

**RECOMMENDED
FINDINGS OF FACT FOR APPROVAL OF**

**PLN18-0030
2101 and 2109 West Avenue 136
J.E. Gutierrez (Applicant)
S. Samreuang (Property Owner)**

The Board of Zoning Adjustments hereby approves the Categorical Exemption from CEQA and the Conditional Use Permit, subject to the following findings:

Categorical Exemption Finding

Pursuant to California Environmental Quality Act (CEQA) Guidelines, Article 19, Section 15315, Minor Land Divisions, which consists of the division of property in urbanized areas zoned for residential use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20 percent, is categorically exempt from CEQA. The Conditional Use Permit enables the minor land division and it does not change or expand the established residential use of the property.

Conditional Use Permit Findings

- A. That the proposed location of the use is in accord with the objectives of this Code and the purposes of the district in which the site is located.**

The creation of the condominium for separate ownership of the two units, comprised of two single-family dwellings on a single parcel which exceeds 12,000 square feet, is in accord with the RO Residential Outer District requirements. The RO District permits a single-family home and an additional one- or two-family dwelling on a lot with a minimum area of 14,000 square feet as long as the required setbacks and building separations are maintained. The existing development complies with the RO District development standards, with the exception of the one-car garage for the front dwelling unit, which current standards requires a minimum of two covered parking spaces for the dwelling unit. City building permits show that the use was permitted and legally constructed with just one garage space. Pursuant to Zoning Code Section 4-2002 C., a use that does not conform with the parking, loading, planting area, landscaping, screening, or sign regulations of the zoning district in which it is located shall not be deemed a nonconforming use solely because of one or more of these nonconformities.

- B. That the proposed location of the use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City.**

The proposal will attain the following General Plan policies, related to the supply and upkeep of the City's housing stock.

Policy 3.01 MIX OF UNIT TYPES

Encourage a mix of residential development types in the city, including single family homes on a variety of lot sizes, as well as townhomes, row houses, live-work units, planned unit developments, and multi-family housing.

Policy 53.03 FUNDING

Actively pursue and leverage private, non-profit, and public funds to facilitate the development of housing affordable to lower and moderate income households in San Leandro. Provide administrative and technical assistance to affordable housing developers and support the applications of these developers for loans, grants, tax credits, and other financing sources that facilitate affordable housing production in the City.

Policy 53.04 INCLUSIONARY HOUSING

To the extent permitted by law, require the inclusion of housing affordable to moderate, low, and/or very low income households in new housing developments or the payment of an in-lieu fee which creates a funding source for affordable housing. Modify ordinances as needed to make these requirements clearer and more effective.

Policy 53.08 CONDOMINIUM AND CO-OP DEVELOPMENT

Promote the development of new condominiums and cooperatives as more affordable alternatives to single family detached housing for those seeking home ownership. Work with local developers to address the financial, legal, and market conditions which have impeded such development in the recent past.

The proposal will provide an opportunity for ownership of two individual units. With the conditions of approval, the two individual units will improve a pre-existing legal non-conforming condition. In addition, the conditions will ensure the project will be in good repair on the interior and the exterior when offered for sale by requiring various physical elements report to ensure the converted housing is in good condition without hidden needs for maintenance and repair. Moreover, building code compliance, property maintenance, and the creation of CC&R's (Conditions, Covenants and Restrictions) will be conditioned so that the well maintained appearance of the property will be retained. The required in-lieu fee for affordable housing would benefit the City's Affordable Housing Trust Fund in providing and/or assisting in future inclusionary housing projects in the City.

- C. That the proposed use will comply with the provisions of this code, including any specific condition required for the proposed use in the district in which it would be located.**

Upon conversion, the existing development of the two single-family dwellings will remain compatible with existing adjacent development in the immediate RO District. The development itself conforms to all RO District development standards (i.e., density, setbacks, coverage, height, and parking) with the exception of the one-car garage for the front dwelling unit, which current standards requires a minimum of two covered parking spaces for the dwelling unit. City building permits show that the use was permitted and legally constructed with just one

garage space. Pursuant to Zoning Code Section 4-2002 C., a use that does not conform with the parking, loading, planting area, landscaping, screening, or sign regulations of the zoning district in which it is located shall not be deemed a nonconforming use solely because of one or more of these nonconformities. Conformance to the RO Districts requirements will maintain adequate availability of light, air and privacy for the development and adjacent properties.

D. That the proposed use will not create adverse impacts on traffic or create demands exceeding the capacity of public services and facilities, which cannot be mitigated.

The Conditional Use Permit does not change or expand the established residential use of the property therefore the project could not result in any adverse impacts. Adequate on-site parking and access is provided for each of the residential units. Conversion of the two existing homes to separate ownership will not increase trip generation from the property.