

**RECOMMENDED
CONDITIONS OF APPROVAL**

PLN17-0009

2091 West Avenue 140th

Alameda County Assessor's Parcel Number 77B-853-38-1

Ahern Rentals, Inc. (applicant) and West 140th LLC (property owner)

I. COMPLIANCE WITH APPROVED PLANS

- A. The applicant and/or property owner shall comply with Exhibits A through K, attached to the staff report dated June 1, 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 – Cover Sheet
Exhibit B – Site Plan 2062 and 2091 W. Ave. 140th
Exhibit C – Proposed Landscape Areas
Exhibit D – Proposed Landscape Areas at Cul-De-Sac Entrance
Exhibit E – 2091 Warehouse and Office Floor Plan and Elevations
Exhibit F – Existing Shed – Plan and Elevations
Exhibit G – Fueling Station Plan, Section and Details
Exhibit H – Fuel Dispensing Equipment
Exhibit I – Wash Bay and Water Recycling System
Exhibit J – Planting Plan
Exhibit K – Topographic Survey, Property Lines

- 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. PERMITTED USES

- A. This is a conditional use approval to allow operation of a construction equipment dealer and rental company at 2091 West Avenue 140th. Vehicle/Heavy Equipment Rentals and Vehicle/Equipment Repair, General are a conditionally permitted uses on the subject property, which is in the IG - Industrial General District. Vehicle/Heavy Equipment Dealers, New is a permitted use on the subject property. Alameda County Assessor's Parcel Number 77B-853-38-1; Ahern Rentals, Inc. (applicant) and West 140th LLC (property owner).
- 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.
- C. 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 Community Development Director who may administratively approve or require review by the Board of Zoning Adjustments as a modification to the Conditional Use Permit.

- D. The days and hours of operation shall be restricted to 3:00 a.m. to 5:00 p.m. Monday through Friday. Any modification to the hours shall be subject to the review and approval of the Community Development Director.

III. PLAN SUBMITTAL FOR PROJECT SITE IMPROVEMENTS

- A. 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 Community Development Director. 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 existing 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.
- B. No signs shall be erected without prior approval by the Community Development Director and after first obtaining a building permit.

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 areas or the building.
- C. At no time shall vehicles or equipment be displayed for rent or sale on the street.
- D. Fueling station is for the applicants use only and shall not be available or open to the public or outside entities for use.
- 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. The project site shall be well maintained and shall be kept free of litter, debris and weeds at all times.
- K. 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.
- L. 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.
- M. Razor wire installed on the fencing, walls, or buildings on the property is prohibited within three hundred feet of the public street frontage.
- N. The perimeter fencing shall be structurally sound and well maintained at all times. Any damage to the fencing or wrought iron fencing shall be promptly replaced or repaired.
- O. 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 storage shed, 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. 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 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. Sheet A1.2 and L1.0 show landscaping along south property line. Landscaping shall not intrude into UPRR right-of-way and shall be curtailed at the wing rails prior to convergence of the spur into UPRR tracks. The applicant shall be solely responsible to determine UPRR right-of-way and shall not encroach into UPRR property without proper permit from the concerned Agency.
- D. City has a 31 feet wide storm drain easement at the existing shed which is on the west side of the property. This easement shall be shown on the plans. The proposed wash bay/water recycling system is proposed under the existing shed. Plans shall specify that this system can be unbolted if City requires to access the easement.
- E. 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.

VII. ALAMEDA COUNTY FIRE DEPARTMENT REQUIREMENT

- A. Plans to meet the requirements of the Building and Fire Codes adopted at time of building plan submittal.

VIII. BUILDING & SAFETY SERVICES DIVISION REQUIREMENTS

- A. The proposed development 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. Designated trash area(s) shall be in a location that is not visible from the street. Trash area(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.
- B. Bin storage shall be located to be the least obtrusive/visible from a public roadway. If bin(s) cannot be stored without being visible from public roadway, construction of a trash enclosure is required.
- C. Business shall have sufficient solid waste storage capacity and frequency of service to contain all waste generated onsite. Enclosure/trash area shall be of adequate size to accommodate at least one solid waste. If required, enclosure size must also accommodate a separate container for the collection of organics (food scraps, compostable paper, and plant debris).

- D. Applicant is subject to Alameda County Mandatory Recycling Ordinance #2012-01.
- E. The property owner, occupant and tenants shall maintain enclosure/trash area free of litter and other debris in accordance with San Leandro Municipal Code §3-15-215.

X. 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. Parking lot lighting shall comply with Article 17. 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.
- F. 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 entry to notify drivers of this requirement.

XI. 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. 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.
- C. 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 Community Development Director waives compliance with the terms of the application and conditions of approval pending application for amendment.
- D. Pursuant to Zoning Code Section 5-2218.A, this approval shall lapse on **June 1, 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.