

**RECOMMENDED  
CONDITIONS OF APPROVAL**

**PLN18-0082  
14602 Washington Avenue  
Alameda County Assessor's Parcel Number 77C-1310-9-1  
2950 Merced Park Properties LLC (applicant/property owner)**

**I. COMPLIANCE WITH APPROVED PLANS**

- A. The applicant and/or property owner shall comply with Exhibits A through F, attached to the staff report dated March 7, 2019, 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 (T.0)  
Exhibit B – Existing Site Plan (T.1)  
Exhibit C – Floor Plan (A4.1)  
Exhibit D – Elevations (A4.2)  
Exhibit E – Elevations (A4.3)  
Exhibit F – Photos & Trash Enclosure (A4.4)

- 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 for Vehicle Repair and Oil Change inside an existing approximately 2,800 square foot building at 14602 Washington Avenue. Pursuant to the Zoning Code, Limited Vehicle/Equipment Repair is conditionally permitted per Zoning Code Section 2-606.B.48. Zoning District: CC(AU)(PD) Commercial Community District (Assembly Use) (Planned Development); Alameda County Assessor's Parcel Number 77C-1310-9-1; 2950 Merced Park Properties LLC (applicant/property owner).
- B. The days and hours of operation for the shop and store hours shall be Monday through Friday 8:00 a.m. to 6:00 p.m., Saturday 8:00 a.m. to 5:00 p.m., Sunday 9:00 a.m. to 5:00 p.m. with opening and closing preparation times permitted outside these hours. Any modification to the hours shall be subject to the review and approval of the Community Development Director.
- C. 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.

- D. The interior use of the building and exterior use of the site 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.

### **III. PLAN SUBMITTAL FOR PROJECT SITE IMPROVEMENTS**

- A. Within 60 days of the approval date of this conditional use application, a final sign plan shall be submitted to the Building Services Division for a sign permit. Said sign plan 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, oil change, maintenance or servicing work shall be conducted outside the building.
- C. At no time shall vehicles or trailers be displayed for rent or sale from the subject property. No "For Sale" signs shall be placed on the vehicles stored outdoors on the property. No sales of vehicles are permitted from the site.
- D. No wrecked vehicles, discarded auto parts, or any auto parts or related products shall be stored or displayed outside the building on the property; no long-term (longer than 72 hours) storage of vehicles is permitted on the property; vehicle parking shall be limited to vehicles that are scheduled for repair work or immediate servicing and shall be undertaken in a neat and orderly manner at all times.

- E. There shall be no dismantling or salvaging of vehicles on the site.
- 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 on-site parking areas and not to park on the street or 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 oil stains, litter, debris and weeds at all times. The applicant shall regularly maintain the site to be free of litter accumulations that may collect against fences, the building or landscaped areas.
- K. Site landscaping shall be refreshed and 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. Razor wire installed on the fencing, walls, or buildings on the property is prohibited within three hundred feet of the public street frontage.
- M. Any perimeter fencing and/or walls shall be structurally sound and well maintained at all times. Any damage to the fencing or wall shall be promptly replaced or repaired.
- N. All dumpsters, trash, recycling, or organics containers shall be kept inside the trash enclosure except for the day(s) the collection company is scheduled for pick-up. Immediately after pick-up all containers shall be returned to the trash enclosure and out of public view.

**V. ENVIRONMENTAL SERVICES SECTION REQUIREMENTS**

- A. A Hazardous Materials Business Plan (HMBP) is required if the facility has on site (at any one time): a) Hazardous materials at or above 55 gallons for liquids, 500 pounds for solids, or 200 cubic feet for compressed gases; or, b) An extremely hazardous substance specified in 40 CFR Part 355, Appendix A or B, at or above the federal threshold quantity; or c) Radiological materials in quantities for which an emergency plan is required pursuant to 10 CFR Parts 30, 40 or 70. If the facility is below the above thresholds but generates any amount of hazardous waste, the business is required to submit a one-time

notification to CERS by completing the Facility Information element and include the hazardous waste generator identification number (EPA ID number) assigned to the facility. All hazardous waste generated on site shall be handled and disposed of pursuant to applicable local, state and federal law. The business is required to submit the appropriate information to the California Environmental Reporting System (CERS) at <http://cers.calepa.ca.gov> when it begins to handle hazardous materials and/or generate hazardous waste.

