

City of San Leandro Board of Zoning Adjustments

RESOLUTION NO. 2023-0XX

**A RESOLUTION OF THE BOARD OF ZONING ADJUSTMENTS
OF THE CITY OF SAN LEANDRO**

**A RESOLUTION APPROVING A CONDITIONAL USE PERMIT AND MAJOR SITE
PLAN REVIEW TO ALLOW THE OPERATION OF A LIMITED VEHICLE REPAIR
BUSINESS WITH A REDUCTION IN REQUIRED OFF-STREET PARKING AT 1930
FAIRWAY DRIVE, AND DETERMINING THAT THE PROJECT IS CATEGORICALLY
EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
PURSUANT TO CEQA GUIDELINES SECTION 15301
PLN23-0014**

WHEREAS, the applicant, Thomas Rudden (“Applicant”), on behalf of the property owner, Gabriel Cunich (“Property Owner”), is proposing to operate a vehicle repair business at 1930 Fairway Drive; Zoning District: IG, Industrial General; Alameda County Assessor’s Parcel Number 77B-853-29 (the “Property”); and

WHEREAS, the Property has a General Industrial General Plan Land Use designation and is zoned IG, Industrial General; and

WHEREAS, the proposed vehicle repair business is consistent with the definition for Vehicle/Equipment Repair, Limited in Section 1.12.108 of the Zoning Code; and

WHEREAS, Zoning Code Section 2.12.200.B.30 requires a Conditional Use Permit (CUP) to establish a Vehicle/Equipment Repair, Limited use in the IG Zoning District; and

WHEREAS, the Property provides 19 off-street parking spaces in an existing parking lot and 41 parking spaces are required pursuant to Zoning Code Section 4.08.108; and

WHEREAS, Zoning Code Section 4.08.116 requires approval of Major Site Plan Review to reduce the number of required off-street parking spaces; and

WHEREAS, the Applicant submitted an application for a CUP and Major Site Plan Review (PLN23-0014) on July 18, 2023 to allow the establishment of a Vehicle/Equipment Repair, Limited use at the Property with a reduction in the number of required off-street parking spaces from 41 spaces to 19 spaces (the “Project”); and

WHEREAS, staff determined the Project is categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301, Existing Facilities; and

WHEREAS, a staff report dated October 5, 2023, and incorporated herein by reference, describes and analyzes the proposed Project; and

WHEREAS, on October 5, 2023, the Board of Zoning Adjustments reviewed the staff report at a duly noticed public hearing on the proposed Project, at which time all interested parties had the opportunity to be heard; and

WHEREAS, the Board of Zoning Adjustments has considered all public comments received, the presentation by City staff, the staff report and attachments in adopting this resolution; and

WHEREAS, the Board of Zoning Adjustments has determined that the proposed Project does satisfy the requisite findings of fact necessary for approval as described in the staff report and herein; and

WHEREAS, the Board of Zoning Adjustments desires to approve a Conditional Use Permit and Major Site Plan Review Permit for a Parking Exception for the Project; and

WHEREAS, the City's General Plan, Zoning Code, and Municipal Code, are incorporated herein by reference, and are available for review at City Hall during normal business hours.

NOW, THEREFORE THE BOARD OF ZONING ADJUSTMENTS FOR THE CITY OF SAN LEANDRO RESOLVES THAT: The above recitals are true and correct and made a part of this resolution.

BE IT FURTHER RESOLVED THAT, the Board of Zoning Adjustments does hereby determine that the Project is categorically exempt from CEQA per CEQA Guidelines Section 15301, Existing Facilities.

