

**RECOMMENDED
CONDITIONS OF APPROVAL**

PLN18-0022

13700 Catalina Street (southeast corner of Catalina Street and Fairway Drive)

Alameda County Assessor's Parcel Number 80G-931-16

A. Ali, A & M Partnership (applicant); C. Morgan (property owner)

I. COMPLIANCE WITH APPROVED PLANS

- A. The applicant and/or property owner shall comply with Exhibits A through D, attached to the staff report dated July 5, 2018, 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 and Site Plan

Exhibit B - Existing Floor Plan

Exhibit C - Elevations

Exhibit D - Proposed Floor Plan

- 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 Conditional Use Permit and Site Plan Review approval is to allow a vehicle rental business (i.e., U-Haul trucks and vans) and the creation of related outdoor storage area for the vehicle rentals that would be visible from off-site at 13700 Catalina Street (at Fairway Drive; southeast corner); Alameda County Assessor's Parcel Number 80G-931-16. The maximum number of rental vehicles on the property shall not exceed 18. The display and storage of the rental vehicles shall remain in strict compliance of Exhibit A- Site Plan, where said rental vehicles are designated for storage adjacent to the eastern and southern interior property lines. The parking spaces shall be posted for the rental vehicles and the remaining parking spaces on the subject property shall be designated/posted for customer and employee parking spaces.
- B. Any proposed changes or additional occupancy shall be submitted in writing to the Community Development Director. 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 for the truck rental business shall be restricted to 6:00 A.M. to 8:00 P.M. every day of the week. Any modification to increase the change or the hours shall be

submitted in writing and subject to the review and approval of the Community Development Director.

III. ON-SITE AND OFF-SITE IMPROVEMENTS

- A. Within 60 days of the Conditional Use Permit and Site Plan Review approval, the applicant and/or property owner shall submit a final landscape and irrigation plan that complies with the City's Landscape Ordinance and State Model Water Efficient Landscape Ordinance (MWELO) to the Community Development Director for review and approval. Said plans shall include, but is not limited to, trees with a minimum size of 15 gallons, a pallet of shrubs and ground cover planting that is flowering plants, or plants that have colorful foliage. The minimum size for the shrubs shall be five gallons and the ground cover shall be one gallon or shall be from flats with the necessary spacing to cover the planter areas in one growing season. Planter areas shall not be lesser or smaller than shown on Exhibit A – Site Plan and the planter areas on the final plan shall include the parkway planter strips in the Fairway Drive sidewalk. The on-site planters shall be automatically irrigated to ensure the plants to become established.
- B. Within 90 days of approval of the landscape and irrigation plans, the applicant and/or property owner shall completely install all the shrubs and irrigation as noted above.
- C. All landscaping improvements shall be maintained in a healthy growing condition at all times. The landscaped areas shall be irrigated by an automatic sprinkler system designed to reduce water usage. The type, nature and amount of landscaping shall conform to the approved final landscape and irrigation plan at all times.
- D. Within 60 days of the Conditional Use Permit and Site Plan Review approval, the final sign program shall be submitted for a sign permit. Said program shall include but is not limited to low profile, monument sign not to exceed six-feet in height. Said monument sign shall incorporate the business identification and the required price signs for the sale of gasoline. In addition, said sign program may include signage on the exterior walls 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.
- E. The non-permitted two-pole freestanding sign adjacent to the Fairway Drive right-of-way line shall be removed promptly.
- F. The City of San Leandro reserves the right to require a canopy and/or containment system at the fueling island and fuel pumps with a Building Permit or a C3 Permit for Stormwater Management and Retention on the property.

IV. BUILDING AND SAFETY SERVICES DIVISION REQUIREMENTS

- A. Building Permit application submittal shall include but is not limited to the following:
 - 1. Provide accessible parking stall to meet Van Accessible requirements. The space shall be designated "Accessible." Said accessible space shall be designed and submitted with a Building Permit by a person certified as an accessible specialist also known as CASp.

2. Within 60 days of the Conditional Use Permit and Site Plan Review approval, the applicant and/or property owner shall submit a building permit application for the non-permitted propane tanks and cabinets. Said permit application shall provide details, locations and specifications to legalize the non-permitted propane tanks and cabinets near the Fairway Drive frontage of the property. Failure to apply for or obtain a building permit shall require the removal or relocation of the propane tanks and cabinets.
 3. Trash enclosure details and specifications. Enclosure shall be of adequate size to accommodate at least one solid waste and one recycling container of similar size. If required, enclosure size shall accommodate a separate container for the collection of organics (food scraps, compostable paper, and plant debris). Trash enclosure guidelines for commercial establishments are available at: <https://www.sanleandro.org/civicax/filebank/blobdload.aspx?blobid=15084>. Enclosure(s) shall be easily accessible to collection vehicles. Driveways shall provide unobstructed access for collection vehicles. Applicant shall ensure that there is adequate space for a collection vehicle to enter and exit the property in order to service containers. Applicant is subject to Alameda County Mandatory Recycling Ordinance. For more information, see www.RecyclingRulesAC.org.
- B. Project shall comply with all City and State construction and demolition debris recycling requirements. Permit applicants shall demonstrate compliance by completing and submitting an online Waste Management Plan using Green Halo Systems (www.GreenHaloSystems.com) prior to permit issuance. Applicants shall submit recycling and disposal receipts online and submit the waste management report before scheduling the final inspection. Note: Project will not be finalized until all recycling and disposal tags have been registered into Green Halo Systems.

