

## **EXHIBIT A**

### **FINDINGS OF FACT AND DETERMINATIONS**

**PLN18-0036**

**1188 E 14th Street / Callan & E. 14th Street Project**

**APN's 77-447-14-6, 77-447-7-1, 77-447-14-7, 77-447-15-6**

**14th & Callan Street Developer LLC (Applicant & Property Owner)**

#### **CEQA Environmental Review**

An Infill Checklist has been prepared in accordance with Public Resources Code Section 21094.5. and the CEQA Guidelines, California Code of Regulations Section 15183.3 and Appendices M and N. The Infill Checklist tiers off the 2035 General Plan Update Environmental Impact Report (EIR) (2016). This prior EIR was prepared as part of enacting the City's General Plan Update and Zoning Code Updates which implemented the Downtown Transit-Oriented Development (TOD) Strategy. Per CEQA Guidelines Section 15183.3(a) an Infill Environmental Checklist has been prepared. The Infill Checklist demonstrates that any significant effects of the proposed Callan & E. 14th Street project ("Project") were analyzed in the prior EIR or would be substantially mitigated by the City's uniformly applicable development policies. The Infill Checklist also incorporates supporting information and impact analysis from the Downtown TOD EIR (2007), which also qualifies as a prior EIR. Therefore, pursuant to Public Resources Code Section 21094.5, such impacts are exempt under CEQA and do not require further environmental analysis.

#### **Conditional Use Permit Findings**

- 1. 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 proposed mixed-use development is in accord with the objectives of the Zoning Code, the adopted Downtown Transit Oriented Development (TOD) Strategy, the Downtown Area 1 (DA-1) zoning district, and the Zoning Overlay's Special Policy Area 3 criteria because the mixed-use Project's land uses consist of on-site neighborhood-serving grocery and retail uses fronting on East 14th Street and Callan Avenue with multi-family residential housing on the upper floors, land uses which, depending on square footage, are permitted in the DA-1 zoning district and specified for Special Policy Area 3. The mixed-use residential Project complies with the purpose of the DA-1 zoning and Special Policy overlay district because it has been designed to implement the specific provisions of the Downtown San Leandro Transit-Oriented Development Strategy for the Downtown retail core area centered on East 14th Street, in accord with the specific purposes of Zoning Code Section 2.08.100.

The mixed-use Project's land uses comply with land use framework and development guidelines for new development in Downtown San Leandro, as established in the Downtown TOD Strategy, Zoning Code and Zoning Overlay Special Policy Area 3, because the Project and associated land uses have been designed to focus growth and density in the transit-accessible downtown area. The pedestrian-oriented mixed use Project has been developed in a manner that provides a sense of place, provides a

pleasant physical pedestrian connection between the Civic Center and the downtown area, and provides ground floor retail with residential uses above, in compliance with the Zoning Code's development standards. The 23,189 square feet of ground floor retail space is appropriately located and designed to function as neighborhood serving retail to enhance the Downtown area.

The location of the mixed-use Project is consistent with the General Plan's goals, policies and objectives for the Downtown area, as well as those identified within the City's Downtown Transit-Oriented Development Strategy. The Project conforms to the General Plan's vision for the central business district of San Leandro by providing a range of retail and residential uses which together create a pedestrian-oriented street environment. The Project carries out the General Plan and Downtown TOD Strategy by proposing new development that is attractive, high density, and creates a positive image of revitalization. The Project furthers the City's Housing goals by providing infill housing within close proximity to high quality transit and neighborhood grocery and retail services. The location of the Project is also in alignment with the designated Priority Development Area (PDA) policies of Plan Bay Area 2040 because the mixed-use Project is located in the Downtown area where existing services, transit and infrastructure already exist, contributing to a reduction in vehicle miles traveled and associated GHG emission reductions, as required under California Senate Bill 375.