BE IT FURTHER RESOLVED THAT, the Board of Zoning Adjustments of the City of San Leandro does hereby approve a Conditional Use Permit and Major Site Plan Review for the Project to allow the operation of a vehicle repair business with a reduction in the required number of off-street parking spaces from 41 spaces to 19 spaces, as shown on the submitted project plans attached as Exhibit A and Project Statement attached as Exhibit B and incorporated herein, based on the following findings and considering the staff report, and the whole of the record related to the Project:

Conditional Use Permit

1. The proposed location of the Project is in accord with the objectives of the Zoning Code and the purposes of the IG (Industrial General) Zoning District in which the Property is located;
2. The proposed location of the Project and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing, or working in, or

adjacent to, the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity, or to the general welfare of the City;

3. The proposed Project will comply with the provisions of the Zoning Code, including all requirements for the proposed use in the Industrial General Zoning District in which it would be located; and
4. The proposed Project will not create adverse impacts on traffic or create demands exceeding the capacity of public services and facilities, which cannot be mitigated.

Major Site Plan Review for Parking Exception

1. Certain conditions—including the nature of the proposed operation and transportation characteristics of persons working and visiting the site exist that will reduce parking demand at the site; and
2. The proposed Project's use will adequately be served by the proposed parking.

BE IT FURTHER RESOLVED THAT, the Board of Zoning Adjustments' approval of a Conditional Use Permit and Major Site Plan Review for the Project is subject to the following conditions of approval:

PLANNING DIVISION

Compliance with Approved Plans and Conditions of Approval

1. The Project shall comply with Exhibit A (Project Plans) and Exhibit B (Project Statement) except as hereinafter modified. Exhibits are on file at the City of San Leandro, Community Development Department located at 835 E. 14th Street, San Leandro, California, 94577.
2. These conditions of approval shall run with the land and the applicant and/or property owner shall be responsible for assuring that any heirs, executors, administrators, and successors in interest who assumes responsibility for this approval are informed of its terms and conditions.
3. The approval of this Conditional Use Permit and Major Site Plan Review allows for the operation of a Limited Vehicle Repair business with a reduction in the required number of off-street parking spaces from 41 spaces to 19 spaces on a 1.5-acre site zoned Industrial General (IG) located at 1930 Fairway Drive.
4. The project shall remain in substantial compliance with the approved Plans, Exhibits, and Conditions of Approval. Proposed changes to the project shall be made in writing to the Zoning Enforcement Official. The Zoning Enforcement Official may approve changes to approved exhibits or Conditions of Approval without a public hearing upon determining that the changes are minor and are consistent with the intent of the original approval. Revisions involving substantial changes to approved exhibits or

Conditions of Approval shall be treated as new applications, to be reviewed as a new project.

5. The Project approval shall lapse two (2) years following approval of the application unless diligent progress has been made evidencing a good faith intent to commence the intended use; or an occupancy permit has been issued; or the approval is renewed, as provided in Zoning Code Section 5.08.136.A. Pursuant to Zoning Code Section 5.08.136.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 Zoning Code Section 5.08.124.A remain valid. An application for renewal shall be made in writing to the Zoning Enforcement Official prior to the expiration of the permit. Denial of a request for renewal of the Project approval may be appealed.
6. The project approval shall become effective on the 15th day after the date the Board of Zoning Adjustments approves the project, unless appealed, as provided in Zoning Code Chapter 5.20 Appeals.
7. In accordance with Section 5.24.108 of the Zoning Code, upon determination by the Zoning Enforcement Official that there are reasonable grounds for revocation of this use permit, a revocation hearing shall be set by the Zoning Enforcement Official before the Board of Zoning Adjustments.
8. These Conditions of Approval shall be made available and accessible to all tenants, employees and vendors on the property.
9. Prior to permit issuance, the Applicant/Property Owner shall demonstrate that the Project complies with all minimum requirements of the San Leandro Zoning Code.
10. Prior to permit issuance, the Applicant/Property Owner shall provide notations to the conditions of approval and clearly indicate how all conditions of approval will be or have been complied with. A reference shall be provided to specific plan sheets that demonstrate compliance. Construction plans shall not be accepted without the annotated final conditions of approval document.
11. Any outstanding Planning, Engineering or Building deposit fees or balances shall be paid prior to permit issuance.