V. ENVIRONMENTAL SERVICES REQUIREMENTS

- A. The storage of hazardous materials in quantities equal to or greater than 55 gallons, 200 cubic feet or 500 pounds and generation of any amount of hazardous waste requires submittal of a Hazardous Materials Business Plan (HMBP). HMBP submittal shall be completed via the California Environmental Reporting System (CERS) online database. If required, an HMBP shall be submitted prior to issuance of a certificate of occupancy or placement of the registerable chemicals on to the site, whichever occurs first. The plan is subject to the review and approval of Environmental Services. Handler must submit amendments to the HMBP within 30 days if:
1. 100% increase in quantity in previously reported material.
 2. New hazardous materials.
 3. Change in address, name, or ownership.
- B. Storage of hazardous materials in the building must be accordance with the 2016 California Fire Code. This includes the following:
1. Maximum allowable quantities per control area.

2. Hazardous material container(s) storage requirement.
 3. Building labeling requirements (NFPA 704 placards if greater than permit amount).
- C. Outdoor hazardous material storage shall be in accordance with the 2016 California Fire Code. This includes the following:
1. Hazardous material storage security requirement.
 2. Hazardous material container and labeling requirement.
 3. Hazardous material secondary containment requirements.
- D. 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 must comply with the requirements of the CA Aboveground Petroleum Storage Act (APSA) as required 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.
- E. Compressed gas containers, cylinders, tanks, and systems shall comply with applicable Chapters, including Chapters 50, 53, 55, 61 and 63 of the California Fire Code or applicable adopted code at time of construction. Compressed gas containers, cylinders, and tanks shall be secured to prevent falling due to contact, vibration, or seismic activity per 2016 California Fire Code §5303.5.3 by acceptable methods. Cylinders may be stored outside in secure gated and locked enclosures within the exempt amounts listed in the 2016 California Fire Code Table 5003.1.1(3).
- F. The discharge of anything other than rainwater to the stormwater collection system, including area drains, sidewalks, parking areas, street curb or gutter, is strictly prohibited.
- G. No outdoor activities shall be conducted on the site that would create an illicit discharge to the stormwater collection system, including the street curb & gutter. Any outdoor activities that create a potential for pollutant exposure to stormwater shall be mitigated by the use of Best Management Practices (BMPs); with first preference giving to moving the activity indoors.
- H. 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.
- I. All fees and charges related to Environmental Services programs shall be paid promptly in full. Failure to keep accounts current shall be grounds for revocation of the conditional use permit.

VI. ENGINEERING AND TRANSPORTATION 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. Building Permit plan set shall show that the proposed trash enclosure area shall be roofed and designed to avoid run-on to the trash enclosure area. Runoff from trash enclosures, recycling areas, or similar facilities shall not discharge to the storm drain system. If the trash enclosure has hot and cold water supply, trash enclosure shall have a drain inlet which must be connected to the sanitary sewer system via a grease interceptor show the same on plans
- D. 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. Building Permit plans shall show these measures on plans.
- E. Add following note to Building Permit plans: 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 shall be promptly repaired by the applicant according to City adopted standards..

VII. MAINTENANCE

- A. The use permit conditions of approval shall posted on the premises in a conspicuous location and be made accessible to all employees on the property.
- B. Boxes or hand-trucks shall not be displayed or stored outside the building. These equipment and material associated with the vehicle rentals shall be stored inside the vehicles or inside the building.
- C. No signs shall be placed on the rental 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 rental vehicles awaiting rental assignment or those vehicles awaiting tire and wheel service for the tire shop. There shall be no dismantling or salvaging of vehicles on-site.

- E. No vehicles shall be repaired or serviced outdoors.
- 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 area and not to park on the street in front of the residential properties or in front of nearby businesses. 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 Catalina Street or Fairway Drive.
- L. There shall be no razor wire or barbed wire installed on the fencing or on the property.
- M. Any fencing shall be structurally sound and well maintained at all times. Any damage to the fencing shall be promptly replaced or repaired.
- N. All solid waste and recyclable material containers shall be kept inside the 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 trash enclosure, out of public view.

VIII. PERFORMANCE STANDARDS

- A. Temporary signs, including but not limited to banners, merchandise displays and portable signs, 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. Inoperable vehicles, cargo containers, and trailers stored outdoors shall be removed from the property.
- G. Parking lot lighting shall comply with Article 17. Any new or replaced lighting fixtures on the property shall consist of shielded “dark-sky compliant” lighting fixtures that focus light below the horizontal plane.
- H. Outdoor loudspeakers and public announcement systems shall be prohibited from installation and use.
- I. The City shall maintain the ability to revoke this CUP and set a new public hearing date in order to impose additional conditions to correct problems that may arise such as property maintenance and related Code violations and excessive nuisance related responses from code enforcement.

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 **July 5, 2019** 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 Community Development Director.