

EXHIBIT A

FINDINGS OF FACT AND DETERMINATIONS

PLNs 21-0020, 21-0021, 22-0008

Monarch Bay Shoreline Development

APN's 080G 0900 001 08, 080G 0900 004 01, 079A 0475 009 04, 079A 0590 001 05, 079A 0590 001 07, 079A 0590 002 00, 079A 0590 003 00, and 079A 0590 004 00

Monarch Bay LLC (applicant) and City of San Leandro (owner)

CEQA Findings

1. Pursuant to CEQA and the CEQA Guidelines, the Planning Commission finds, on the basis of substantial evidence set forth in the record, including but not limited to, the EIR, the First Addendum, the Second Addendum, the Third Addendum and all related information presented to the Planning Commission, that the environmental effects of the Planning Entitlements for the Project were sufficiently analyzed and that an addendum to the EIR is the appropriate environmental document for the proposed Project.

The Planning Commission further finds that none of the circumstances described in the CEQA Guidelines requiring preparation of a subsequent or supplemental EIR exist because the proposed Planning Entitlements:

- will not result in substantial changes in the Project which will require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- will not result in substantial changes with respect to the circumstances under which the Project is undertaken that would require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- does not present new information of substantial importance that was not known and could not have been known with exercise of reasonable diligence at the time of the EIR was certified showing any of the following:
 - a. that the proposed Project would have one or more significant effects not discussed in the previous EIR;
 - b. that significant effects previously examined would be substantially more severe than shown in the previous EIR;
 - c. that mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects, but the project proponents declined to adopt the mitigation measure or alternative; and
 - d. that mitigation measures or alternatives considerably different from those analyzed in the EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measures or alternatives; and

2. Having considered the administrative record, the EIR, the First Addendum, Second Addendum, Third Addendum, and all written and oral evidence presented to the Planning Commission, the Planning Commission finds that all environmental impacts

of the proposed Planning Entitlements and Project were addressed within the EIR, the First Addendum, the Second Addendum, and Third Addendum. The Planning Commission finds that no new or additional mitigation measures or alternatives are required. The Planning Commission further finds that there is no substantial evidence in the administrative record supporting a fair argument that the Project may result in any significant environmental impacts beyond those analyzed in the EIR. The Planning Commission finds that the Third Addendum contains a complete, objective, and accurate reporting of the environmental impacts associated with the Project and reflects the independent judgment and analysis of the Planning Commission.

Planned Development Project 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 Project is in accord with the objectives of the Zoning Code. Portions of the Project site have base zoning of RM-1800 (Planned Development), RM-2000 (Planned Development), and CC (Planned Development). The Project complies with the applicable provision of the Zoning Code and the Planned Development Project, including the requirements of Zoning Code Chapter 3.04. The Planned Development Project establishes specific development standards for this Project, which ensure orderly and thorough planning that will result in high-quality urban design. The Project includes variety and avoids monotony in providing access, light, open space, and amenities.

The mixed-use Project's land uses comply with the land use framework and development guidelines for new development in the Marina Shoreline area, as established in the Zoning Code and General Plan, because the Project and associated land uses have been designed to create a regional destination for dining, lodging, entertainment, and recreation, while creating a new waterfront residential neighborhood. The Project includes a large hotel, restaurant/banquet hall, market, large apartment building, and a new neighborhood with single-family homes and town homes, as well as related site improvements. For these reasons, the Project also carries out the General Plan's goals. The Project furthers the City's Housing goals by providing new rental and ownership housing.

- 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 Project is consistent and in alignment with the City of San Leandro's General Plan goals, objectives, and policies related to the Marina Shoreline Area. The Project furthers the General Plan's goal of creating the San Leandro Shoreline as a regional destination for dining, lodging, entertainment, and recreation, while creating a new waterfront residential neighborhood. The location, land uses, operational conditions and design of the Project comply with the General Plan because it includes a new hotel,

restaurant/banquet, a large multi-family residential building, a new neighborhood with single family homes and townhomes, and other site improvements, in compliance with applicable requirements.

The 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 a comprehensive environmental impact report and three addenda, which included multiple technical studies. The Project is subject to a Mitigation Monitoring and Report Program (MMRP). 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 which anticipates and discusses proposed development of the Shoreline Area.

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

GOAL LU-9. Reinforce the San Leandro Shoreline as a regional destination for dining, lodging, entertainment, and recreation, while creating a new waterfront neighborhood with housing, retail, and office uses.

Policy LU-9.1 Waterfront Enhancement. Enhance the San Leandro waterfront as a distinguished recreational shoreline and conservation area, with complementary activities that boost its appeal as a destination for San Leandro residents and visitors. Future development at the Shoreline should be compatible with the area's scenic and recreational qualities.

Policy LU-9.3. Public Amenities in Shoreline Development. Ensure that future development at the Shoreline includes complementary amenities that benefit San Leandro residents and current shoreline users, such as improved park space, restaurants, pedestrian and bicycle paths, and access to the Bay Trail.

Policy LU-9.4. Land Use Mix. Strive for a mix of land uses in the San Leandro Shoreline area that requires little or no City investment and results in a Shoreline that is financially self-supporting. Development should be phased in a manner that is consistent with this policy, and should maximize the extent to which commercial development funds public amenities and services.

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 the residential components of the Project:

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.*

The location and conditions under which the Project will be operated and maintained are consistent with the General Plan, which established a goal of creating the San Leandro Shoreline as a regional destination for dining, lodging, entertainment, and recreation, and the San Leandro Zoning Code.