Operational Conditions

12. Hours of operation shall be limited to Monday through Friday from 7:00 a.m. and 5:00 p.m. Any modification to the hours of operation shall be subject to the review and approval of the Zoning Enforcement Official.
13. The paint booth shall be installed inside the building and all paint waste shall be stored inside the building.

14. All repair activities shall occur and be performed inside the building if possible. Any accessory repair activities that cannot occur inside the building shall be shield from the public view.
15. Outdoor storage of vehicles, materials or equipment shall be accessory to and strictly related to the operation of the principal use. Outdoor storage shall comply with Zoning Code Section 4.04.324 (Outdoor Facilities and Storage/ Loading Facilities). Vehicle storage shall not occur in the parking lot in front of the building or on the public street.
16. The Applicant/Property Owner shall regularly maintain the parking areas and shall be responsible for the prompt clean up and removal of litter, oil stains and spilled vehicle fluids. Parking areas shall be well maintained and kept free of litter and debris at all times.
17. Deliveries and moving trucks shall not load or unload from the public right-of-way without prior approval of an encroachment permit. Loading and unloading shall not obstruct the flow of traffic on surrounding streets.
18. All uses and activities shall comply with the provisions of the San Leandro Noise Regulations (Title IV, Chapter 1 of the Municipal Code). Tenants and vendors shall take proactive measures to avoid and reduce noise generated by delivery vehicles' audible reverse back-up signals and to ensure that loading and delivery activities are in compliance during the City's established quiet hours and do not pose a public nuisance during other times. The use of a spotter, rear cameras and/or radar is recommended over audible signals for all service and delivery vehicles.

General Conditions

19. Prior to the issuance of a building permit, plans shall show that the existing fencing adjacent to the building at the northeast side of the parcel be removed and replaced with a high-quality solid wall or fence, and landscaping to substantially obscure visibility from the public street. A detail of the screening shall be included on the plans submitted for permit review and approval by the Community Development Director. This shall be installed prior to Certificate of Occupancy. Fences, walls and hedges shall comply with Zoning Code Section 4.04.364 (Fences, Walls, and Hedges). The installation of barbed wire, razor, chain link, cyclone and electrified fencing are prohibited.
20. Prior to the issuance of a building permit, landscape plans shall be required to be submitted and subject to review and approval. The landscaping shall be a minimum height of 30 inches and shall consist of continuous shrub plantings. Prior to the start of operation, new landscaping shall be installed in the existing planters in between the parking lot and the sidewalk along Fairway Drive. All existing areas for landscaping shall remain and the total landscaped area shall not decrease.
21. All existing trees on site shall be retained and maintained in good condition.

22. Prior to the start of operation, defects to the parking lot, parcel frontage and landscaping, including potholes, cracks, uplifted ground, wheel stops, and planter cement, shall be repaired. Prior to issuance of a building permit and subject to review and approval, the repairs shall be shown on the plans submitted for a building permit.
23. All signage shall conform to the regulations in Chapter 4.12 of the Zoning Code for the development. Neon signs and flashing signs are prohibited, including those placed in windows. All signs shall be well maintained at all times. Any damaged signs shall be promptly repaired or replaced. Window signs, whether painted or adhered to the glass or within eight feet of the window excluding merchandise display, shall be no larger than twenty-five percent of the window in which they are located. No temporary or unauthorized signs including but not limited to including but not limited to banners, balloons, streamers, and pennants, shall be placed on the property, unless approved by the City under a Temporary Sign Permit or Special Event Permit. The use of spotlights, feather signs, animated or inflatable signs, balloons, and lasers shall be prohibited at all times.
24. A detail of the trash enclosure and refuse storage area shall be included on the plans submitted for permit review and approval by the Community Development Director. The trash enclosure and refuse storage area shall be screened on all sides by a six foot solid wall using exterior materials, colors, and finishes that are also used on the primary building.
25. All landscaping improvements shall be maintained in a healthy, growing, and weed-free condition at all times. Any missing, dead, or damaged plant and groundcover material shall be promptly replaced with a material similar in type and comparable in size to the plant(s) or groundcover being removed. Street trees and tree wells shall be maintained to provide shade cover and a healthy canopy. All trees shall be planted so that at maturity they are located far enough away from the sidewalk so that their branches are at least eight (8) feet above the sidewalk area and 14 feet above the roadway/vehicle traveled way. Pruning and tree trimming shall be avoided during nesting season.