2. **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 mixed-use Project is consistent and in alignment with the City of San Leandro's General Plan goals, objectives, and policies related to Downtown Mixed Use (MUD), which allow for a range of uses that support a pedestrian-oriented street environment, including retail, offices, public and civic buildings, and upper story residential uses. The designation specifically allows for mixes of these uses within the same building. The Project also complies with the TOD Strategy, which specifies the location for Retail Mixed-Use, which allow for retail, residential and office uses. Ground floor retail is required in this land use designation. The location, land uses, operational conditions and design of the Project comply with these provisions because the Project is a mixed-use pedestrian-oriented project with ground floor retail and upper story residential, in compliance with the established criteria.

The mixed-use Project will not be detrimental to the public health, safety or welfare and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City because the Project was thoroughly evaluated through multiple technical studies, including an air quality analysis, a community health risk assessment, a geotechnical study, environmental site assessment, a noise and vibration study, a transportation impact study, and a parking study, all of which concluded that the Project would not result in conditions detrimental to public health, safety or welfare. The Project will be subject to compliance with the City's uniformly

applicable development policies, including the provisions of the General Plan, Zoning Code and Municipal Code, attached hereto and incorporated herein by reference, all of which contain policies and requirements to ensure that development in the City does not create a public nuisance or conditions detrimental to the public health, safety or welfare of the community.

The Project is consistent with the General Plan and carries out the TOD Strategy because it consists of a new mixed-use pedestrian-oriented development with access to high-quality transit that is attractive, high density, and creates a positive image of revitalization, containing a mix of uses in the same building and ground floor retail facing E. 14<sup>th</sup> St. The Project's land uses, which include neighborhood serving ground-floor retail and grocery uses with multi-family residential above, are specified in the General Plan, TOD Strategy and Zoning Code for the Project's location, are appropriately located and compatible with the existing surrounding neighborhood.

The following General Plan goals, policies, and actions apply (note: LU-Land Use; ED-Economic Development):

GOAL LU-2 Preserve and enhance the distinct identities of San Leandro neighborhoods.

Policy LU-2.7 Location of Future Multi-Family Development. Concentrate new multi-family development in the areas near the BART Stations and along major transit corridors.

Policy LU-2.8 Alterations, Additions, and Infill. Ensure that alterations, additions and infill development are compatible with existing homes and maintain aesthetically pleasing neighborhoods.

GOAL LU-3 Provide housing opportunities and improve economic access to housing for all segments of the community.

Policy 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 developments, garden apartments and medium to high density multi-family housing.

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

Policy LU-3.5 Mixed Use on Transit Corridors. Encourage mixed use projects containing ground floor retail and upper floor residential uses along major transit corridors. Such development should be pedestrian-oriented, respect the scale and character of the surrounding neighborhood, and incorporate architectural themes that enhance the identity of adjacent commercial districts.

Policy LU-3.10 Market-Rate Housing. Encourage the provision of a significant amount of market-rate ownership and rental housing as part of an effort to

maintain and diversify the City's economic base.

GOAL LU-6 Foster the development of Downtown San Leandro as a vibrant pedestrian oriented destination that is the civic and social heart of the City.

Policy LU 6.1 Downtown Plans. In accordance with the adopted Downtown Plan and Urban Design Guidelines and the Downtown San Leandro Transit Oriented Development Strategy, ensure that new downtown development is attractive and creates an image conducive to revitalization.

Action LU-6.1A Downtown Plan Implementation. Use the Downtown San Leandro Transit Oriented Development Strategy as the primary guide for the future of Downtown San Leandro.

Policy LU-6.6 Downtown Housing Diversity. Encourage a mix of market-rate and affordable housing in the Downtown area, including ownership and rental housing at a variety of price points. Recognize the opportunity to make future Downtown housing more affordable by reducing accompanying transportation costs and making it more feasible to use transit, bicycles, bicycle and car-sharing, and other innovative modes of transportation as these become viable.