- B. The facility is subject to the Aboveground Petroleum Storage Act (APSA) if any of the following apply: (a) The tank facility is subject to the oil pollution prevention regulations specified in CFR Title 40, Chapter I, Subchapter D, Part 112; (b) The tank facility has a storage capacity of 1,320 gallons or more of petroleum; (c) The tank facility has a storage capacity of less than 1,320 gallons of petroleum and has one or more tanks in an underground area meeting the conditions specified in CA HSC 25270.2(o). Only tanks meeting the conditions specified in 25270(o)(1) shall be included as storage tanks.
- C. 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.
- D. This facility is in the Oro Loma Sanitary District. Contact the Oro Loma Sanitary District for additional requirements regarding discharges to the sanitary sewer.
- E. Discharge of anything to the storm water collection system (including street curb and gutter) is strictly prohibited. It is necessary to eliminate exposure of materials, processes, or equipment to the maximum extent practicable to prevent exposure to rainwater. Outdoor exposures that cannot be eliminated require the use of Best Management Practices (BMPs) to prevent the exposed material from contaminating surface waters or causing an illicit discharge to the storm water collection system.

## **VI. ENGINEERING & TRANSPORTATION DEPARTMENT REQUIREMENTS**

- A. 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.
- B. 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.

- C. It is the responsibility of the property/business owner to dispose of hazardous wastes or other oily or greasy refuse in refuse containers within the building and not in the trash enclosure located in the parking area. If these wastes will be disposed of in the trash enclosure, the trash enclosure must be covered.
- D. As part of the City's review of development applications, we perform a reconnaissance of the fronting sidewalks, driveways and curb & gutter to check for damage or hazards. Our findings are included on an exhibit (attached). Please show the locations of the needed repairs on the plan, and implement these repairs during construction for the safety of pedestrians and bicyclists. Repairs shall be constructed according to City standards. Add a note on the plans to indicate that the contractor shall obtain an encroachment permit prior to beginning any repairs within the Public Right-of-Way.
- E. Please add the following notes to the Building Permit plans:
  - a. 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 must be paid.
  - b. The applicant shall comply with the following high standards for sanitation during 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.

## **VII. ALAMEDA COUNTY FIRE DEPARTMENT REQUIREMENT**

- A. The project and plans shall meet building and fire codes adopted at time of building plan submittal.
- B. On sheet T.1 Delta 1 note and sheet T.3 note #2 the sign is to state: "THIS DOOR TO REMAIN UNLOCKED WHEN THIS SPACE IS OCCUPIED." (Section 1010.1.9.3(2)(2.2) of the 2016 California Building Code)

## **VIII. PUBLIC WORKS RECYCLING PROGRAM REQUIREMENTS**

- A. The trash enclosure shall be easily accessible to collection vehicles and personnel. Applicant must ensure that there is adequate space for a collection vehicle to enter and exit the property in order to service containers. For hauler's

back up distance/turnaround requirements, contact Waste Management of Alameda County at 510-613-8710.

- B. The establishment falls within the Waste Management of Alameda County service area.
- C. Applicant is subject to Alameda County Mandatory Recycling Ordinance. For more information, visit [www.RecycleRulesAC.org](http://www.RecycleRulesAC.org).

#### **IX. 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. Parking lot lighting shall comply with Article 17. Security lighting shall be shielded and directed away from adjacent properties. 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.
- E. Uses, activities, and processes shall not produce any unreasonable, disturbing, or unnecessary emissions of heat or humidity, at the property line of the site on which they are situated that cause material distress, discomfort, or injury to a reasonable person.
- F. Uses, activities, and processes shall not cause electromagnetic interference with normal radio or television reception or with the function of other electronic equipment beyond the property line of the site on which they are situated.
- G. Vehicle idling shall be actively discouraged and restricted to a maximum of two minutes.
- H. Outdoor loudspeakers and public announcement systems shall be prohibited from installation and use.

#### **X. 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. 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.
- D. 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.
- 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 Community Development Director 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 **March 7, 2020** 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.