Standard Construction Conditions

26. The project shall comply with the current Bay Area Air Quality Management District's basic control measures for reducing construction emissions of PM10 (Table 8-1, Basic Construction Mitigation Measures Recommended for All Proposed Projects, of the BAAQMD CEQA Guidelines).
27. If currently unknown historic/prehistoric artifacts or human remains are discovered during ground disturbing activities, the following measures shall be implemented:
 - A. In compliance with State law (Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code), in the event that historical artifacts are found, all work within 50 feet of the find shall stop and a qualified archaeologist

shall examine the find. The archaeologist shall then submit a plan for evaluation of the resource to the City of San Leandro Planning Services Division for approval.

- B. If the evaluation of the resource concludes that the found resource is eligible for the California Register of Historic Resources, a mitigation plan shall be submitted to the City of San Leandro Planning Services Division for approval, which shall consider reasonable efforts for the resources to be preserved in place or left in an undisturbed state.
 - C. If the artifacts and samples recovered during construction are determined to be significant and cannot be preserved in place, the artifacts shall be cataloged and curated by a qualified archaeologist and placed in an appropriate curation facility. The mitigation plan shall be completed before earthmoving or construction activities can recommence within the designated resource area.
 - D. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission (NAHC) within 24 hours of this identification. The NAHC will immediately identify a Native American most likely descendant (MLD) to inspect the site and provide recommendation.
28. Landscape grubbing, building demolition, and other construction activities such as grading and utility installation shall be performed in compliance with the Migratory Bird Treaty Act and relevant sections of the California Fish and Game Code to avoid loss of nests in active use. This shall be accomplished by scheduling tree removal and building demolition outside of the bird nesting season (which occurs from February 1 to August 31) to avoid possible impacts on nesting birds if new nests are established in the future. Alternatively, if tree removal and building demolition cannot be scheduled during the non-nesting season (September 1 to January 31), a pre-construction nesting survey shall be conducted. The survey shall be completed by a qualified wildlife biologist no more than 14 days prior to the start of tree removal. If active nests are identified, a no disturbance buffer of 25-500 feet (depending on species and setting) shall be established around each nest until the young are fledged or the nest becomes inactive.
29. Construction on the project site shall not commence prior to 7:00 a.m. and shall cease by 7:00 p.m., Monday through Friday, and shall not commence prior to 8 a.m. and shall cease by 7 p.m. Saturday and Sunday, unless otherwise approved by the Chief Building Official. There shall be no construction on Federal holidays. As provided in this 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. Prior to the start of construction activities, the construction contractor shall:

- Maintain and tune all proposed equipment in accordance with the manufacturer's recommendations to minimize noise emission.
- Inspect all proposed equipment and fit all equipment with properly operating mufflers, air intake silencers, and engine shrouds that are no less effective than as originally equipped by the manufacturer.
- Post a sign, clearly visible at the site, with a contact name and telephone number of the construction manager.
- Place stationary construction equipment and material delivery in loading and unloading areas as far as practicable from the residences.
- Limit unnecessary engine idling to the extent feasible.
- Use smart back-up alarms, which automatically adjust the alarm level based on the background noise level, or switch off back-up alarms and replace with human spotters.
- Use low-noise emission equipment.
- Limit use of public address systems.
- Minimize grade surface irregularities on construction sites.