Policy LU-6.7 BART Accessibility. Maintain and strengthen pedestrian, bicycle, and transit connections between the BART Station, Downtown, and nearby neighborhoods.

Policy LU-6.8 Pedestrian-Friendly Environment. Provide public and private improvements that create a safe, friendly, and comfortable environment for pedestrians and bicyclists in Downtown.

Policy LU-6.9 Urban Design. Promote quality Downtown architecture that is well articulated, enhances the pedestrian setting, preserves the City's architectural heritage, and fits in with the scale and texture of existing historic structures. Discourage "franchise architecture" that will detract from creating a unique and distinctive Downtown setting.

Policy LU-6.11 Coordination. Fully involve and coordinate with local business owners, property owners, adjacent residents, and business organizations such as the Chamber of Commerce, San Leandro Improvement Association, and Downtown Association in all planning and development activities within the Downtown area.

Policy LU-6.14 Downtown Open Space. Develop a network of Downtown open spaces to serve the growing population and workforce. This network should include civic plazas, parks, a linear greenway along the former Union Pacific Railroad right-of-way (part of the East Bay Greenway), and a San Leandro Creek greenway along the northern edge of Downtown. In addition, streetscape improvements should include street trees and sidewalks that connect these spaces and increase greenery in the Downtown area.

GOAL ED-5 Provide amenities that attract and retain businesses and encourage those working in San Leandro to also live in San Leandro.

Policy ED-5.1 Key Amenities. Support amenities that attract businesses and employees to the City, including a more vibrant downtown, walkable neighborhoods, better dining and entertainment options, quality education and public safety, and more diverse housing choices.

Policy ED-5.2 Housing Production. Substantially increase the production of a variety of housing types meeting the needs of persons at all income levels.

The following Housing Element actions, goals, and policies are relevant to this multi-family residential development:

GOAL 3 New Housing Opportunities. Provide housing opportunities and improve economic access to housing for all segments of the community.

Policy 3.02 Mix of Price Ranges. Encourage a mix of price ranges to provide housing choices for San Leandro residents of all incomes and ages. Opportunities to include affordable units and market rate units within the same development projects should be pursued.

Policy 3.09 Executive Housing. Encourage the provision of a significant amount of executive housing as part of an effort to maintain and diversify the City's economic base.

GOAL 53 Affordable Housing Development. Increase the supply of ownership and rental housing in San Leandro affordable to extremely low, very low, low, and moderate income households.

Action 53.03-C Affordable Housing Trust Fund. Maintain a local affordable housing trust fund that is capitalized with in-lieu fees from the inclusionary housing program and condo conversion fees. *The fund should be used to leverage affordable housing development in San Leandro.*

Action 53.06-B Encouraging Market Rate Rentals. Develop strategies to attract additional market rate rental apartment to San Leandro. *Since it has been more than 25 years since any substantial market rate rental apartment development has occurred, San Leandro will explore approaches to attract such development in the coming years. This could include direct outreach to major apartment developers, and incentives to encourage apartment development on key opportunity sites in Downtown San Leandro, along East 14<sup>th</sup> Street, and in the Bay Fair area. The City is particularly interested in market rate rentals that meet the needs of moderate-income and above moderate income professionals, given the limited range of options for such persons in San Leandro today.*

The location and conditions under which the Project will be operated and maintained are consistent with the General Plan because the mixed-use Project will provide 28,849 square feet of neighborhood-serving ground floor grocery and retail space, a two-level parking structure and 196 apartment units located on three floors above containing 60 studios units, 94 one bedroom units, 35 two bedroom units, and 7 three bedroom units in conformance with the Downtown Mixed Use land use requirements. The contemporary design of the Project creates visual interest and a pleasant physical connection between downtown, the San Leandro Creek, Toler Park, and City Hall to the north. The exterior appearance of the in-fill development is compatible with the immediate downtown neighborhood, which consist of similar multi-story structures containing residential, office and retail uses. Furthermore, the Project's land uses are similar and consistent with those found in the surrounding area.

