

RECOMMENDED CONDITIONS OF APPROVAL

PLN16-0063
200 MacArthur Boulevard
Alameda County Assessor's Parcel Number 76-314-14
Nancy Hu (Applicant and Property Owner)

I. COMPLIANCE WITH APPROVED PLANS

- A. The project shall comply with Exhibits A through E, attached to the staff report dated April 6, 2017, 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.
- Exhibit A – Proposed Site Plan
 - Exhibit B – Proposed Floor Plans: First and Second Floors
 - Exhibit C – Proposed Elevations: South, West, North, East
 - Exhibit D – Proposed Elevations: Carport and Trash Enclosure
 - Exhibit E – Conceptual Landscape Plan
- 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. Pursuant to [Zoning Code Section 5-2218](#), this approval shall lapse on April 6, 2018, unless a) a 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 Board of Zoning Adjustments, and there are no outstanding enforcement complaints.

II. PERMITTED USE

- A. This Conditional Use Permit and Site Plan Review is to repair and rebuild a fire damaged two-story commercial and single-unit residential mixed-use building and add approximately 250 square feet on the first floor to create two new residential units at 200 MacArthur Boulevard, Assessor's Parcel Number 76-314-14. The first floor includes a 386 square-foot commercial unit, a 440- square-foot residential studio, and a one-bedroom 578 square-foot residential unit. The second floor includes a refurbished one-bedroom, 960 square-foot residential unit.

The Conditional Use Permit allows for (1) mixed-use residential in the CC Commercial Community District, and (2) occupation of a legally created lot with a width or area less than the required for the base district.

The Site Plan Review is required for (1) commercial and multi-family residential development that requires a conditional use permit, and (2) an exception to the

minimum required front and corner side landscaped yard due to pre-existing site constraints.

Any change to the site plan or modification of the mixed-use residential development shall be subject to the review of the Community Development Director, who may approve administratively or direct to the Board of Zoning Adjustments for a formal public hearing as a modification to the use permit.

- B. Commercial Parking. The business located in the commercial space shall be subject to the minimum parking requirements for the CC Commercial Community District based on the square footage of the commercial use.
- C. Residential Parking. The tandem parking spaces in the one-car garage and the driveway behind it shall be assigned to a specific residential unit(s). No residential parking shall occur in the uncovered commercial spaces during normal business operating hours. Parking stalls shall be posted with signs indicating these parking restrictions, subject to the review and approval of the Community Development Director.

III. COMPLIANCE WITH PLANS AND REQUIRED ON-SITE IMPROVEMENTS

- A. Final Landscape and Irrigation Plan. Final Landscape Plan and irrigation plan(s) shall be included with the building permit application and shall be subject to review and approval by the Community Development Director prior to issuance of building permits. The plans shall include such details as: 1) Tree size, species, and location; 2) Shrubs and groundcovers; 3) Installation specifications; 4) Irrigation details; and 5) Maintenance programs. The applicant and/or property owner shall be responsible for all costs associated with the review of the final landscape and irrigation plans.
- B. Landscape Maintenance. All landscaping improvements shall be maintained in a healthy, growing, and weed-free condition at all times and in accordance with the approved landscape plan. Any missing, dead, or damaged plant materials shall be promptly replaced with a plant material similar in type and comparable in size to the plant(s) being removed. The irrigation system shall be regularly adjusted and repaired as necessary to maximize water efficiency and conservation.
- C. Lighting Plan. Prior to issuance of building permits, an on-site lighting plan including specifications of lighting standards and photometric calculations shall be submitted for review and approval by the Community Development Director and the Engineering and Transportation Department. The lighting plan shall include locations, pole heights, luminaire type, manufacture/model number, bulb type, candle power, and light levels.
- D. On-Site Lighting. On-site lighting shall be LED or other energy-conserving lighting and shall be 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.