30. Construction activity shall not create dust, noise or safety hazards for adjacent businesses and properties. Dirt and mud shall not be tracked onto public streets from the project site during construction. Standard construction dust control procedures, such as wetting, daily road washing and other maintenance functions to control emissions, shall be implemented at all times during outdoor construction. Dust generating activities such as grading, excavation, paving, etc. shall be scheduled the early morning and other hours when wind speeds are low. All construction activities entailing soil disturbance shall cease when winds exceed 30 miles per hour as an hourly average.

31. All construction contracts shall include the following requirements:

- a. Unpaved construction sites shall be sprinkled with water at least twice per day;
- b. Trucks hauling construction materials shall be covered with tarpaulins or other effective covers;
- c. Streets surrounding demolition and construction sites shall be swept at least once per day; and
- d. Paving and planting shall be done as soon as possible. The City shall charge the Applicant/Property Owner, and the Applicant/Property Owner shall pay, for all

costs of sweeping city streets in the vicinity of the project as necessary to control dust and spillage.

Indemnification

32. The Applicant/Property Owner hereby agrees to defend, indemnify, and hold harmless the City of San Leandro, its Council, boards, commissions, officers, employees and agents, from and against any and all claims, suits, actions, liability, loss, damage, expense, cost (including, without limitation, attorneys' fees, costs and fees of litigation) of every nature, kind or description, which may be brought by a third party against, or suffered or sustained by, the City of San Leandro, its Council, boards, commissions, officers, employees or agents to challenge or void the permit granted herein or any California Environmental Quality Act determinations related thereto.
33. In the event that any person should bring an action to attack, set aside, void or annul the City's approval of this Project, the Applicant/Property Owner shall defend, indemnify and hold harmless the City and/or its agents, officers and employees from any claim, action, or proceeding against the City and/or its agents, officers and employees with counsel selected by the Applicant/Property Owner (which shall be the same counsel used by Applicant/Property Owner) and reasonably approved by the City. Applicant/Property Owner's obligation to defend, indemnify and hold harmless the City and/or its agents, officers and employees shall be subject to the City's compliance with Government Code Section 66474.9.

ENGINEERING AND TRANSPORTATION DEPARTMENT

Fees

34. 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.

Compliance

35. The proposed project 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 City Engineer.
36. The Applicant/Property Owner shall comply with the regulations and provisions contained in the City's Grading Ordinance, the City's Storm Water Pollution Prevention Permit, and the National Pollutant Discharge Elimination System (NPDES), to the satisfaction of the City Engineer. More information may be found at

www.cleanwaterprogram.org. Storm water runoff from this site will need to be treated before it enters the storm drain system.

37. Standard construction Best Management Practices (BMP's) shall be utilized during construction to prevent storm water pollution as a result of the development.

Site Plan

38. Interior floor drains shall be plumbed to the sanitary sewer system and shall not be connected to storm drains.

39. Drain inlets shall be labelled/stenciled to remind workers and customers that dumping is not allowed.

40. The following Standard Notes shall be incorporated into plans submitted for permits:

- 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.

- i. A combination of barricades, traffic cones, and caution ribbon shall be positioned around any equipment, work area, or stored materials within the right-of-way to provide a protective barrier for public safety.
- ii. Pedestrian access shall be maintained. Pedestrian detours or temporary facilities may be used as necessary.
- iii. Any damage to the right-of-way improvements shall be promptly repaired by the applicant, and according to City Standard Plans.
- iv. Driveway, sidewalk, and curb & gutter construction shall be in accordance with City of San Leandro Standard Plans 100 and 102.

- B. The applicant shall comply with the following high standards for sanitation during construction of improvements:

- v. Garbage cans, construction dumpsters, and debris piles shall be emptied/removed on a minimum weekly basis.
- vi. All food related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers only and shall be removed on a minimum weekly basis.
- vii. 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.