The Project was fully analyzed and was not found to not have any significant effects on the environment that either have not already been analyzed in a prior EIR or that are more significant than previously analyzed, or that uniformly applicable development policies would not substantially mitigate. The Project's temporary earthmoving and construction activities will not have an adverse effect on air quality, greenhouse gas emissions, dust, noise, traffic, or cultural or biological resources because the Project will be required to adhere to the City's uniformly applicable development policies and the Project's Conditions of Approval. Although the property is identified as being on a list subject to Section 65962.5 of the Government Code for voluntary investigation and remediation activities, the Infill Checklist investigated whether there is a potential significant effect on the environment but did not establish that such an effect exists. The shadow, height and massing of the Project will not be detrimental to surrounding residents and land uses because the project fully complies with the development provisions of the Zoning Code, because the size, height and massing of the building is consistent with development concepts previously studied and identified for the Project location in the 2007 Downtown TOD Strategy plan, and because the Project is consistent and similar to surrounding existing developments. Moreover, with the necessary conditions relating to: Building/Fire Code compliance; landscaping; and property maintenance, the appearance and upkeep of the property will be maintained. Based on analysis identified in the staff report, the Infill Checklist prepared in accord with CEQA, and all plans and reports submitted to the City with the project application, it has been determined that the Project will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of the Project and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City.

**3. 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.**

The mixed-use residential Project fully complies with the provisions of the DA-1(S) Downtown Area District requirements and is compatible with existing adjacent development because the Project conforms to all DA-1 zoning district and Special Policy Area 3 development standards, including setbacks, height, density, floor area ratio, and lot coverage, with various design enhancements including use of multiple

paint colors and multiple materials on the facade, complete streets improvements, and well-articulated elevations. Conformance to the DA-1 District's setback requirements provide adequate availability of light and air for the development and adjacent properties.

The associated DA Downtown Area zoning development standards, which implement the TOD Strategy plan, include greater building height limits, higher residential densities and reduced parking standards than surrounding areas, to provide guidance for future development. The five-story building height is within the 75' maximum height limit permitted in the DA-1 zoning district. The top of roof is 64'8" and the maximum building height will be 74'8" when measured to the top of parapets. The shadow, height and massing of the building will not be detrimental to adjacent properties or the surrounding neighborhood because the project fully complies with the DA-1(S) development provisions. The size, height and massing of the building is consistent with development concepts previously studied and identified in the 2007 Downtown TOD Strategy plan. Furthermore, the Project is consistent and similar to surrounding existing downtown development and land uses. The Project's conformance with this finding is further detailed and reinforced by the Staff Report and Project Conformance Table, identifying the Project's conformance with the various Zoning Code development standards.

The Project's height, massing and setbacks comply with the provisions of the Zoning Code. The building will be five stories tall with a maximum building height of approximately 74'8", below the maximum allowable height limit of 75' in the zoning district. In the DA-1 district, 100% lot coverage is permitted and the Project covers 92% with an FAR of 2.79. The side and corner yard setbacks are permitted to be zero setbacks and the rear yard setback is based on prevailing conditions on the block. The Project provides a front setback on E. 14<sup>th</sup> St. of 7' with a 17' pedestrian zone.

The Project complies with the City's Inclusionary Housing Ordinance through an Alternative Inclusionary Housing Plan, as allowed under City of San Leandro Zoning Code Chapter 6.04, because the applicant will provide a combination of five (5) dedicated on-site workforce and inclusionary housing units for moderate income renter households that will retain long-term affordability and an in-lieu payment of \$528,952 to the City's Affordable Housing Trust Fund. By significantly enhancing the Trust Fund, the City will be able to invest in or leverage funding for future affordable housing projects, while also enabling the City to address its shortfall of *above moderate income* housing per its regional housing needs allocation (RHNA) goal and Senate Bill (SB) 35. Due to the demise of redevelopment state-wide in 2012, the ongoing decline in federal affordable housing funding, and the minimal in lieu fee revenue into the Affordable Housing Trust Fund since the Great Recession of 2008, this project provides a much needed injection of affordable housing funds into the Trust Fund. The Project also fulfills a significant opportunity site for housing that has awaited redevelopment for a long period of time and substantially supports the City in meeting its housing goals.

