

Exhibit A

**RECOMMENDED FINDINGS OF FACT
Resolution 2019-005**

**PLN18-0045
268 Parrott St., APN 075-0005-012-00 & 075-0005-011-01
David Langon (applicant)
David Langon Construction (property owner)**

The Board of Zoning Adjustments hereby approves a Site Plan Review and Parking Exception for PLN18-0045, subject to the following findings:

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 four-story mixed-use building will be harmonious and compatible within the existing and mixed-use context of the immediate area because the proposed multi-family development complies with the Downtown Area1 (DA-1) District requirements for minimum setbacks and other development standards identified in the Zoning Code and complies with the policies and standards identified in the Downtown Transit Oriented Development (TOD) Strategy and the 2035 General Plan. The proposed building height of 55.25 feet is below the 70-foot maximum height allowed per figure 8 in the Downtown San Leandro TOD Strategy. The resulting total lot coverage would be approximately 92% where 100% is the maximum allowed in the DA-1 District. The required off-street parking would be satisfied with strategies outlined in the applicant's Parking Exemption (see below). In addition, the site planning and architectural design appropriately deemphasizes vehicle parking, storage areas and service areas so that they are not visibly prominent from Parrott St. 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 four-story development is providing adequate articulation to all four sides of the building especially the Parrott St. and Washington Avenue

street frontages which include varying wall planes and roof lines, using multiple colors, materials and finishes. The design creates visual interest and lessens the appearance of bulk and mass of the project. This articulation enhances the Parrott St. and Washington Avenue streetscapes. In addition, the frontage elevations include ample and well-placed private decks facing the Parrott St. and Washington Avenue street frontages to complement the context of the existing neighborhood. Parking is kept out of sight in the design to de-emphasize the automobile. The commercial facades are appropriately pedestrian scaled and will provide walkable, local services for the neighborhood. The driveway access is minimized along the Parrott Street frontage. The proposed design features of the mixed-use development will contribute in enhancing the immediate Parrott St. and Washington Avenue street frontages

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 and streetscape treatment along the Parrott St. and Washington Avenue street frontages complements the architectural design, with an appropriate balance of trees, shrubs, and ground cover. The trees are appropriate and specified at 24-inch specimens in size. The minimum size for the shrubs will be required to be five gallons and the ground covers to be one gallon or from flats with the necessary spacing to cover the planter areas in a growing season. Access to the parking garage and spaces is minimized to one central entryway. A 2,000 sf private courtyard is provided for the tenants on the second floor. Landscaping, a variety of furniture and an outdoor bar-b-que facility will be provided.

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 streetscape improvements will compliment the building by including 4 Red Point Maple Trees along the Parrott St. façade that will help to offset the potential glare on this southern exposure. The decorative paving, planter beds, bike racks and site lighting are appropriate pedestrian amenities visually consistent with the architecture and landscape design. Conditions of approval are included that would prohibit light from the property spilling onto adjacent properties or create off-site glare. The existing fencing will remain on the north and east property lines and the foundation areas will be supplemented with planter beds. The project signage will comply with the Sign Ordinance that for multi-family developments, that the freestanding signs shall not exceed five feet in height (Z.C. Section 4-1806 D. 1.). A

signage program will be a required condition of approval to be provided by the applicant.

PARKING EXCEPTION FINDINGS

- A. **The strict application of the provisions of this Chapter would cause particular difficulty or undue hardship in connection with the use and enjoyment of said property.**

Due to the limited lot size of .422 ac (18,378 sf), the provision of 26 residential parking spaces and 5 off street parking spaces, setback and landscape requirements, the proposed project is unable to provide additional required off-street parking spaces to accommodate the proposed first floor commercial space. Parking for the residential uses will be satisfied and complies with the requirements of the Zoning Code. The ground floor of the project is primarily designed to accommodate parking. The project is suitable for a parking exception because it is located on a small infill lot within the City's downtown area, a pedestrian-oriented environment with close proximity to multiple transit and active transportation options. The City's Downtown Parking Management Plan identifies that the surrounding neighborhood can reasonably accommodate additional street parking from the proposed 2,431 square feet of commercial space. Providing the additional required off-street parking spaces on the project site or in the immediate vicinity would cause particular difficulty and undue hardship as there are no practical alternatives to reasonably accommodate additional parking spaces without affecting adjacent established land uses, eliminating landscaping, compromising the required setbacks, or negatively affecting line of sight visibility.