Project Requirements

41. Parking stall number 14 shall remain an ADA parking space.
42. Accessible path of travel diagonal striping shall match existing diagonal striping at front entrance or 3'-0" max on center.
43. 'NO PARKING' pavement marking at accessible path of travel shall be installed. This marking shall be shown on permit plans.
44. Repair of Defects or Hazards. Review of the property's fronting sidewalks, driveways, curb, and gutter to check for defects or hazards (a component of the City's review of development applications) has determined sidewalk repairs are required. The address will be registered in "mobile 311" (<https://cityofsanleandro.mobile311.com/#/home>). A City Inspector will review the frontage and will provide findings and notification to the real property. For any repairs required by the City's Municipal or Administration Code, or by the Streets and Highways Code, the real property owner will have the following options available:
- A. Repair the sidewalk themselves by hiring an appropriately licensed contractor, and by obtaining the necessary City Encroachment Permit; or
 - B. Register in the City's Annual Sidewalk Repair Program for a City hired Contractor to perform the repair work, and reimburse the applicable program costs once the work is complete.
45. Parking Lot Entrance Gate. The gate at the entrance of the parking lot shall remain open during hours of operation. If the gate is to be replaced, proposed gate improvements shall be submitted for review and approval.

Stormwater Pollution

46. Storm Water Pollution. The Applicant/Property Owner shall reduce storm water pollution by implementing the following pollution source control measures:
- A. Structures shall be designed to discourage the occurrence and entry of pests into buildings, thus minimizing the need for pesticides. The trash area shall be separated from the rest of the building by concrete or masonry walls so that pests that gain access to the area are less likely to access the rest of the building.
 - B. All storm drains shall be marked "NO DUMPING, DRAINS TO BAY".

- C. All on-site storm drains shall be inspected and, if necessary, cleaned at least twice a year immediately prior to the rainy season.
- D. Sidewalks and parking lots shall be swept regularly to minimize the accumulation of litter and debris. Steam cleaning or low volume pressure washing may be performed only after pre-cleaning using dry methods, spot cleaning and recovery in stained areas and removal of all mobile pollutants. Debris resulting from pressure washing shall be trapped and collected to prevent entry into the storm drain system. Wash water containing any soap, cleaning agent or degreaser shall not be discharged to the storm drain.
- E. Interior floor drains (if any) shall not be connected to the storm drain system.
- F. Air conditioning condensate shall be directed to landscaped areas. Any air conditioning condensate that discharges to land without flowing to a storm drain may be subject to the requirements of the State Water Resources Control Board's (SWRCB) Statewide General Waste Discharge Requirements (WDRs) for Discharges to Land with a Low Threat to Water Quality.
- G. Landscaping shall be designed to minimize irrigation and runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to storm water pollution.
- H. Where feasible, landscaping shall be designed and operated to treat storm water runoff by incorporating elements that collect, detain, and infiltrate runoff. In areas that provide detention of water, plans that are tolerant of saturated soil conditions and prolonged exposure to water shall be specified.
- I. Plant materials selected shall be appropriate to site specific characteristics such as soil type, topography, climate, amount and timing of sunlight, prevailing winds, rainfall, air movement, patterns of land use, ecological consistency and plant interactions to ensure successful establishment.
- J. Selection of plants that will require minimal pesticide use.
- K. Irrigation shall be appropriate to the water requirements of the selected plants.
- L. The Applicant/Property Owner shall select pest and disease resistant plants.
- M. The Applicant/Property Owner shall plant a diversity of species to prevent a potential pest infestation from affecting the entire landscaping plan.
- N. The Applicant/Property Owner shall plan insectary plants in the landscaping to attract and keep beneficial insects.

BUILDING AND SAFETY SERVICESCompliance

47. The plans reviewed under this Conditional Use Permit and Major Site Plan Review application does not constitute a complete building plan review. A formal plan check review will be completed at the time of project submittal to the Building Division. All construction shall fully comply with the current adopted California Building Standards Code in effect at the time of building permit issuance.