The following Housing Element goals and actions are relevant to this mixed-use project:

GOAL 53 Affordable Housing Development. Increase the supply of ownership and rental housing in San Leandro affordable to extremely low, very low, low, and moderate income households.

Action 53.04-B Revisions to Inclusionary Housing Ordinance. Revise the Inclusionary Housing Ordinance (Zoning Code Article 30) to incorporate “lessons learned” since its adoption. *It* may be desirable to amend the Ordinance so that it is more responsive to market fluctuations. The aim of the revision should be to increase the production of affordable units while still achieving geographic dispersal of affordable housing across the City. Changes to the Ordinance should consider:

- Making it easier to contribute to the Affordable Housing Trust Fund rather than incorporating inclusionary units on site. Such a change could enable deeper levels of subsidy for affordable housing development and increase the supply of very low and extremely low income units when above moderate income housing is built.

**4. 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.**

The Project will not create adverse impacts on traffic or create demands exceeding the capacity of public services and facilities because of a number of factors including the location of the project in the City’s downtown core, the mixed-use design of the Project, superior access to frequent high-quality transit, adequate circulation, close proximity to neighborhood-serving retail land uses and services, on-site residential uses, bicycle and pedestrian improvements and connectivity, and consistency with the City’s established circulation plans, programs, policies and regulations. The Project is designed and located to maximize transit use and active transportation options while discouraging vehicle trips and vehicle miles traveled by providing on-site residential and retail uses together while being situated in the City’s downtown core, which is a center of high-quality transit, shopping and employment, further supported by its designated status as a Priority Development Area (PDA).

A detailed transportation impact study prepared by CHS Consulting Group dated October 2020 was prepared in support of the Project and the environmental determination. The study examined four scenarios, five major signalized intersections, transit, bicycle and pedestrian facilities, and the roadway network in detail. The study’s analysis included both an examination of Level of Service (LOS) and the newer Vehicle Miles Traveled (VMT) methodology. The findings of the transportation impact study, attached hereto and incorporated herein, concluded that the proposed Project would not result in significant impacts with respect to the addition of the Project’s traffic, and no mitigation measures were required.

On- and off-site circulation is adequate for the Project. Circulation and vehicular access to and from the site via entrances on Chumalia St., Hyde St. and Callan Ave. have been appropriately designed and the transportation impact study shows that

vehicle turning movements and volumes will not adversely affect traffic conditions along surrounding streets and intersections. Loading and delivery vehicles will be safely accommodated with a dedicated interior loading dock area and downtown on-street parking enforcement, as demonstrated by the vehicle turning templates prepared for the Project and the transportation impact study. The Project meets all requirements for complete streets improvements outlined in the Bicycle and Pedestrian Plan, Zoning Code and the TOD Strategy. Pedestrian, bicycle, and transit facilities adequately serve the Project site and the Project will improve existing conditions by installing dedicated bicycle lanes along Chumalia St. The project will further improve current conditions for pedestrians by providing a 17' wide pedestrian zone along E. 14th St., an improved physical connection between downtown, the San Leandro Creek, Toler Park, and the Civic Center, and updated ladder-style high-visibility crosswalks. Substantial on-site bicycle parking lockers have also been provided for residents, to help prioritize the use of active transportation options. The Project is located within 350 feet of a Tempo Bus Rapid Transit (BRT) station and approximately 1,800 feet from the nearest BART station. All of these factors combined will result in fewer and shorter vehicle trips to and from the project site, improved circulation, improved safety and a greater reliance on active transportation modes.

