

RECOMMENDED CONDITIONS OF APPROVAL
PLN17-0065
1260 Pacific Avenue
Alameda County Assessor's Parcel Number 75-115-72
Phay Tac Lau (Applicant and Property Owner)

I. COMPLIANCE WITH APPROVED PLANS

1. The project shall comply with Exhibits A through E, attached to the staff report dated August 2, 2018, 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 – Site Plan, dated July 13, 2018
 - Exhibit B – Floor Plan, dated July 13, 2018
 - Exhibit C – Elevations, Front/Rear/Garage, dated July 13, 2018
 - Exhibit D – Elevations, Side, dated July 13, 2018
 - Exhibit E – Streetscape, dated July 13, 2018
2. 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.
3. Pursuant to [Zoning Code Section 5-2218](#), this approval shall lapse on August 2, 2019, unless a) a building permit 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 Zoning Enforcement Official and there are no outstanding enforcement complaints.

II. PERMITTED USE

4. **Conditional Use Permit.** The Conditional Use Permit is an approval to permit an additional ±2,912 square foot attached two-story unit to create a duplex on a sub-standard lot at 1260 Pacific Avenue; Assessor's Parcel Number 75-115-72.
5. **Site Plan Review.** The Site Plan Review approval allows for (1) a two-family residential development that requires a conditional use permit, and (2) a proposed addition to a single-family residential that results in an additional dwelling unit.
6. **Compliance with Plans.** The dwellings shall remain in substantial compliance with the approved plans and exhibits. Any change to the project design shall be subject to 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.

III. REQUIRED ON-SITE IMPROVEMENTS

7. **Landscape Maintenance.** All landscape improvements shall be maintained in a healthy growing condition at all times. Practices for maintaining the landscaping in such a manner shall include, but is not limited to, periodic pruning and fertilizing.

8. **Paving Plan.** Details for the proposed paved driveway and parking pad in the rear shall be included with the building permit application.
9. **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.

IV. ENGINEERING AND TRANSPORTATION DEPARTMENT REQUIREMENTS

General Conditions

10. 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.
11. 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.

Site Planning Conditions

12. **Sanitary Sewer Pipe.** The City will inspect any defects in this sanitary sewer segment on Pacific Avenue and if the new lateral connection to the sanitary sewer main line will cause any structural damage, the applicant shall replace the main pipeline from joint to joint as part of this project prior to making the sewer lateral connection.
13. **Underground Utilities.** The applicant shall locate all new electric and communications utilities serving the site underground. Building Permit plan shall add a note or show the same on plans.
14. **Stormwater Site Design.** The site is considered as small project per Alameda County C.3 Stormwater Technical Guidance. As per Appendix L "Site Design Requirements for Small Projects", the project must implement at least one of the following site design measures:
 - a. Direct roof runoff into cisterns or rain barrels for use.
 - b. Direct roof runoff onto vegetated areas.
 - c. Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas.
 - d. Direct runoff from driveways/uncovered parking lots onto vegetated areas.
 - e. Construct sidewalks, walkways, and/or patios with permeable surfaces.
 - f. Construct bike lanes, driveways, and/or uncovered parking lots with permeable surfaces.

15. **Water Heater Drain Lines.** Building permit plans shall show or add a note that water heater drain lines shall be directly or indirectly connected to the sanitary sewer system and may not discharge to the storm drain system.
16. **Storm Water Pollution Control.** The 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. 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.
 - c. Interior floor drains (if any) shall not be connected to the storm drain system.
 - d. 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.
 - e. 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.
 - f. 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.
 - g. 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.
 - h. Selection of the plants that will require minimal pesticide use.
 - i. Irrigation shall be appropriate to the water requirements of the selected plants.
 - j. The applicant shall select pest and disease resistant plants.
 - k. The applicant shall plant a diversity of species to prevent a potential pest infestation from affecting the entire landscaping plan.
 - l. The applicant shall plan insectary plants in the landscaping to attract and keep beneficial insects.

Impact Fees

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 vested until issuance of building permit.

17. **Street Improvements.** A Development Fee for Street Improvements (DFSI) shall be assessed for the proposed one additional dwelling unit approximately in the amount of \$1,437.92 which is calculated at \$1,437.92 per housing unit and shall be paid prior to issuance of the building permit. These fees are subject to change each fiscal year and shall not be vested until issuance of building permit.
18. **Marina/I-880.** A one-time Marina Boulevard/Interstate 880 Traffic Impact Fee shall be assessed approximately in the amount of \$723.25, and is due at the time of permit issuance. This fee is subject to change at the beginning of each fiscal year.
19. **Park Impact Fee.** A Park Facilities Development Impact Fee shall be assessed assuming 1 additional dwelling unit (du) will be added to the property as follows:

Park Land Acquisition Fee:	\$14,126.00/du
Park Improvement Fee:	\$2,279.00/du
Total Park Impact Fee:	<u>\$16,405.00/du</u>

V. FIRE DEPARTMENT REQUIREMENTS

Review of Planning referrals are usually based on information and plans that lack sufficient information and details for specific comments. The primary focus of our review is to assure fire access to the site. Specific fire and building code issues will be addressed during the regular building permit submittal and review process.

20. **Fire Protection System.** Provide an NFPA 13D system throughout the building.
21. **Carbon Monoxide Detectors.** Provide Carbon monoxide detectors.
22. **Smoke Alarms.** Provide Smoke Alarms.
23. **Monument Sign.** Provide a monument at the street indicated the additional address.

VI. CONSTRUCTION PROVISIONS

24. **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.
25. **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 Clarke Street from the project site during construction.
26. **Pest and Vermin.** Pest and vermin control shall be instituted prior to the demolition and construction of the project.

VII. GENERAL CONDITIONS

27. **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.
28. **Maintenance.** The project site shall be well maintained and shall be kept free of litter, debris, and weeds at all times.
29. **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.
30. **Trash and Recycling.** The trash and recycle bins shall be kept out of public view, except when it is necessary to bring them to the curbside on days that the contents of the containers are picked up for disposal.
31. **Fencing.** All fencing shall be structural sound and well maintained at all times. In no case may there be a fence separating the rear unit from the front unit.
32. **No Outdoor Storage.** There shall be no outdoor storage of any type in the driveway or on the two-car parking pad, which shall be kept free of obstruction and available for vehicular access at all times.
33. **Garage.** The garage shall be maintained at all times for the parking of passenger vehicles.
34. **Noise.** All uses and activities shall comply with the provisions of the San Leandro Noise Regulations (Title IV, Chapter 1 of the Municipal Code).
35. **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.
36. **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.