

**RECOMMENDED
CONDITIONS OF APPROVAL**

PLN17-0017

1922 Republic Avenue

Enterprise Holdings c/o L. Fogelhut, Architect (applicant)

C. Lutz, Balco Properties, LTD., LLC (property owner).

I. COMPLIANCE WITH APPROVED PLANS

- A. The applicant and/or property owner shall comply with Exhibits A through E, 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, Index Notes (Sheet T-1)

Exhibit B – Existing Site Plan (Sheet A1.0)

Exhibit C – Proposed Site Plan (Sheet A1.1)

Exhibit D – Exterior Elevation (Sheet A5.1)

Exhibit E – Perceptive Rendering

- 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 a car (vehicle) rental business and to have vehicle storage for the car rental business at 1922 Republic Avenue (at Nicholson Street; southeast corner); Alameda County Assessor's Parcel Number 77A-646-2.
- 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 7:30 a.m. to 6:00 p.m. Monday through Friday; 9:00 a.m. to 12:00 p.m. Saturday; and closed on Sunday. Any modification to the hours shall be subject to the review and approval of the Community Development Director.

III. MAINTENANCE

- A. The use permit conditions of approval shall be made accessible to all employees on the property.

- B. No automotive repair, maintenance, or servicing work shall require pneumatic lifts or be conducted outside the building.
- C. No "For Sale" signs shall be placed on the vehicles stored outdoors on the property. At no time shall vehicles be displayed for rent or sale on the street. No sales of vehicles are permitted from the site.
- D. No wrecked vehicles or engines, discarded auto parts, or any auto parts shall be stored outside the building on the property; no storage of vehicles is permitted on the property other than vehicles awaiting rental assignment. There shall be no dismantling or salvaging of vehicles on-site.
- E. All vehicle parking on the site shall be undertaken in a neat and orderly manner at all times.
- F. Employees and customers shall be instructed by the applicant and/or property owner to park in the internal parking area and not to park on the street in front of nearby businesses.
- G. Prior to commencement of business, employee-parking spaces shall be designated on the property.
- H. Any graffiti shall be promptly removed from the property.
- I. The project site shall be well maintained and shall be kept free of litter, debris and weeds at all times.
- J. 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.
- K. 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 area facing Republic Avenue or Nicholson Street.
- L. There shall be no razor wire installed on the fencing or on the property.
- M. The perimeter fencing shall be structurally sound and well maintained at all times. Any damage to the walls or wrought iron fencing shall be promptly replaced or repaired.
- N. All solid waste and recyclable material containers shall be kept inside the building or a trash enclosure at all times except for the day the collection company is scheduled for pick-up. Immediately after pick-up all solid waste and recyclable material containers shall be returned into the building or into to the trash enclosure, out of public view.

IV. ENVIRONMENTAL SERVICES REQUIREMENTS

- A. In the event engine compartment cleaning or engine degreasing is performed on the property, the applicant, prior to said engine cleaning or degreasing, shall submit a Wastewater Discharge Permit to the City of San Leandro Environmental Services Division for review. (Note: Per Sheet A1.1, exterior vehicle washing will be performed in the building on a vehicle wash pad plumbed to a 1,500 gallon oil-sand interceptor. A wastewater discharge permit is not required for exterior vehicle washing.).

- B. In the event vehicle maintenance is performed on the property, the applicant, prior to said maintenance that stores and/or handles (for any purpose) at any one time hazardous materials at or above 55 gallons for liquids, 500 pounds for solids, or 200 cubic feet for compressed gases, or, generates hazardous waste (e.g., used oil, used antifreeze), shall register with the City of San Leandro Environmental Services Division by either completing a Hazardous Materials Business Plan (HMBP) or a one-time registration on the State of California Environmental Reporting System (CERS), <http://cers.calepa.ca.gov>. (Note: Per applicant letter dated March 28, 2017, no vehicle maintenance will be performed at the site.).

V. ENGINEERING AND TRANSPORTATION REQUIREMENTS

A. General:

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 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.
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 City Engineer.

