



## Legislation Text

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**File #:** 18-426, **Version:** 1

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PLN18-0019; Conditional Use Permit to convert an existing commercial unit into mixed use residential, with one residential unit and one commercial unit at 1166 Manor Boulevard; Assessor's Parcel Number 80G-1372-2; K. Nguyen (applicant) and M. Nguyen (property owner); CN Commercial Neighborhood District.

### SUMMARY AND RECOMMENDATION

The applicant is requesting a Conditional Use Permit to convert an existing commercial unit into mixed use residential, with one residential unit and one commercial unit. The subject property is a 5,083 square foot parcel with an existing  $\pm 1,408$  square foot commercial retail unit in the CN Commercial Neighborhood District. San Leandro Zoning Code §2-604.C.14 provides that Mixed Use Residential uses in the CN zoning designation requires a Conditional Use Permit.

Staff believes that, with the recommended Conditions of Approval, the proposed project would be compatible with adjacent residential and commercial development in the immediate neighborhood.

Staff recommends that the Board of Zoning Adjustments:

1. Adopt the California Environmental Quality Act categorical exemptions;
2. Adopt the recommended Findings of Fact; and
3. Approve Conditional Use Permit PLN18-0019 subject to the attached recommended Conditions of Approval.

### APPLICANT'S SUPPORTING STATEMENT

See attached.

### RELATIONSHIP TO SURROUNDING AREA

The surrounding properties to the north, south, and west are zoned CN Commercial Neighborhood District and are developed with single-story commercial retail and office uses, as permitted by the CN zoning district. The uses range from retail services, take-out restaurants, two grocery stores, and small commercial offices. Across the street from the subject property is a liquor store. The properties to the east are zoned RS Residential Single Family and developed with one and two-story single family residences.

The right of way along Manor Boulevard is 60 feet width, and narrows to 55 feet width at and to the east of the subject property.

## BACKGROUND

The parcel is currently developed with an existing  $\pm 1,408$  square foot commercial building constructed in 2013. Prior to 2013, the site was vacant and used as a paved parking lot. The Planning Site Plan Review entitlement to construct the existing commercial building was approved ministerially on October 31, 2011 (PLN2011-00032) and the subsequent building permit was issued on March 6, 2013 and a final certificate of occupancy was issued on July 21, 2014 (BLD2012-00052).

The property was used as a nail salon between 2013 and 2017; its most recent business license expired in December of 2017 and the business closure form was filled with the City on January 16, 2018.

## DETAILS OF THE PROPOSAL

The proposal is to convert the single-story commercial unit into a mixed use residential use, and add two surface parking spaces and a  $\pm 413$  square foot garage in the rear corner to accommodate the parking requirements for one three-bedroom residential unit and one  $\pm 189$ -square foot office unit.

The predominant façade of the building would be the commercial office unit, which would maintain the existing ADA accessible ramp and double-wide entrance doors. A separate ADA-accessible bathroom would be added for the office unit. The applicant proposes to lease the commercial space for office as permitted under the CN zoning, with an occupancy of two people, a staff of one, and normal business hours between Monday and Friday, 9:00 AM to 5:00 PM.

The  $\pm 1,219$  square foot three-bedroom, two bathroom residential unit would be located behind the office unit, with a side main entrance. The two units would be separately metered but would share the same waste, organics, and recycling receptacles given the size of the units.

### Site Plan

The proposed site plan maintains the building setbacks of the existing structure, with the exception of the front covered porch which would be removed. The existing legal non-conforming eight-foot front setback along Manor Boulevard is not expanded. The 12-foot east side driveway setback and the zero-foot setback on the west and rear sides conform to the CN zoning district standards.

### Parking / Traffic / Circulation

Off-street parking will be provided at the rear of the lot, in accordance with Zoning Code Section 4-1704 Mixed Use Residential three-bedroom and Office parking standards. A two-car garage, designed to match the building, would be added at the corner rear of the lot. Two surface parking spaces-one of which is handicap accessible-will also be located at the rear of the building, satisfying the required two covered and two uncovered parking spaces required for the residential and office units. The existing 12-foot wide driveway will remain and be the access point to the rear parking spaces.

### Landscaping / Walls / Fencing

The proposed site plan maintains the existing landscaping at the front of the property and adds 60

square feet in the rear, for a total of 301 square feet of landscaped area. The landscaping provided on site includes mulch, palm grasses, and ground cover. An existing 16'3" solid wall along the right property line remains as a buffer between the subject property and the rear driveway for Manor Shopping Center.