The Project was fully analyzed by a certified EIR and three addendums. A mitigation monitoring and reporting program has been adopted to address identified impacts of the Project. It has been determined that the Project, as conditioned, 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.**

Portions of the Project site have base zoning of RM-1800 (Planned Development), RM-2000 (Planned Development), and CC (Planned Development). The Project complies

with the applicable provision of the Zoning Code and the Planned Development Project, including the requirements of Zoning Code chapter 3.04. The Planned Development Project establishes specific development standards for this project, which ensure orderly and thorough planning that will result in high-quality urban design. The Project includes variety and avoids monotony in providing access, light, open space, and amenities.

The Project complies with the City's Inclusionary Housing Ordinance through an Alternative Inclusionary Housing Plan, as allowed under San Leandro Zoning Code Section 6.04. 132. The Project will include dedicated on-site workforce and moderate income inclusionary housing units in the single-family and townhome development that will help the City address the shortfall of *above moderate income* housing per the City's regional housing needs allocation. The Project will also make housing in-lieu fee payments totaling over \$2 million for the multi-family residential portion of the project, which will significantly increase the City's Affordable Housing Trust Fund and the City will be able to leverage such funding for future affordable housing projects. 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. These impacts were studied extensively in the certified EIR and three addenda for the Project, which include detailed technical analysis and studies. Any impacts are mitigated through the adopted Mitigation and Monitoring Plan.

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 Project is in full compliance with the minimum applicable requirements of the Zoning Code and has been arranged to be harmonious, orderly and compatible within the Marina Shoreline Area 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 the Project: 1) the hotel is designed with transparency along the front and back elevations to allow for views through the lobby towards the Bay and includes design elements to break up the building's massing; 2) the restaurant/banquet building is designed to complement the hotel and make use of ample windows to take advantage of the views of the Bay; 3) the market includes outdoor seating and is located in the parking area that will serve hotel guests, residents, and visitors that are visiting the surrounding areas; 4) the multi-family residential includes multiple private amenity spaces, including exterior space to take advantage of Bay views and is designed with a series of massing breaks to de-emphasize the appearance of massing from all vantages, and includes a landscaped courtyard area; 5) the single-family neighborhood will include two- and three-story single-family homes and three-story townhomes that utilize roof decks, where appropriate, to create varied form and provide for additional private open space. The proposed Project complies with all applicable requirements of the Zoning Code and the approved Planned Development Project.

- 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 components of the Project provide adequate articulation to all sides of the buildings 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, balconies and overhangs, multiple colors and building materials.

- 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 complements the proposed architectural design, with an appropriate balance of trees, shrubs, and ground cover as demonstrated in the landscape plans. Plant materials have been selected that are appropriate for the Project's proximity to the Bay, including plants that thrive in windy conditions and can handle soil which might be higher in alkalinity. Landscaping is proposed, consistent with the requirements of Zoning Code. The landscaping will be fully compliant with State Model Water Efficient Landscaping irrigation and water use standards.

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. All components of the Project are designed with appropriate signage, walls, lighting, landscaping. The parking for the multi-family residential structure is interior parking. Conditions of Approval prohibit light from spilling onto adjacent properties or creating off-site glare. The architectural design and features of the building, including lighting, sign area, parking lots and driveways, conform to the applicable requirements of the Zoning Code and the approved Planned Development Project.

Development Agreement Findings

1. Is consistent with the objectives, policies, general land uses and programs specified in the General Plan, the San Leandro Zoning Code, and any applicable specific plan.

The Development Agreement for the Project is consistent and in alignment with the City of San Leandro's General Plan goals, objectives, and policies related to the Marina Shoreline Area. The Project furthers the General Plan's goal of creating the San Leandro Shoreline as a regional destination for dining, lodging, entertainment, and recreation, while creating a new waterfront residential neighborhood. The location, land uses, operational conditions and design of the Project comply with the General Plan because it includes a new hotel, restaurant/banquet, a large multi-family residential building, a new neighborhood with single family homes and townhomes, and other site improvements, in compliance with applicable requirements.

2. Is compatible with the uses authorized in, and the regulations prescribed for, the zoning district in which the real property is located.

The Development Agreement for the Project is compatible with the uses authorized in, and the regulations prescribed for, the zoning district in which the real property is located. Portions of the Project site have base zoning of RM-1800 (Planned Development), RM-2000 (Planned Development), and CC (Planned Development). The Project complies with the applicable provision of the Zoning Code and the Planned Development Project, including the requirements of Zoning Code chapter 3.04. The Planned Development Project establishes specific development standards for this

project, which ensure orderly and thorough planning that will result in high-quality urban design. The Project includes variety and avoids monotony in providing access, light, open space, and amenities. The various uses contained in the Project are allowed by applicable Zoning and General Plan designations.

3. Is in conformity with public convenience, general welfare and good land use practice.

Adoption of the Development Agreement for the Project is in conformity with public convenience, general welfare and good land use practice. The Development Agreement for the Project is consistent with the General Plan's goals and policies for the Shoreline Area. The Development Agreement strengthens the public planning process, facilitates comprehensive planning, and reduces the economic costs and risk of development for a large multi-year Project in accordance with existing policies, rules and regulations in return for the provision of public benefits.

4. Will be detrimental to the health, safety and general welfare.

The Development Agreement for the 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 a comprehensive environmental impact report and three addenda, which included multiple technical studies. The Project is subject to a Mitigation Monitoring and Report Program (MMRP). 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.

5. Will adversely affect the orderly development of property or the preservation of property values.

The Development Agreement for the Project will not adversely affect orderly development or the preservation of property values. The Project will ensure orderly and thorough planning that will result in high-quality urban design. The Project includes variety and avoids monotony in providing access, light, open space, and amenities.

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