

**City of San Leandro
Community Development Department
Planning Services Division**

RECOMMENDED FINDINGS OF FACT

**PLN17-0065
1260 Pacific Ave., APN 75-115-72
Phay Tac Lau (Applicant and Property Owner)**

The Board of Zoning Adjustments hereby approves PLN17-0065, subject to the following findings:

CONDITIONAL USE PERMIT

Per Zoning Code [§4-1650.A](#), a Conditional Use Permit is required for development on a legally created lot having a width or area less than required for the base district upon which it is located.

- 1. The proposed location of the project conforms to the objectives of the Zoning Code as well as the purposes of the district in which the site is located.**

The creation of a Residential Duplex conforms with the RD Residential Duplex District requirements, which permits single-family homes and duplexes.

- 2. 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 harmful to the public health, safety or welfare of persons residing or working in, or nearby, to the neighborhood of the proposed use; and will not be detrimental to properties or improvements in the area or to the general welfare of the City.**

The General Plan designates this site within the Medium Density Residential area. This designation permits “attached housing types, such as townhomes and duplexes,” as well as single family detached homes on smaller lots (less than 5,000 SF). The proposed addition of a rear unit will create a duplex, which is consistent with the intended General Plan designation and is compatible with the adjacent and surrounding medium density and medium-high density residential land uses.

The proposed project maintains the existing development at the front of the lot and proposes a second story infill development set back more than 67 feet from the front property line, ensuring the street character remains aesthetically pleasing. Additionally, the project will provide adequate on-site parking and access for both residential units, located towards the rear of the lot and away from public view.

The following General Plan policies are applicable to the proposed project:

- **Policy LU-2.8 Alterations, Additions, and Infill.** *Ensure that alterations, additions, and infill development are compatible with existing homes and maintain aesthetically pleasing neighborhoods.*
- **LU-2.12 Off-Street Parking.** *Ensure that a significant number of off-street parking spaces are provided in new residential development to minimize parking “overflow” into neighborhoods. The visual prominence of parking should be minimized in new development areas.*
- **Policy LU-3.1 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 development, garden apartments, and medium to high density multi-family housing.*
- **Policy LU-3.4 Promotion of Infill.** *Encourage infill development on vacant or underutilized sites within residential and commercial areas.*

3. The proposed use will comply with the requirements of the Zoning Code, including any specific condition required in the district in which it will be located.

The proposed project lot size, though substandard in width and front and side setback, is more than double the minimum area required in the RD district and is the same size as the other lots on its block face, all of which are zoned RD. The development itself conforms to all RD District development standards for setbacks. The overall development meets the standards for height, coverage, floor area ratio, landscaping, parking, and refuse enclosure. The legal non-conforming front and side setbacks of the existing residence will not be modified or expanded. Given its conformance, the proposed project will maintain adequate availability of light, area, and privacy for the development as well as its adjacent neighbors.

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

The existing site is adequately served by streets, sidewalks, utilities, and other public facilities. Off-street parking is provided on the site, conforming to the Zoning Code [§4-1704](#) Two-Family Dwelling in RD. The addition of one dwelling unit to the subject property will not significantly increase trip generation from the property.

SITE PLAN REVIEW

Per Zoning Code [§5-2502.A](#), Site Plan Review is required to permit a two-family residential development that requires a conditional use permit. Per Zoning Code [§5-2502.B.1.a](#), Site Plan Review is required to permit additions to single-family residential which would result in an additional dwelling unit.

1. SITE PLAN ELEMENTS (such as, but not limited to, building placement, yard setbacks, size and location of landscape areas, parking facilities, and placement

of service areas) are in compliance with the minimum requirements of this Code and are arranged as to achieve the intent of such requirements by providing a harmonious and orderly development that is compatible with its surroundings. Parking, loading, storage, and service areas are appropriately screened by building placement, orientation walls, and/or landscaping.

The layout of the residential development is in conformance with the development standards of the RD Residential Duplex Zoning District, with the exception of the substandard lot width and legal non-conforming front and side yard setback. The proposed building density, height, FAR, lot coverage, landscaping, and parking are in conformance with the Zoning Code. The approximate 3,479 square feet of landscaping conforms to the Zoning Code §[2-540.C](#) and [2-560.B](#), where at least 50 percent of each required interior side yard and rear yard is planting area.

The proposed duplex project will be compatible with its surroundings because the project maintains the existing residence at the front of the lot, ensuring that the streetscape remains aesthetically pleasing. The two-story infill development in the rear is compatible with the existing residence because the architectural style, color, and trim remain consistent throughout. The proposed project provides adequate on-site parking and access for both residential units, located towards the rear of the lot and away from public view.

The attached proposed unit is placed to the rear of the existing single family unit and the walkway to the rear unit entrance is shared with a 12-foot wide portion of the driveway. Waste and recycling bins are placed away from public view, located behind the proposed addition and in front of the garage.

- 2. THE BUILDING(S) has (have) adequate articulation, with appropriate window placement, use of detailing, and/or changes in building planes to provide visual interest. The exterior materials, finishes, detailing, and colors are compatible with those of surrounding structures. Visually incompatible elements, such as roof-mounted utilities, are fully screened from public view. If the proposal is for an addition to an existing building, such additions shall appear as an integral element of the building. Additions shall not have a “tacked on” appearance, and either the addition should be consistent with the existing building’s design element, or the existing building should be remodeled concurrently with construction of the addition.**

The proposed architecture continues the same style as the existing single family unit at the front. The visual elements include horizontal wood siding board, matching white wood trim and custom white shutters on all windows, and asphalt shingle roofing. The exterior building colors include a grey-blue finish and white wood window trim and shutters. The rear development includes a hip roof that matches the slope of the existing hipped roofing at the front. The duplex addition will appear as a uniform extension, set directly behind the existing home.

- 3. THE LANDSCAPING complements the architectural design, with an appropriate balance of trees, shrubs, and living ground covers, and provides adequate screening and shading of parking lots and/or driveways.**

The development meets the site landscaping requirements for RD Districts by providing approximately 3,479 square feet of landscaping where approximately 1,584 square feet is required. The landscaping within the front setback maintains the grass lawn and English boxwood bushes. The design also proposes removing three existing trees in the rear yard and replanting cypress trees, rose bushes, and agave trees along the rear border property lines to open up an approximately 1,886 square foot central lawn space and plant a low windmill palm for shade to serve both units. Landscape maintenance is conditioned as part of the permit approvals.

- 4. DETAIL FEATURES, such as signs, fences, and lighting for buildings, parking lots, and/or driveways are visually consistent with the architectural and landscape design and minimize off-site glare.**

The existing three-foot tall white picket fencing enclosing the front yard complies with the Zoning Code [§4-1682](#), as does an existing six-foot tall redwood fence along the side and rear property lines. The two-car parking pad will be constructed with permeable pavers. The existing driveway approach will be reconstructed to avoid trip hazards. The new on-site paved driveway will be constructed with a 0.5 percent slope and conditioned to provide site design measures for storm water runoff. Energy conserving lighting are conditioned as part of the permit approvals. All design features will be consistent with the architectural theme of the existing home and in compliance with code requirements.

CEQA ENVIRONMENTAL REVIEW

This project is categorically exempt from environmental review under the California Environmental Quality Act pursuant to Article 19, Section 15303(a) of the State CEQA Guidelines, as a new construction of a second dwelling unit in a residential zone.