for use during all phases of construction. Said portable toilets shall be screened from view from the public right-of-way or located to the interior or rear of the site.

XI. PERFORMANCE STANDARDS

- A. All uses and activities shall comply with the provisions of the San Leandro Noise Regulations (Title IV, Chapter 1 of the Municipal Code).
- B. No use, activity, or process shall produce vibrations that are perceptible without instruments by a reasonable person at the property lines of a site.
- C. No use, process, or activity shall produce dust that is perceptible without instruments by a reasonable person at the property lines of a site.
- D. Any storage on the site shall be screened or maintained inside of the storage shed or the building.
- E. All exterior mechanical equipment such as air conditioning/heating units and antennas shall be screened from view so as not to be visible from adjacent properties or streets to the satisfaction of the Zoning Enforcement Official.
- F. No sight lighting shall spill off-site, over property lines, or shine above the horizontal plane. Parking lot lighting shall comply with Article 17 of the Zoning Code. Security lighting in any district may be indirect or diffused, or shall be shielded or directed away from an R district within five hundred feet. Lasers, spotlights, and other promotional lighting shall be prohibited.
- G. Applicant shall continue to comply with Title 14 of the California Code of Regulations.
- H. There shall be no loitering permitted on the site and the site shall be posted to permit enforcement of the City ordinance prohibiting loitering by the City of San Leandro Police Department.

- I. No objectionable odors emanating from the buildings or trash enclosures shall be detectable beyond the subject property. The City may require noncompliant tenants to install odor control measures including but not limited to the installation of air filters or odor control systems.
- J. Vehicle idling shall be actively discouraged and restricted to a maximum of two minutes. A sign up to 3 square feet in size shall be clearly posted at the gate to notify drivers of this requirement.

XII. GENERAL CONDITIONS

- A. Applicant shall pay its City development, permitting, and plan check fees in accordance with the fee schedules in effect at the time of the approval of this conditional use permit.
- B. Any outstanding Planning Services deposit fees or balance shall be paid prior to issuance of a building permit.
- C. These conditions of approval shall be posted conspicuously inside the building prior to Certificate of Occupancy and a copy shall be included with the lease agreement provided to future tenants of the building.
- D. The approvals granted by the City as a result of this application as well as conditions of approval, shall be recorded in the Office of County Recorder of Alameda County.
- E. No application for amendment of this application or conditions of approval may be submitted or accepted by the City unless (i) there is full compliance with all terms of the application and conditions of approval; or (ii) the Zoning Enforcement Official waives compliance with the terms of the application and conditions of approval pending application for amendment.
- F. Pursuant to Zoning Code Section 5-2218.A, this approval shall lapse on **December 7, 2018** unless a) a building permit or 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.