### Building Exterior and Elevation

The proposed architecture retains the same style as the existing commercial unit. The visual elements include light coral painted stucco, matching white vinyl and dark beige wood trim on all windows, and gabled composition asphalt shingle roofing.

### Signage

Address numbers would be placed in locations such that emergency crews can read the address from the street. Signage for the commercial office unit is conditioned to conform with sign regulations for the CN zoning district, including number, size, and location. Neon and flashing signs are prohibited and no temporary or unauthorized signs shall be placed on the property unless approved by the City under a Special Event Permit.

## **STAFF ANALYSIS**

Zoning Code §2-604.C.14 stipulates that Mixed-Use Residential is conditionally permitted in the CN zoning district, subject to findings that the use would be compatible with surrounding uses. The subject property is located at the nexus of single family residential and commercial retail and office uses. As proposed, the 189 square foot commercial unit would be the primary face of the building, with the three-bedroom residential unit tucked behind the office. Staff believes that mixed use, particularly with a commercial frontage, would be appropriate at this location and would serve as an appropriate transition between commercial and single family residential uses along Manor Boulevard. Furthermore, the existing building was built in 2013 and designed to be compatible with the adjacent single-story and single-family residential character.

The layout of the existing building is in conformance with the underlying CN Commercial Neighborhood zoning district with the exception of the existing front yard setback. The proposed development will not expand a non-conformity; rather, the nonconforming front porch will be removed to further increase the front setback. The proposed building density, height, floor area ratio (FAR), lot coverage, landscaping, and parking are in all conformance with the Zoning Code.

The parking requirement for a mixed-use residential development with a three-bedroom unit and a 189 square foot commercial space is four parking spaces, with two of the spaces covered. The applicant has provided this parking behind the building and the project is conditioned to maintain the garage for vehicular parking at all times. No parking exception is required. The conversion of a nail salon into a mixed use development with one residential unit and one small office unit will result in a less intensive use of the property and generate fewer vehicle trips.

The Engineering and Traffic Division has reviewed the driveway dimensions and has determined that the design and access are adequate. Alameda County Fire Department staff also reviewed the proposed structure and driveway and found the design to be acceptable for emergency vehicle access with the recommended conditions of approval.

The front yard landscaping will remain and a 60 square foot area will be added in the rear of the building, to create a total of 301 square feet of landscaping, or 5.9% of the lot. This exceeds the minimum requirement of 5% landscaping. A condition has been added to require continued maintenance of the proposed landscaping. Waste, organics, and recycling receptacles will be located behind the building and away from public view.

With the recommended Conditions of Approval, staff is able to recommend Board approval of the project based on the attached Findings of Fact.

## **GENERAL PLAN CONFORMANCE**

The subject property is within the Neighborhood Commercial General Plan designation, which permits local-serving offices and other businesses that serve the daily needs of nearby residential areas, and considers residential and mixed use developments subject to a maximum density of 24.2 units per acre and an FAR limit of 0.5.

The proposed conversion of an existing commercial use into mixed use with one residential unit and one commercial office unit amounts to a density of 8.6 units per acre and an FAR of 0.36, which is consistent with the intended General Plan designation. The following General Plan policies are relevant to this project:

**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.

**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.

**LU-3.4 Promotion of Infill.** Encourage infill development on vacant or underutilized sites within residential and commercial areas.

## **ENVIRONMENTAL REVIEW**

Staff recommends that the Board of Zoning Adjustments find that this project is categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines, Article 19, Section 15301(a)(e) Existing Facilities with interior improvements and New Construction of an accessory structure.

## **PUBLIC OUTREACH**

This Board of Zoning Adjustments meeting received the required 10-day noticing period for a public hearing item before the BZA. The required methods of noticing were conducted including a legal advertisement in the East Bay Times Daily Review newspaper, posting on the subject property, and

mailed notification to property owners and business owners within a 500-foot radius of the subject property.

## **ATTACHMENTS**

Applicant Statement

Vicinity Map

Recommended Findings of Fact

Recommended Conditions of Approval

Exhibits A-D

- Exhibit A - Site Plan
- Exhibit B - Floor Plan and Proposed Garage
- Exhibit C - Elevations

Photographs of Existing Site Conditions

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