

## EXHIBIT B

### RECOMMENDED CONDITIONS OF APPROVAL

PLN21-011

14655 Wicks Blvd.

Alameda County Assessor's Parcel Number 077B 0851 014 -13

Guy Duerwald, Perkins, Williams & Cotterill (Applicant)

Lone Oak San Leandro LLC. (Property Owner)

#### I. COMPLIANCE WITH APPROVED PLANS

1. The project shall comply with the Plans and Exhibits, attached to the staff report dated September 2, 2021, except as hereinafter modified. Exhibits are on file at the City of San Leandro, Community Development Department, 835 East 14th Street, San Leandro, California, 94577.
2. The Applicant and/or Property Owner shall be responsible for assuring that any successor in interest who assumes responsibility for this zoning approval is informed of its terms and conditions.
3. Pursuant to [Zoning Code Chapter 5.08](#), this approval shall lapse on September 2, 2023, unless a building permit has been issued, coupled with diligent progress evidencing good faith intention to commence the intended use; or an occupancy permit has been issued.

#### II. PERMITTED USE

4. Scope of Work. The approval of the Conditional Use Permit application allows the fleet vehicle maintenance and repair facility (Vehicle/Equipment Repair, General) to operate on the subject Property located at 14655 Wicks Blvd. (Reyes Coca-Cola).

#### III. ENGINEERING AND TRANSPORTATION DEPARTMENT REQUIREMENTS

5. 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.
6. 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 Principal Engineer. These properties are within East Bay Municipal Utility District (EBMUD). The applicant shall contact EBMUD at 866-403-2683 for any needed potable or irrigation water needs. The City will soon

have recycled water available at the Water Pollution Control Plant at 3000 Davis Street. Contact the WPCP at 510-577-3434 for more information.

7. A Grading Permit is necessary for this project. The requirements for said permit are indicated in San Leandro Municipal Code §7-12. The Grading Permit can be processed prior to or concurrent with the Building Permit(s).
8. The applicant shall submit a detailed Operations and Maintenance (O&M) agreement in accordance with MRP Section C.3.h. The O&M agreement shall be required prior to Grading Permit issuance.
9. The applicant 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. The property shall be swept regularly to minimize the accumulation of litter and debris. Loaded trucks entering or exiting the site must have their loads covered with tarps to prevent debris from escaping.
  - g. 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.
  - h. 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.
  - i. 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.

- j. 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.
  - k. Selection of the plants that will require minimal pesticide use.
  - l. Irrigation shall be appropriate to the water requirements of the selected plants.
  - m. The applicant shall select pest and disease resistant plants.
  - n. The applicant shall plant a diversity of species to prevent a potential pest infestation from affecting the entire landscaping plan.
  - o. The applicant shall plan insectary plants in the landscaping to attract and keep beneficial insects.
10. A one-time Development Fee for Street Improvements (DFSI) shall be assessed for the proposed industrial structure (7,036SF). The calculated fee shall be paid prior to issuance of any building permit. This fee is subject to change each fiscal year (July 1) and shall not be vested until the issuance of the building permit.
11. A one-time Marina Boulevard/Interstate 880 Traffic Impact Fee shall be assessed for the proposed industrial structure, the amount is calculated at a calculated rate per square foot and is due at the time of Building permit issuance. This estimated fee includes a credit towards the Marina Boulevard/Interstate 880 Traffic Impact Fee for existing building on the site. This fee is subject to change at the beginning of each fiscal year.
12. Wicks Blvd is in the City's adopted Underground Utility District Master Plan. Overhead utilities along the property's frontage may be undergrounded with the project. It will be based on a ratio of the new construction cost and the cost to replace all existing improvements. Alternatively, the applicant can pay an in-lieu fee, which is calculated at a rate per linear foot of frontage. This overhead utility conversion fee is due at the time of Building Permit issuance. This fee is subject to change at the beginning of each fiscal year (July 1).

#### **IV. ALAMEDA COUNTY FIRE DEPARTMENT REQUIREMENTS**

A formal plan check review will be completed at time of building permit submittal. The building will need to comply with all building and fire code requirements in affect at time of building permit submittal.

