

**RECOMMENDED
CONDITIONS OF APPROVAL**

**PLN2014-00063 - 2015 Laura Avenue
Chien-Wang Chiang – Ming Dang Temple (Applicant/Property Owner)**

I. COMPLIANCE WITH APPROVED PLANS

A. The applicant and/or property owner shall comply with Exhibits A through L, attached to the staff report dated May 7, 2015, 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 – Title Sheet
- Exhibit B – Existing Site Plan with Demolition
- Exhibit C – Proposed Site Plan
- Exhibit D – Demolition Plan & Proposed Floor Plan
- Exhibit E – Existing Plan & Occupant Load
- Exhibit F – Existing Exterior Elevations
- Exhibit G – Proposed Exterior Elevations
- Exhibit H – Topographic Map
- Exhibit I – Landscape Plan
- Exhibit J – Planting Details & Schedule
- Exhibit K – Irrigation Plan
- Exhibit L – Irrigation Notes & Schedule

- B. 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.
- C. Construction shall commence within one (1) year following Board of Zoning Adjustments approval of the Conditional Use Permit and shall be substantially completed one year after commencement of construction. For the purpose of compliance with this condition, commencement of construction shall be defined as the construction or reconfiguration of a substantial portion of the interior building.
- D. Prior to issuance of building permits, a final color and materials board shall be submitted for the exterior of the building for review and approval as part of the building permit to ensure the quality of the exterior design. Any changes to the approved building specifications must be made in writing to the Community Development Director, who may either administratively approve the modification or bring it back to the Board of Zoning Adjustments for review.
- E. Prior to issuance of building permits a final landscape and irrigation plan shall be submitted for review and approval as part of the building permit. 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 planting areas in one growing season. To reduce on-site water consumption and reduce the energy required for the pumping and distribution of water, drought-resistant native species shall be used for site landscaping where possible.

II. PERMITTED USES

- A. This is a conditional use permit approval for assembly use to allow for the Ming Dang Center (Center), a religious institution/prayer center, at 2015 Laura Avenue; Alameda County Assessor's Parcel Number 77A-655-144-1; Chien-Wang Chiang – Ming Dang Temple (applicant/property owner).
- 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 Conditional Use Permit.
- C. The interior use of the building and construction of the project shall remain in substantial compliance with the approved plans and exhibits. Any change to the project design, materials or colors 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 assembly use shall be Saturdays from 7:00 p.m. to 9:30 p.m. and Sundays from 10:00 a.m. to 1:00 p.m. Any modification to the hours shall be subject to the review and approval of the Community Development Director.
- E. This approval is for the use of one religious institution/prayer center with related activities only and the property shall not be used by the applicant and/or property owner for any other activities or functions. The Center shall not be utilized to generate revenue by renting it out to outside non-members as a convention hall, special events center, or for other purposes.
- F. Any use of the Center as a homeless shelter, food distribution center, or other social service use shall require either approval of the Community Development Director or an amendment to this Conditional Use Permit.
- G. Any type of sub-lease of the property to another group, church, or religious institution will require a review by the Community Development Director and/or Board of Zoning Adjustments for consistency with this approval.
- H. No commercial weekday childcare or private school activities shall occur on property.
- I. No more than two persons shall stay or live in the building as caretakers or staff.

III. ALAMEDA COUNTY FIRE DEPARTMENT REQUIREMENTS

- A. At the time of building plan submittal the correct occupancy classification shall be provided on the plans.
- B. At the time of building plan submittal plans will show the ratings of all fire extinguishers (2A-10B:C).
- C. At the time of building plan submittal egress will be shown to the public way.