Further, the Project site and immediate area are currently and will continue to adequately be served by public utilities and infrastructure, including but not limited to the gas and electric services, the water district, waste disposal, parks and recreation, and police and fire departments. The Project is located one block south of the San Leandro Police Department and three blocks west of Fire Station No. 9. The Project will contribute both physical improvements and development impact fees to the City, including parkland, school and DFSI fees. Utility and infrastructure agencies serving the project, including the City's Water Pollution Control Division, have identified that the project will be adequately served and will not burden existing utility capacities.

The State of California has made affordable housing a mandate and public policy priority state-wide in recent years by passing an increased volume of housing-related legislation to help local jurisdictions increase their supply of new housing for a variety of income levels (i.e., very low, low, moderate and above moderate) to alleviate the rising costs of housing due to high demand. Under Senate Bill (SB) 35, which became effective on January 1, 2018, the State determined in Summer 2018 that San Leandro was complying with efforts to meet its RHNA goals for very low and low income housing units, but was not meeting its RHNA above moderate income housing goal. Therefore, the Project assists the City in meeting its RHNA above moderate income housing goal per SB 35, but also complies with the City's Inclusionary Housing Ordinance by contributing five dedicated on-site workforce and inclusionary housing units and a substantive in lieu fee to the City's Affordable Housing Trust Fund that can be invested in future new affordable housing projects.

### **Site Plan Review Findings**

- 1. 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 mixed-use residential building is in full compliance with the minimum requirements of the Zoning Code and has been arranged to be harmonious, orderly and compatible within the existing commercial and residential context of downtown San Leandro because the project has been designed appropriately and because the project provides adequate features, amenities and services. The Project includes the following amenities and design criteria that enhance the quality of residents' living or the appearance of the Project: 1) Open space where approximately 20% of the units have private balconies; 2) Common areas that are not private balconies where the project includes outdoor courtyards, rooftop gardens/terraces, and a pet area; 3) Tenant activity areas where the Project includes a fitness and yoga area, two meeting rooms, and shared cooking & dining areas; 4) Use of three or more colors where there will be three colors; 5) Practical and usable furniture in common areas where the project includes tables, chairs, lounge furniture for the courtyards and rooftop gardens/terraces; 6) Bicycle lockers where secured bicycle parking will be provided; and 7) Public Art where the applicant is proposing a mural wrapping around the corner of the building from Chumalia St. to E. 14<sup>th</sup> St. The proposed multi-family development complies with the DA-1 District requirements for minimum setbacks. A Parking Exception has been requested and a parking study has been prepared demonstrating that the Project will provide adequate off-street parking. In addition, the site planning and architectural design deemphasizes vehicle parking, storage areas and service areas which are screened and not prominently visible from the surrounding streets.

- 2. 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 mixed-use residential development provides adequate articulation to all sides of the building and all four street frontages by utilizing varying wall planes and roof lines, and multiple colors, materials and finishes. The design of the Project creates visual interest and lessens the appearance of bulk and mass by providing articulation, varied parapets, balconies and overhangs, multiple colors and building materials including contrasting wood lap siding, a painted mural to wrap around the northwest corner of the building, and similar prominent architectural features. This articulation enhances the E. 14th Street streetscape and satisfies the TOD development guidelines and the Downtown Design Guidelines criteria. The Project's size, height and massing are consistent with development concepts previously studied and identified in the 2007 Downtown TOD Strategy plan. In addition, the main entry to the retail areas are accessed from a central plaza that faces E. 14th Street. Together these features encourage pedestrian use of the sidewalk and provide connection between downtown and the Civic Center to the north. The proposed design features of the mixed-use development are therefore compatible with surrounding structures and will contribute in enhancing downtown San Leandro.

