

RECOMMENDED CONDITIONS OF APPROVAL
PLN18-0019
1166 Manor Blvd
Alameda County Assessor's Parcel Number 80G-1372-2
Kim Nga Nguyen (Applicant) and Minh Thy Nguyen (Property Owner)

I. COMPLIANCE WITH APPROVED PLANS

1. The project shall comply with Exhibits A through C, attached to the staff report dated September 6, 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
 - Exhibit B – Floor Plan and Proposed Garage
 - Exhibit C – Elevations
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 September 6, 2019, 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

4. **Scope of Work.** This Conditional Use Permit allows for mixed-use residential in the CN Commercial Neighborhood District. This Conditional Use Permit is for the conversion of an existing commercial unit into mixed use residential, with one ±1,219 square foot three bedroom, two bathroom residential unit in the rear and one ±189 square foot office at the front at 1166 Manor Blvd.
5. **Parking.** A ±413 square foot two-car garage will be constructed, in addition to two surface parking spaces, to accommodate the one three bedroom residential unit and one 189 square foot commercial unit.

III. USE RESTRICTIONS

6. **Commercial Parking.** The business located in the commercial space shall be subject to the minimum parking requirements for the CN Neighborhood Commercial District based on the square footage of the commercial use.
7. **No Short Term Rental.** Owner agrees that there shall be no rental of the residential unit for terms shorter than 30 days.
8. **One Residential Unit.** Owners agree that the residential unit shall not be used as more than one residential unit with one kitchen at any time; unless and until it and the property meet all residential, zoning, and permits for multiple dwelling units including but not

limited to density (units/acre), parking, setbacks, access and all applicable Building Code provisions.

IV. REQUIRED ON-SITE IMPROVEMENTS

9. **Landscape Maintenance.** All landscaping improvements shall be maintained in a healthy, growing, and weed-free condition at all times. 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.

V. ENGINEERING AND TRANSPORTATION DEPARTMENT REQUIREMENTS

10. 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.
11. 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.
12. **Construction Best Practices.** The applicant shall implement construction best management practices during construction to control erosion, keep sediment from leaving the project site and prevent storm water pollution. Building Permit plans shall show these measures on plans.
13. **Encroachment Permit.** The applicant shall obtain an Encroachment Permit from the Engineering and Transportation Department for any work within the public right-of-way including the use of lifting equipment or the staging of materials. Barricades, traffic cones, and/or caution ribbon shall be positioned around any equipment or materials within the right-of-way to provide a barrier to public access and assure public safety. Any damage to the right-of-way improvements must be promptly repaired by the applicant according to City adopted standards.
14. **Park Fee.** A one-time Park Facilities Development Impact Fee shall be assessed for the new residential unit, approximately in the amount of \$17,993.00 and is due at the time of building permit issuance. This fee is subject to change at the start of each fiscal year and is not vested until Building Permit issuance.

VI. FIRE DEPARTMENT REQUIREMENTS

Please note that these conditions do not constitute a complete fire and building code review. A formal plan check review will be completed at time of building permit submittal. The building will need to comply with all building and fire code requirements in affect at time of building permit submittal. The information on these plans is limited. Therefore, staff cannot determine if the design is in full compliance.

15. **Building Permit.** All modifications will need to comply with building and fire code requirements in effect at time of building permit submittal.
16. **Fire Sprinkler System.** The type of sprinkler system required will depend upon the occupancy classification of the building. An NFPA 13 system may be required.

VII. CONSTRUCTION PROVISIONS

17. **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.
18. **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

19. **Maintenance.** The property owner, occupants, and tenants shall maintain the project site and ensure that it is free of litter, weeds, and other debris in accordance with San Leandro Municipal Code §3-15-215.
20. **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.
21. **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.
22. **Parking.** The garage and driveway shall be accessible at all times for vehicle parking.
23. **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.
24. **Signage.** All signage must conform to the regulations in Article 18 of the Zoning Code. Neon signs or flashing signs are prohibited on the property, including in windows. 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.

25. **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.
26. **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.
27. **Amendments.** 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 Zoning Enforcement official waives compliance with the terms of the application and Conditions of Approval pending application for the amendment.