B. Site Planning:

1. The applicant shall obtain an Encroachment Permit from the Engineering and Transportation Department for any work within public right-of-way. Contractors must be properly licensed, have a valid Business License, and submit proof of insurance. Applicable fees/deposits shall be paid.
2. Provided that the sanitary sewer lateral connection to the main is made through the driveway on Nicholas Street, the applicant shall reconstruct the entire driveway as per the City of San Leandro Standard Plan Dwg. No. 102 prior to Certificate of Occupancy. Building Permit application plans shall callout for this improvement.
3. Sanitary sewer lateral is shown to connect to the main line on Nicholson Street. The City will inspect for any defects in this sanitary sewer segment on Nicholson Street and if the new lateral connection will cause any structural damage to the sanitary sewer main line, the applicant shall replace the main pipeline from joint to joint as part of this project prior to making the sewer lateral connection.

C. Other:

1. The City's traffic impact fee program is called "Development Fee for Street Improvements" (DFSI). Pursuant to the adopted 2016-17 Fee Schedule, the rate for General Retail is \$4.15 per gross building square foot with a credit offered for the prior General Industrial use at the rate of \$1.19 per gross building square foot. The building area is 4,361

square feet, thus the DFSI fee of \$12,908.56 shall be due prior to issuance of the building permit. This fee is subject to change each fiscal year and is not vested until Building Permit issuance.

2. A one-time Marina Boulevard/Interstate 880 Traffic Impact Fee is estimated approximately in the amount of \$3,357.97, which is calculated at \$1.64 per gross building square foot for the proposed General Retail use and shall be due at the time of Building permit issuance. This estimated fee includes a credit for existing General Industrial building on the site at the rate of \$0.87 per gross building square foot. This fee is subject to change at the beginning of each fiscal year and is not vested until Building Permit issuance.

VI. BUILDING AND SAFETY SERVICES DIVISION REQUIREMENTS

- A. Building Permit application submittal shall include but is not limited to the following:
 1. Provide accessible entrance, counter and restroom.
 2. Provide manufactures specifications on all washing equipment and sump pump.
 3. Provide ventilation details on new car washing area.
- B. Title 24 shall be required for any modifications to interior or exterior lighting, mechanical equipment, and said lighting and mechanical equipment shall comply with all Non-Residential Mandatory Measures.
- C. Any new equipment shall conform to Electrical Code. (Note: Said new equipment may require electrical main panel upgrade.).

VII. FIRE DEPARTMENT REQUIREMENTS

- A. Building Permit application submittal, for Fire Code compliance, shall include but is not limited to the following:
 1. Verify if the existing building is equipped with fire protection system. In the event it is equipped with a fire protection system, modifications shall be required to the satisfaction of the Fire Marshall.
 2. Verify if the gates on the property are electric or manual. In the event any of the gates are electric, said gate(s) shall be required to be equipped with an electric Knox Box Key Switch.
 3. The required pedestrian gate(s) shall be provided for egress purposes from the enclosed parking lot area.
 4. At a minimum the following fire extinguishers shall be required for the office area (2A 10B:C) and warehouse area (4A 40B:C).
 5. Required Knox Box location(s) shall be provided on the plans.
 6. Required hardware shall be provided on all egress doors on the plans.

7. Required emergency lighting and Exit signs shall be provided on the plans.

VIII. PERFORMANCE STANDARDS

- A. 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 or installed without prior approval after first obtaining a Sign Permit from the Building and Safety Services Division.
- C. All uses and activities shall comply with the provisions of the San Leandro Noise Regulations (Title IV, Chapter 1 of the Municipal Code).
- D. No use, activity, or process shall produce vibrations that are perceptible without instruments by a reasonable person at the property lines of a site.
- E. No use, process, or activity shall produce dust that is perceptible without instruments by a reasonable person at the property lines of a site.
- F. Any storage on the site, other than rental vehicles shall be maintained inside of the building.
- G. Parking lot lighting shall comply with Article 17. Security lighting in any district may be indirect or diffused.

IX. 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.