- 3. 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.**

Landscaping for the Project along all four street frontages, the entry plaza, and within common areas complement the contemporary architectural design, with an appropriate balance of trees, shrubs, and ground cover as demonstrated in the landscape plans. The trees are appropriate and specified at 15 gallons and/or 24 inch box size. The design of the mixed-use project effectively conceals off-street vehicle parking within the interior of the building. The landscaping will be fully compliant with State Model Water Efficient Landscaping irrigation and water use standards. In the DA-1 District, landscaping is reviewed on a case-by-case basis and at the discretion of the reviewing body of the Site Plan Review.

- 4. 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 detail features for the project are visually consistent with the architectural and landscape design. The proposed mixed-use development is designed with appropriate signage, walls, lighting, landscaping, and interior parking areas will not be visible from surrounding public rights-of-way. The detail features minimize off-site glare, which will not be an issue since parking areas are in an enclosed garage. Conditions of Approval prohibit light from spilling onto adjacent properties or creating off-site glare. The proposed sign plans indicate that sign area and design is appropriate for the scale and architecture of the project, equitable and visually consistent with the surrounding downtown area. The architectural design and features of the building, including lighting, sign area, parking lots and driveways, conform to the Downtown Design Guidelines, the TOD Strategy and the Zoning Code.

### **Parking Exception Findings**

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

The strict application of the parking requirements found in Zoning Code Chapter 4.08 would cause an undue hardship in connection with the use and enjoyment of the property because the Code requirement would require more physical space within the Project to be dedicated to on-site parking, resulting in a more auto-oriented project that detracts from the goals and policies of the General Plan and Downtown TOD Strategy, which call for transit-oriented development in a walkable pedestrian-oriented environment. To achieve this auto-optional condition, the Downtown TOD Plan specifies that *“transit-oriented development must be developed in a way that makes walking, bicycling and transit use convenient, safe, and efficient. Compact form helps satisfy this condition, while policies that encourage a reduction in the expectation of automobile use must also be included.”* The Project complies with those goals by creating an

environment where jobs, retail and services are located nearby and transit and walking can satisfy almost all transportation needs.

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

Off-street parking facilities provided by the Project were analyzed and found to operate in reasonable compliance the requirements of the Zoning Code. A detailed parking study dated November 9, 2020 was prepared by CHS Consulting Group in support of the requested Parking Exception. The study conducted an analysis of site conditions and strategies for managing parking demand, including a comparison of the proposed Project to substantially similar East Bay transit-oriented mixed-use residential developments. The parking study documented that parking demand at those projects are well below the 1.5 parking spaces per unit required by the City's Zoning Code. The report further found that the use of unbundled residential parking could reduce parking demand by as much as 30 percent. Based on the analysis, the study anticipates the Project's parking demand will be fully accommodated on-site at all times of day. The study notes that, in addition to multiple high-quality transit options, there is adequate off-street parking located within walking distance of the Project site.

- 3. 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 Project is located within a transit-rich transportation corridor in the City's downtown and provides access to a substantial number of active transportation alternatives. The Project is located within 350 feet of a Tempo Bus Rapid Transit (BRT) station, approximately 1,800 feet from the San Leandro BART station, and is served by at least five different AC Transit bus routes. The Project has been conditioned to permit car-sharing. The Project will provide two high-capacity bicycle lockers. Residential uses on the property will be served by ground-floor grocery and retail uses and residents will have ready access to surrounding retail and service uses within a few blocks of the Project site. The City's public parking garage is located directly across Callan Ave. from the Project site should additional parking be needed.

- 4. Parking exceptions may be granted to affordable housing and senior housing facilities, or mixed-use developments with shared parking.**

The Project is a qualified mixed-use development with shared parking facilities that fully qualifies for a parking exception. The Project consists of a 286,204 square foot five-story mixed-use building containing 28,849 square feet of ground floor grocery and retail space, a two-level parking structure and 196 apartment units located on three floors above. The Project will share 71 shared parking spaces on the second level between retail and residential uses through a managed parking arrangement.