

**RECOMMENDED  
FINDINGS OF FACT FOR APPROVAL OF**

**PLN15-0053  
1650 San Leandro Boulevard  
Thomas Dolan Architecture (Applicant)  
B. Walia (Property Owner)**

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

**Categorical Exemption Finding**

Pursuant to California Environmental Quality Act (CEQA) Guidelines, Article 19, Section 15332, In-Fill Development Projects meeting the conditions listed below, is categorically exempt from CEQA.

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

The project qualifies as categorically exempt from CEQA as the proposal meets the criteria listed from (a) to (e) listed above.

**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 location of the mixed-use residential with an office on the ground floor and six attached three-story townhouse condominium units is in accord with the objectives of the Zoning Code, the adopted Downtown Transit Oriented Development (TOD) Strategy and the district in which the site is located. The location enhances the character of the adjacent commercial and residential neighborhoods. The location is in the DA-4 Downtown Area District. The location of the use satisfies the purpose of the DA-4 District to implement provisions of the Downtown San Leandro Transit-Oriented Development Strategy on land located near transit facilities such as development of the mixed-use residential with office.

- 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's Policies listed below:

**Policy 1.04: Front Yards**

Encourage the attractive treatment of front yards and other areas in residential neighborhoods that are visible from the street. Establish limits on the paving of front yard areas.

**Policy 2.05: Alterations, Additions and Infill**

Ensure that alterations, additions and infill development are compatible with existing homes and maintain aesthetically pleasing neighborhoods.

**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 3.04: Promotion of Infill**

Encourage infill development on vacant or underused sites within residential areas.

**Policy 19.04 – Garage Door Visibility:** Minimize the visibility of garage doors in new single-family and multi-family residential construction.

**Policy 53.03-C – In Lieu Fees for Affordable Housing** Implement City policy on the payment of in-lieu fees as an alternative to meeting the City inclusionary housing requirements on-site. While the City encourages inclusionary units to be provided on-site, this may not be feasible in all instances (for instance, when the project contains fewer than six units). Formal criteria for allowing in-lieu fees are established and a consistent formula for determining the fees has been adopted.

The proposal will provide an opportunity for ownership of six individual residential units and a small office for a resident(s) use. The proposed mixed-use project will conform to the DA-4 District zoning requirements. The new townhouses will be constructed in a manner that the exterior appearance of the in-fill development is compatible with the immediate neighborhood. Moreover, with the necessary conditions relating to: landscaping; Building/Fire Code compliance; and property maintenance, the attractive appearance of the property will be maintained. The payment of in lieu fees for affordable housing is also covered in the conditions of approval.

**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.**

Development of the mixed-use residential and office for resident(s) to use will be compatible with existing adjacent development in the immediate DA-4 Downtown Area District. The development itself conforms to all DA-4 District development standards (i.e., setbacks, height, parking, and density with the various design enhancements including solar energy, concrete pavers, decorative fountain, common area, use of multiple paint colors and multiple materials on the facade, furniture in the common area, and well-articulated elevations). Conformance to the DA-4 District's setback requirements and Fire Department access will provide adequate availability of light and air 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.**

Adequate on-site parking and access will be provided for the mixed-use residential and office development. The proposed development satisfies the off-street parking requirement of one space per unit (six spaces) in the DA District adjacent to BART.

**Site Plan Review Findings**

**A. 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 proposed two- to three-story mixed use residential townhouses and office development would be harmonious and compatible within the existing commercial, residential and transit context of the San Leandro Boulevard neighborhood. The proposed mixed use development complies with the DA-4 District requirements for minimum setbacks. The height of 36 feet, eight inches to the highest ridgeline, would also comply with the height requirement which is less than 60 feet maximum allowed. The resulting total lot coverage would be approximately 82% where 100% is the maximum allowed in the DA-4 District. The required off-street parking would be met with the six one-car garages on the ground floor. In addition, the site planning and architectural design deemphasizes vehicle parking, garage doors, storage areas and service areas, where they are not evident from San Leandro Boulevard or adjacent properties.

**B. The building has 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.**

The proposed three-story development is provided articulation to all four sides of the building (i.e., knee braces beneath the roof eaves, the projecting bays and cantilevers, and vertical hung windows). In addition, the project design incorporates the use of multiple paint colors and multiple materials on the façade. This articulation satisfies the TOD development guidelines and enhances the San Leandro Boulevard streetscape. Specifically, the front elevation includes entrances, stoops and porches facing the street for the front facing residence and the flexible office space. Together these encourage pedestrian use of the sidewalk. The varying wall planes and roof lines provide visual interest. The roof eaves and brackets will create shadows for aesthetics. A number of hung and divided windows face the street and would provide a sense of security and they enhance the articulation of the façade. Parking is kept out of sight to preserve the pedestrian environment. The design de-emphasizes the automobile. The driveway access is minimized. The view of paving and garage doors are screened by design of the building. The proposed design features of the mixed use development will contribute in enhancing the immediate San Leandro Boulevard corridor.

**C. 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 landscaping along the front setback complements the architectural design, with an appropriate balance of trees, shrubs, and ground cover. The trees are appropriate and specified at 15 gallons in size. The minimum size for the shrubs will be required to be five gallons and the ground covers be one gallon or from flats with the necessary spacing to cover the planter areas in a growing season. The design of the frontage and the above floors for this project conceals a majority of vehicle parking and driveway area.

**D. 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 proposed six foot tall fencing along the northern and eastern property lines will comply with Zoning Code Section 4-1682 for Fences, Walls, and Hedges. Conditions of Approval will require that the design, height and location of all new fences be provided for approval prior to issuance of a building permit. A majority of the on-site paving will be decorative concrete pavers which will complement the landscape and architectural design of the project. Lighting would be energy conserving lights.