- 13. It appears a dead end is identified on the Northwest corner of the building. The plans also identify a gate and driveway on the westside of the building. The driveway and a gate will be required to be accessible at all times. Fire Extinguishers will be required based on Hazard.
- 14. A Deferred Submittal is required for the installation of a fire protection system.
- 15. A Deferred Submittal is required for the installation of a property protection system fire alarm system. An address shall be visible and have a contrasting color.

16. A Deferred Submittal is required for the installation of an Underground Fire Line.
17. On-site fire hydrants maybe required.
18. A Deferred Submittal is required for the installation of Carbon monoxide system.
19. A mechanical ventilation system may be required for the vehicle work area.
20. Fire Extinguishers shall be provided per the code.
21. Emergency Lighting shall be provided with an average of 1-foot candle at the floor along the means of egress route.
22. Illuminated exit signs shall be provided indicating the means of egress route.
23. All flammable/ combustible liquids, Hazardous materials, aerosols, and LPG tanks shall be stored according to the CFC 2019 edition.
24. All parts cleaning stations shall be listed for use.
25. Information on all above ground tanks for oil and anti-freeze if used shall be provided.
26. An address shall be provided that can be seen from the street and have a contrasting background.
27. A Knox Box shall be provided for fire department access.

#### **V. BUILDING & SAFETY SERVICES REQUIREMENTS**

Please note that a formal plan check review will be completed at time of project submittal to the Building Division. All required items listed below are to be addressed prior to submitting to the Building and Safety Division for permits.

28. Geotechnical report and Geotech structural plans review approval letter.
29. FAA approval for any crane site work.
30. PCB Report must be done prior to demo of building.
31. Asbestos Report.
32. Approval from Bay Area Air Quality Management District BAAQMD J # for the demolition of structures.
33. Lead Report.
34. Best practices for Lead removal.
35. All submittals shall include required mechanical, electrical, and plumbing plans. No deferred MEP's (Mechanical Electrical Plumbing).
36. Title 24 required for all new equipment, and any new or upgraded MEP.
37. Construction and Demolition shell be as per CalGreen requirements.
38. CalGreen Non-Residential Mandatory Measures Checklist shall be provided.
39. Provide van and standard accessible parking space with signage and stripping.

40. Provide accessible path of travel from public right of way and accessible parking to, offices, employee work, restrooms, and employee break room.
41. Provide accessible clearances for all accessible spaces.
42. All exterior walking surfaces shall be ADA compliant.
43. Provide CO detection system (Carbon Monoxide).
44. Clarify hazardous material quantities that will be stored on site; identify if oil is the only material.
45. Clarify how hazardous materials will be disposed.
46. Provide location of compressed air tanks.
47. Provide information on what type of forklifts will be repaired at this site.
48. Provide information on truck wash bay drainage filtration system.
49. Clarify what will be stored in production maintenance storage area.
50. All revision clouds and deltas added during Planning approval must be removed prior to submitting to Building for permit.
51. Information provided on civil plans such as accessible path of travel, accessible parking, utilities, and exterior lighting locations shall be shown on the submitted architectural site plans.

## **VI. CONSTRUCTION PROVISIONS**

52. Construction Hours. Construction on the project site shall not begin prior to 7:00 am Monday through Friday, and prior to 8 am on Saturday and Sunday, and shall cease by 7:00 pm each evening, unless otherwise approved by the Chief Building Official. There shall be no construction on Federal holidays. Interior construction shall be permitted outside the above hours provided that construction noise shall not be detectable outside of the structures being built.
53. Construction Activity. Construction activity shall not create dust, noise or safety hazards for adjacent residents and properties. Dirt and mud shall not be tracked onto surrounding streets including Wicks Blvd. from the project site during construction.

## **VII. ENVIRONMENTAL SERVICES**

54. Any changes that affect the information reported in the site's Hazardous Materials Business Plan in the California Environmental Reporting System (CERS ID: 10414651) require update and resubmittal of the Plan. 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. The resubmittal requirement will be an Environmental Services condition of approval for the building permit final.
55. Discharge of anything other than rainwater to the stormwater collection system, which includes area drains, sidewalks, parking areas, street curb and gutter, is prohibited.