IV. ENGINEERING AND 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. Applicant shall pay design review fees, permit fees, inspection fees, sewer connection fees, and any other fees charged by the City or other reviewing agencies for the review, approval, permitting and inspection of the public and/or private improvements.
- D. Applicant shall have site improvements designed and stamped by a civil engineer registered to practice within the State of California. Applicant shall obtain approval of the City Engineer for all on site improvements prior to the issuance of Building Permits for the project.
- E. If the design of any site improvement requires encroachments onto neighboring properties during construction, Applicant shall submit written agreements with that property owner to the City Engineer, for review and approval, prior to issuance of the building permit.
- F. Applicant shall have public improvements designed and stamped by a civil engineer registered to practice within the State of California. Applicant shall obtain approval of the City Engineer for all public improvements prior to the issuance of Building Permits for the project.

- G. Applicant shall remove any unused driveways or damaged driveways, sidewalk, and curb and gutter along the full property frontage and shall construct new City standard driveway, sidewalk, curb and gutter in place of the removed items.
- H. Applicant shall obtain an Encroachment Permit from the Engineering and Transportation Department and pay encroachment permit fees for any work within the public right-of-way prior to the issuance of building permits for the project.
- I. Applicant shall provide the number of off street parking spaces required by the planning department, and the provided parking spaces shall conform to City standards.
- J. Applicant shall place the existing overhead utility services to the building underground from the nearest utility pole. Any new utility services for the project must be placed underground.
- K. Applicant shall install a sewer cleanout at the property line for any new sewer lateral prior to the issuance of a certificate of occupancy. If the existing sewer lateral is to be reused, the applicant shall verify there is a cleanout on the lateral, or install a cleanout at the property line if one does not exist.
- L. Applicant shall comply with the regulations and provisions contained in the City's Grading Ordinance, the City's Municipal Regional Storm Water Permit, to the satisfaction of the City Engineer.
- M. 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.
- N. Applicant shall direct all roof down spouts to drain onto landscaped areas. Applicant shall construct on site impervious surfaces to drain storm water to landscaped areas.
- O. Landscaping adjacent to the parking areas and driveway shall be low growing vegetation and maintained at a height no greater than three feet tall to maintain adequate sight distance for vehicles entering and exiting the site.
- P. 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 and parking garage floor drains (if any) shall not be connected to the storm drain system.
- f) 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.
- g) 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.
- h) 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, plants that are tolerant of saturated soil conditions and prolonged exposure to water shall be specified.
- i) 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.
- j) Proper maintenance of landscaping, with minimal pesticide use, shall be the responsibility of the property owner.
- k) Irrigation shall be appropriate to the water requirements of the selected plants.

- l) Applicant shall select pest- and disease-resistant plants.
- m) Applicant shall plant a diversity of species to prevent a potential pest infestation from affecting the entire landscaping plan.
- n) Applicant shall plant “insectary” plants in the landscaping to attract and keep beneficial insects.

V. FENCING AND SCREENING REQUIREMENTS

- A. The existing fencing along the front property lines shall be removed no later than during installation of the approved irrigation and landscaping and prior to issuance of a Certificate of Occupancy.
- B. Prior to issuance of a building permit, details for all proposed new fencing shall be submitted for review and approval as part of the building permit. The plans shall include the design, materials, height and location of the proposed fencing and shall comply with the requirements of Zoning Code Section 4-1682 Fences, Walls and Hedges.
- C. All fencing and walls on the project site shall be structurally sound, graffiti free and well maintained at all times. Any damage to the walls or fencing shall be promptly replaced or repaired.
- D. Barbed, razor wire, or ribbon wire shall not be installed on any fence or building on the property.
- E. Prior to issuance of Certificate of Occupancy, all electrical or gas meters, utility switch boxes, telephone interface cabinets, outdoor refuse, or other utility areas shall be screened from view by a fence, wall or landscaping; details would be subject to approval of the Community Development Director.
- F. Any abandoned rooftop equipment shall be removed. All exterior rooftop mechanical equipment such as air conditioning/heating units and kitchen vents shall be screened from view so as not to be visible from adjacent properties or surrounding streets to the satisfaction of the Community Development Director. Screening, if needed, shall be installed prior to occupancy of the building.

