

### **Conditions of Approval from Alameda Planning Board Resolution No. PB-15-23**

1. All outdoor parking areas shall be cleared of all cars on stationary or stabilizer jacks during evening hours and weekend hours when the business is closed. Except as provided herein, the applicant shall perform all major work indoors.
2. The applicant shall continue to work to locate and secure a long-term parking site for customer cars, as well as for employees. Once a site is secured, the applicant shall notify the Community Development Department that this condition has been fulfilled.
3. Applicant's business vehicles(s) shall be stored on the site, not on adjacent residential streets.
4. Any revised site plans shall be subject to Design Review, except no additional public notice to adjacent property is necessary.
5. Applicant shall retain the sign directing customers to turn right toward Park Street from the San Jose Avenue exit to alleviate traffic impacts on surrounding residential areas.
6. No recapping or retreading of tires on the premises.
7. No testing of vehicles in residential areas.
8. The Use Permit shall be reviewed by Planning Staff for compliance one year from the date of final approval, and their determination of compliance with conditions of approval shall be reported back to the Planning Board.
9. Applicant shall install a wireless communication system. The use of loudspeakers on the premises shall be prohibited.
10. Applicant shall provide greater sound insulation, including sealing and securing the brick walls on the property that are adjacent to residential properties.
11. Hold Harmless and Indemnification Agreement. The developer/applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda City Planning Board and their respective agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Alameda, Alameda City Planning Board and their respective agents, officers or employees seeking to attack, set aside, void or annul, an approval by the City of Alameda, the Community Development Department, Alameda City Planning Board, or City Council relating to this project. The City shall promptly notify the developer/applicant of any claim, action or proceeding and the City shall cooperate in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.

12. Enforcement.

- a. In the event that the property owner and/or its tenant (collectively, the "responsible party") fails to satisfy any of these conditions, the City shall provide written notice of the alleged noncompliance to the owner and tenant prior to initiating any enforcement action described herein. This notice shall describe the noncompliance with specificity, including the date(s) of noncompliance, a reference to the condition of approval or City Code section that is the basis of the noncompliance, a description of the conditions that gave rise to the allegation, and notice of the City's intent to assess a civil fine if action to correct the noncompliance is not commenced within 45 days after receipt of said notice. The noncompliance must be remedied within a period of not less than 60 days after receipt of said notice, unless the City agrees to extend the period to correct the noncompliance.
- b. Commencing on the day following the expiration of the period to remedy the violation as set forth in section 12.a. above, the City may impose a civil fine of up to two hundred and fifty dollars (\$250) per day for each day that the responsible party fails to correct the violations identified in the City's written notice. In determining the amount of the fine, the City shall take into consideration any timely and good faith efforts by the responsible party to remedy the violation. Fines and penalties collected pursuant to this section shall be directed to local nuisance abatement programs. The responsible party may appeal the fine imposed on his/her property pursuant to this condition. A request for an appeal hearing must be filed in writing with the Planning Department within fifteen days after the City provides notice of its imposition of a civil fine, and the request must state the grounds for the appeal. Failure to timely submit an appeal or to pay the appeals processing fee constitutes a waiver of the right to appeal and a failure to exhaust administrative remedies.
- c. The rights and remedies provided in this section are cumulative and in addition to any other rights and remedies provided by law. Notwithstanding the foregoing, the City shall not initiate use permit revocation proceedings until the written notice and time periods identified above have occurred and elapsed.