- B. **That the provision of additional parking measures for projects shall be allowed to include car share features, transit passes for tenants in residential, commercial, or mixed-use developments, and within one-quarter mile proximity to a transit corridor or other transit facility including a bus stop or BART station.**

The Applicant has submitted a Parking Exemption request to accommodate the required parking for the 2,431 square foot commercial space of the project in order to accommodate commercial uses such as a restaurant. The project is proposing 5 on-street parking spaces in the immediate vicinity and the remaining required spaces, which could range from 7 to 19 depending on the future tenant's land use, through a combination of utilizing available on-street parking spaces in the general vicinity, providing a valet parking program, and the option of obtaining a shared parking arrangement in both nearby city-owned and privately-owned parking lots. The rationale for offsite parking in the immediate vicinity justifies the inability of the

applicant to provide additional spaces within the confines of the .422-acre (18,378 sf) development site. The project is located within the pedestrian-oriented downtown environment with close proximity to multiple transit and active transportation options. High-quality transit options including the San Leandro BART station and the terminus of AC Transit's Bus Rapid Transit (BRT) line are located within a quarter mile of the project's location (four blocks to the west).

C. That the establishment, maintenance and/or conducting of off-street parking facilities as proposed are as nearly in compliance with the requirements set forth in this Chapter as are reasonably possible.

The proposed mixed-use building has been designed to be to be nearly in compliance with the DA-1 District development requirements such as setbacks, height, lot coverage, floor area ratio, landscaping and parking. The project will serve the immediate adjacent neighborhood where trips are more conveniently made by foot and bicycle rather than by car and the project has been adequately designed to provide access for bicyclists and pedestrians residing in the immediate vicinity.

The following are the applicant's multi-pronged strategies in which to provide the required off street parking for the 268 Parrott St. project:

- I. According to the city generated 2017 Downtown Parking Management Plan, the block and surrounding areas on which the project is located is not at full capacity during peak hours of parking.
 - Parrott St. is 0%-50% occupied,
 - Washington Ave. is 50% – 70% occupied and
 - Hayes & W. Juana Ave are only 70% – 85% occupied)
- II. Meters in the Orange Zone which are located at E14th St. from Chumalia St. to Maud Ave and Thorton St. between Hays and Santa Rosa St. provide for quick and convenient parking for patronizing a retail establishment or restaurant at 268 Parrott.
- III. The nearby parking garage located on Callen Ave. and Estudillo Ave. between E14th St. and Harrison St provides 384 parking spaces for employees, visitors, and downtown business owners at an affordable all-day cost.
- IV. Off-street parking lots off Washington Ave. in front of the Englander Sports Pub & Restaurant is a private paved parking lot providing free parking behind Hays and Parrott St.
- V. Downtown employee parking permits at the Downtown Parking Garage on levels 2 & 3 as well as designated areas on Hays St. This permit is \$35 per month and allows

downtown employees to park on the 2nd and 3rd floors in designated employee parking areas.

Based on the facts and existing conditions identified and the strategies noted above, the Board of Zoning Adjustments finds that off-street parking with the additional provision of valet parking to accommodate uses such as a restaurant will be in compliance with the requirements of the Zoning Code as are reasonably possible.

CEQA ENVIRONMENTAL REVIEW

- A. The Board of Zoning Adjustments finds that this item (PLN18-0045) is categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines, Article 19, Section 15332 Class 32 In-Fill Development Projects (a), (b), (c), (d) and (e).