VI. MAINTENANCE

- A. The property shall be well maintained and shall be kept free of litter, debris and weeds at all times and during construction. During the Center’s operation hours and on certain holidays, special dates, and/or events the caretakers and/or staff shall patrol the property and perimeter of the property to pick up any trash or litter attributable to the Center and sweep street gutters.

- B. Upon demolition or removal of existing structures, improvements, and construction the site shall be enclosed with a security fence and shall be well maintained in a neat manner, free of weeds, litter and debris.
- C. All landscaping improvements shall be maintained in a healthy, 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. Any landscaping shall be maintained so as not to interfere or obstruct the public right-of-way for pedestrians and vehicles. The landscaping adjacent to the driveway shall be maintained so it does not exceed three feet in height above the top of the nearest adjacent curb and gutter to allow for adequate sight distance, or unless otherwise approved by the City's Transportation Engineer.
- D. Any graffiti shall be removed from the building walls. The applicant and/or property owner 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.
- E. Dumpsters shall remain inside the trash enclosure at all times with the exception of emptying by the disposal company. Gates to the refuse area shall be closed except when necessary to move out the dumpster or deposit trash from garbage receptacles.
- F. The Conditional Use Permit conditions of approval shall be made accessible to the caretakers and Center's staff on the property.
- G. Center's members, staff, and caretakers shall be instructed by the applicant and/or property owner not to park on the street in front of nearby residences.
- H. All vehicle parking on the property shall be undertaken in a neat and orderly manner at all times.
- I. All uses and activities shall comply with the provisions of the San Leandro Noise Regulations (Title IV, Chapter 1 of the Municipal Code).
- J. Parking lot lighting shall comply with Article 17. Security lighting may be indirect or diffused, or shall be shielded or directed away from nearby residences.

VII. CONSTRUCTION PROVISIONS

- A. Construction activity shall not commence prior to 7:00 a.m. and shall cease by 7:00 p.m. Monday through Friday, and construction activity shall not commence prior to 8:00 a.m. and shall cease by 7:00 p.m. on Sunday and Saturday. No such construction is permitted on Federal holidays. As provided in the City of San Leandro's Noise Ordinance (ORDINANCE NO. 2003-005), "construction" shall mean any site preparation, assembly, erection, substantial repair, alteration, demolition or similar action, for or on any private property, public right-of-way, streets, structures, utilities, facilities or similar property. Construc-

- tion activities carried on in violation of this Article may be enforced as provided in Section 4-1-1130, and may also be enforced by issuance of a stop work order and/or revocation of any or all permits issued for such construction activity.
- B. Construction activity shall not create dust, noise, or safety hazards for adjacent residents and properties. Dirt and mud shall not be tracked onto Laura Avenue or Warden Avenue from the project site.
 - C. Truck hauling activities shall be restricted to 8:00 a.m. to 5:00 p.m. There shall be no truck hauling activity on Saturdays, Sundays and legal holidays.
 - D. Procedures with the highest noise potential shall be scheduled for daylight hours, when ambient noise levels are highest.
 - E. The contractor(s) shall be required to employ the quietest among alternative equipment or to muffle/control noise from available equipment.

VIII. GENERAL CONDITIONS

- A. Applicant and/or property owner shall comply with all requirements of the Building and Safety Services Division for assembly use.
- B. No signs shall be erected without prior approval by the Community Development Director and after first obtaining a building permit.
- C. Compliance required with the City's green building programs and Build It Green's protocols.
- D. A range of energy conservation measures, such as use of energy conserving appliances and indoor and outdoor lighting, shall be incorporated into the final building plans, to substantially reduce average per capita daily consumption.
- E. Applicant and/or property owner shall pay 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.
- F. 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.
- G. 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 Community Development Director waives compliance with the terms of the application and Conditions of Approval pending application for the amendment.

H. Pursuant to Zoning Code Section 5-2218, this approval shall lapse on May 7, 2016 unless a) a building permit has been issued, coupled with diligent progress evidencing good faith intention to commence the intended use, or b) a written request for a one-year extension of the site plan review is approved by the Community Development Director.