- E. Fencing/Wall. Prior to issuance of building permits, final plans and details for the seven-foot concrete wall shall be submitted for the review and approval by the Zoning Enforcement Official. The wall plans and details shall show location, height, decorative features, and construction details showing materials, finishes, and color(s) to be used.
- F. Mechanical Screening. Any roof top or exterior mechanical equipment for the building, such as air condition/heating units, venting, or radio/television antennas, shall be screened from view so as not to be visible from adjacent properties or streets to the satisfaction of the Community Development Director.

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 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.
- 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 Principal Engineer.
- C. Encroachment Permit. 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.
- D. Sidewalk and Curb Construction. Sidewalk construction shall be in compliance with the City of San Leandro Standard plans Dwg. No. 100, case 3101. All curb drains shall be in compliance with the City of San Leandro Standard Plans Dwg. No. 210 case 3101 and Dwg. No. 212 Case 3101.
- E. Accessible Parking and Path. Accessible parking space shall be constructed according to City Standard Plan drawing no. 600 and drawing no. 602 including pavement marking, signage and striping. Plans shall show ADA path of travel from accessible parking to the commercial unit entry and sidewalk to commercial unit entry
- F. Utilities. Prior to issuance of building permits, the applicant shall locate all new electric and communications utilities serving the site underground. Water heater drain lines shall be directly or indirectly connected to the sanitary sewer system and may not discharge to the storm drain system.

G. Stormwater Requirements. The site is considered a small project per Alameda County C.3 Stormwater Technical Guidance¹. Runoff from trash enclosures, recycling areas, or similar facilities shall not discharge to the storm drain system. Per Appendix L “Site Design Requirements for Small Projects”, the project shall implement at least one of the following site design measures:

- Direct roof runoff into cisterns or rain barrels for use.
- Direct roof runoff onto vegetated areas.
- Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas.
- Direct runoff from driveways/uncovered parking lots onto vegetated areas.
- Construct sidewalks, walkways, and/or patios with permeable surfaces.
- Construct bike lanes, driveways, and/or uncovered parking lots with permeable surfaces.

H. Pollution Control Measures. The applicant shall reduce storm water pollution by implementing the following pollution source control measures:

- 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.
- 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.
- Interior floor drains (if any) shall not be connected to the storm drain system.
- 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.
- 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.
- 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.

¹ www.cleanwaterprogram.org/business/development.html

- 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.
 - Selection of the plants that will require minimal pesticide use.
 - Irrigation shall be appropriate to the water requirements of the selected plants.
 - The applicant shall select pest and disease resistant plants.
 - The applicant shall plant a diversity of species to prevent a potential pest infestation from affecting the entire landscaping plan.
 - The applicant shall plan insectary plants in the landscaping to attract and keep beneficial insects.
- I. Development Fee for Street Improvements. Prior to the issuance of building permits, the property owner shall pay the Development Fee for Street Improvements (DFSI) in the estimated amount of \$2,669.68, which as of 1/13/17 was calculated at \$1,334.84 per housing unit. These fees are subject to change each fiscal year and will not be locked until issuance of building permit.
- J. Underground Utility Conversion Fee. Prior to the issuance of building permits, the property owner shall pay the underground utility conversion in-lieu fee in accordance with the provisions of the City's Underground Utility District Master Plan, in the estimated amount of \$2,863.40, which as of 1/13/17 was calculated at \$1,431.70 per unit. The actual amount of fee shall be assessed at the time of building permit application and the fee is subject to change at the beginning of each fiscal year and will not be locked until issuance of building permit.
- K. Park Impact Fee. Prior to the issuance of building permits, the property owner shall pay the Park Facilities Development Impact Fee, assumed at two new dwelling units added to the property. Please note that this is an estimated amount. These fees are subject to change at the start of each fiscal year and will not be locked until issuance of building permit.