Building Permit Plans

48. The Applicant/Property Owner shall demonstrate the following on plans submitted for permit issuance. All building permit plan submittals shall include required mechanical, electrical, and plumbing plans. Deferred plans shall not be accepted.

- A. The project shall comply with Title 24.
- B. Construction and Demolition is required to comply with Cal Green Non-Residential Mandatory Measures.
- C. Clarification on forklifts, if using, and whether they are propane or diesel is required on permit plans.
- D. Pedestrian gates for driveway gates, if required, shall comply with CBC Chapter 11A.
- E. Clarification on permit plans for exterior walkways, parking illumination, fixture location and fixture foot candle are required.
- F. Clarification of whether tires will be stored on site.
- G. Clarification of the storage and disposal of paint is required.
- H. Clarification on paint booth ventilation is required.
- I. Manufacturer installation specifications for the paint booth is required.
- J. Information provided on civil plans such as accessible path of travel, accessible parking, utilities, and exterior lighting locations shall be shown on architectural site plans.
- K. All revision clouds and deltas added during planning approval shall be removed prior to submitting for building permits.

Accessibility/ ADA Compliance

49. The Applicant/Owner shall provide van and standard accessible parking space with signage and striping per 2022 CBC Chapter 11A.
50. An accessible path of travel from public right of way and accessible parking to offices, lobby, reception area, employee areas and break room, restrooms, warehouse, paint booth loading dock, transport staging area and per 2022 CBC Chapter 11A shall be provided.
51. Accessible clearances for all accessible spaces are required per 2022 CBC Chapter 11A.
52. All exterior walking surfaces shall be ADA compliant.

ALAMEDA COUNTY FIRE DEPARTMENT

53. The Project shall comply with the California Building and Fire Codes and current and local ordinances in effect at the time of building permit submittal.

ENVIRONMENTAL SERVICES DIVISION

54. The handling, which includes 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 at <http://cers.calepa.ca.gov/>. An HMBP shall be submitted prior to placement of registerable material onsite. The plan is subject to the review and approval of Environmental Services. Per Government Code Section 65850.2, the City shall not issue a final certificate of occupancy or its equivalent until the HMBP requirements are met. Information on the HMBP program is available on the City's website at <https://www.sanleandro.org/886/Environmental-Services>. This includes the diesel fire pump and possibly the transformer.
55. 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 "tanks" 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 shall comply with the requirements of the CA Aboveground Petroleum Storage Act (APSA) in Chapter 6.67 of the CA Health & Safety Code and implement a Spill Prevention, Control, and Countermeasure Plan (SPCC) in conformance with 40 CFR 112.
56. Auto repair work shall be done indoors or covered as much as possible to mitigate stormwater runoff. The elimination of outdoor exposure of materials, processes, or equipment to the maximum extent practicable is necessary to prevent contamination of rainwater. Exposures that cannot be eliminated require use of Best Management

Practices (BMPs), both engineered and administrative, to prevent any exposure from impacting rainwater runoff.

57. Discharge of anything other than rainwater to the stormwater collection system, which includes area drains, sidewalks, parking areas, street curb and gutter, is prohibited.
58. Hazardous waste generated on site shall be handled and disposed pursuant to applicable local, state and federal law. Generators of hazardous waste shall register with the City's Environmental Services Section, which is the Certified Unified Program Agency (CUPA), through the California Environmental Reporting System at <http://cers.calepa.ca.gov>. A site-specific hazardous waste generator identification number shall be obtained from the Department of Toxic Substances Control or the USEPA as applicable.
59. If there will be a wash rack, accessible and secure monitoring facilities shall be constructed at the site's final combined sanitary sewer outfall to allow for the City to install sampling equipment and collect wastewater samples to determine the facility's compliance with wastewater discharge regulations.

PASSED, CONDITIONALLY APPROVED, AND ADOPTED, on this 5th day of October 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Litha Zuber

Chair of the Board of Zoning Adjustments

ATTEST:

Avalon Schultz, AICP

Secretary to the Board of Zoning Adjustments