56. 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. The generation or discharge of wastewaters, other than domestic sewage, may require a pretreatment permit for discharge to the sanitary sewer. More information is required regarding the intensity of use for the wash bay to make a determination. Will the wash bay be used solely for exterior (non-undercarriage) washing, or will it include undercarriage and/or engine cleaning? If a permit is required, submittal of an application to the Environmental Services Section is required prior to finaling the building permit or commencing the discharge, whichever occurs first. Pretreatment program information and permit application forms are available on the City's website at <https://www.sanleandro.org/depts/pw/env/envsewer.asp>. Please note that mop sinks will be required to be plumbed to the sand/oil separator.
58. 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 develop and implement a Spill Prevention, Control, and Countermeasure Plan (SPCC) in conformance with 40 CFR 112.
59. Accessible and secure monitoring facilities (sampling manhole) 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.
60. Provide in the building permit submittal a plumbing plan that includes all sanitary sewer lines and depicts which drainage fixtures will be routed to the interceptor. Provide manufacturer cut sheets for the interceptor and provide on the plan the criteria used to size the interceptor.

## **VIII. GENERAL CONDITIONS**

61. Maintenance. The property owner, occupants, and tenants shall maintain the project site and ensure that it is free of litter, weeds, and other debris in accordance with San Leandro Municipal Code §3-15-215.
62. The use permit conditions of approval shall be made accessible to all employees on the property.
63. No automotive repair, oil change, maintenance or servicing work shall be conducted outside the building.
64. Vehicle idling shall be actively discouraged and restricted to a maximum of two minutes.

65. Outdoor loudspeakers and public announcement systems shall be prohibited from installation and use.
66. At no time shall vehicles or trailers be displayed for rent or sale from the subject property.
67. No wrecked vehicles, discarded auto parts, or any auto parts or related products shall be stored or displayed outside the building on the property.
68. Solid Waste Service Requirement. Applicant is required to have sufficient number and size of containers and service frequency for all waste generated (garbage, recycling and organics). Management of trash, solid waste and/or recyclables containers shall be required to prevent exposure to or contamination of rainwater, creating illicit discharges or impacting receiving surface waters.
69. All dumpsters or trash containers shall be kept in the trash enclosure 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 trash enclosure, out of public view.
70. Business License. A City business license is required. Any complaints regarding this business may be grounds for a review hearing by the Board of Zoning Adjustments or revocation of the business license by the City Finance Department.
71. All uses and activities shall comply with the provisions of the San Leandro Noise Regulations (Title IV, Chapter 1 of the Municipal Code).
72. No use, activity, or process shall produce vibrations that are perceptible without instruments by a reasonable person at the property lines of a site.
73. No use, process, or activity shall produce dust that is perceptible without instruments by a reasonable person at the property lines of a site.
74. All exterior mechanical equipment such as air conditioning/heating units and antennas shall be screened from view so as not to be visible from adjacent properties or streets to the satisfaction of the Zoning Enforcement Official.
75. Any graffiti shall be promptly removed from the property. Any graffiti shall be promptly removed from building walls. The developer and its successors in interest shall comply with the rules and regulations of the City's graffiti removal program and shall grant a license and right of entry as requested to enforce the terms of such program.
76. There shall be no outdoor storage. Sidewalk areas shall be kept free of obstruction and available for their designated use at all times.
77. On-Site Lighting. On-site lighting shall be LED or other energy-conserving lighting and shall be fully shielded, designed and located so as to not interfere with traffic on adjacent streets and so as not to shine on adjacent properties, details subject to the approval of the City Engineer and the Community Development Director. After installation, the Community Development Director reserves the right to require adjustment of light fixtures to comply with this requirement prior to approval of occupancy.

78. Fencing. Any damaged fencing and screening materials adjacent to the project site shall be repaired or replaced prior to a final certificate of occupancy.
79. The project and use 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 Zoning Enforcement Official who may administratively approve or require review by the Board of Zoning Adjustments as a modification.
80. Recorded Approvals and Conditions of Approval. The approvals granted by the City as a result of this application, as well as the Conditions of Approval, shall be recorded in the office of the County Recorder of Alameda County.
81. Any outstanding Planning Services deposit fees or balance shall be paid prior to issuance of a building permit.
82. Amendments. No application for amendment of the application or Conditions of Approval may be accepted or submitted for processing by the City unless (i) there is full compliance with all terms of the application and Conditions of Approval; or (ii) the Zoning Enforcement official waives compliance with the terms of the application and Conditions of Approval pending application for the amendment.