FEE	PER DWELLING UNIT	ESTIMATED TOTAL
Park Land Acquisition Fee:	\$12,681.94	\$25,363.88
Park Improvement Fee:	\$2,123.42	\$4,246.84
Total Park Impact Fee:	\$14,805.36	\$29,610.72

V. FIRE DEPARTMENT

- A. Fire Protection System. A Fire Protection System meeting the requirements of NFPA 13R is required throughout the building as this is a change of use from a R3/mixed use to an R2, and the addition of two new residential units. When submitting building plans, show the required separations between the dwelling units, commercial space, and garage.

- B. Fire Extinguishers. Fire Extinguishers shall be provided with a rating of 2A 10B:C and a travel distance not to exceed 75 feet. For Unit B relocate the fire extinguisher to the kitchen area from the bedroom.
- C. Illuminated Address. An illuminated address with a contrasting background shall be provided on the exterior of the building and visible from the street.
- D. Emergency Lighting. Lighting shall be provided in the stairway and all interior corridors shall be provided with emergency lighting.

VI. PUBLIC WORKS REQUIREMENTS

- A. 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.
- B. Recycling Requirements. Applicant is subject to Alameda County Mandatory Recycling Ordinance #2012-01². Applicant will be required to establish organics service.
- C. Construction and Demolition Debris Recycling Requirements. Project must comply with all City and State construction and demolition debris recycling requirements. Permit applicants must demonstrate compliance by completing and submitting an online Waste Management Plan using Green Halo Systems³ prior to building permit issuance. Applicants must submit recycling and disposal receipts online and submit the waste management report before scheduling the final inspection. Note: Project will not be finaled until all recycling and disposal tags have been registered into Green Halo.
- D. Maintenance. The applicant and/or property owner, occupants, and tenants shall maintain enclosure and trash area free of litter and other debris in accordance with San Leandro Municipal Code §3-15-215.

VII. CONSTRUCTION PROVISIONS

- E. 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.

² www.RecyclingRulesAC.org

³ www.GreenHaloSystems.com

- F. 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 MacArthur Boulevard and Durant Avenue from the project site during construction.

VIII. GENERAL CONDITIONS

- A. Business License. A City business license shall be obtained prior to start of business. 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.
- B. School Mitigation Fees. Prior to the issuance of any building permits, applicant shall pay any applicable school mitigation fees as determined by the San Leandro Unified School District.
- C. Commercial Visibility. The commercial frontage shall be fenestrated with transparent windows for no less than 60 percent of the street frontage at the ground level and allow at least 75 percent perpendicular pedestrian eye level visibility to the inside of the building, with a sill height of no taller than three feet. The pedestrian visibility zone is located between three feet and eight feet in height above sidewalk level. Any decorative railings or grillwork must be primarily transparent.
- D. Signs. The signs on the property shall be well maintained at all times. Any damage to the signs shall be promptly repaired or replaced. Window signs, whether painted or adhered to the glass or within eight feet of the window excluding merchandise display, shall be no larger than twenty-five percent of the window in which they are located. No temporary or unauthorized signs shall be placed on the property, including but not limited to banners, balloons, streamers, and pennants, unless approved by the City under a Special Event Permit.
- E. Maintenance. The project site shall be well maintained and shall be kept free of litter, debris, and weeds at all times.
- F. Graffiti. Any graffiti shall be promptly removed from building walls and perimeter walls. The applicant and any 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.
- G. Parking. The garage and driveway shall be accessible at all times for vehicle parking.
- H. No Outdoor Storage. There shall be no outdoor storage of any type in loading or parking stalls. Those areas shall be kept free of obstruction and available for their designated use at all times.
- I. Noise. All uses and activities shall comply with the provisions of the San Leandro Noise Regulations (Title IV, Chapter 1 of the Municipal Code).

- J. 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.
- K. Amendments. No application for amendment of the application or Conditions of Approval shall 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) Community Development Director waives compliance with minor terms of the application and Conditions of Approval pending application for amendment.