

**RECOMMENDED FINDINGS OF FACT  
FOR APPROVAL OF  
PLN2013-00045; Rezone, Planned Development,  
Site Plan Review Permit, and Mitigated Negative Declaration  
1333 Martinez Street  
Alameda County Assessor's Parcel Numbers 75-47-2, 75-47-7, 75-47-3-2; and 75-42-2-1  
Westlake Development Partners, LLC (applicant)  
Chang Income Property Partnership, LP (property owner)**

**Rezone (Zoning Code Sections 5-2708 and 5-2712)**

**1. The proposed rezone must be in general agreement with the adopted General Plan of the City.**

The General Plan land use designation for the subject property is "Office" (OF). The Zoning Map designates the subject property as DA-5(S) Downtown Area, Special Overlay District and PS(S) Public and Semipublic, Special Overlay District. The base zoning districts are consistent with the General Plan since the DA-5 promotes offices use and high density development without maximum height or maximum floor to area (FAR) requirements, and permits 100 percent coverage of the building site. The PS intends the southern portion of the site to be for public or semipublic use to support the subject property being developed or the immediate adjacent properties that may be redeveloped in the future.

The base districts will remain the same; the rezoning will only include the PD Overlay designation to DA-5(S)(PD) Downtown Area, Special Overlay, Planned District Overlay District and PS(S)(PD) Public and Semipublic, Special Overlay, Planned Development Overlay District. The PD designation will subject the proposal on the property to the City's discretionary review process, which will ensure that the new development will be compatible with the existing area. This carries out General Plan Goals: 6.01 DOWNTOWN PLAN, 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; 6.05 PEDESTRIAN-FRIENDLY ENVIRONMENT, provide public and private improvements that create a safe, friendly, and pleasurable environment for pedestrians; and 6.10 BART STATION AREA REVITALIZATION, foster the development of the BART Station area as a mixed use "transit village," with a full complement of office, high-density residential, and retail uses, along with pedestrian plazas, open space, BART parking, and other transit facilities.

**2. The uses permitted by the proposed zoning district must be compatible with existing and proposed uses in the general neighborhood.**

The DA-5(S) was codified from the TOD Strategy which provides that the Westlake sites can be developed with a high density office campus that takes advantage of the immediate transit proximity. The sites have additional advantages that will allow them to maximize their positive impact on downtown revitalization and transit ridership. The site is large enough to accommodate its full development potential without physical or financial constraints that limit smaller sites. The DA-5(S) and TOD Strategy recommends development of the entire Westlake parcels as a phased project under the direction of a master developer, resulting in efficiencies

in the construction process, a greater likelihood of providing shared parking for employees, and a coordinated architectural and landscape image.

In addition, the PS(S) was also codified from the TOD Strategy and identifies the project area south of the proposed Paseo as severely constrained due to its long and narrow shape. It is bounded on the west and east by rail lines; the site is not useful for office development due to poor visibility from surrounding public streets. As proposed, this area is better suited as a parking reservoir for future development. There are no adjacent land uses that would be adversely affected by parking in a structure of multiple levels in this location. While visibility and access are unsuitable for commercial/office development in this location, there is adequate access to serve a parking facility.

The use of the Planned Development Overlay designation will allow the Planning Commission to review any subsequent major changes to the property through the Planned Development (PD) modification process and ensure that the new development will be compatible with the existing area.

- 3. The property subject to the rezone will be served by streets, utilities and other public facilities of sufficient capacity to properly serve it without overloading and without detriment to other areas presently zoned in contemplation of full use and availability of such facilities.**

The project site is an infill site and was previously developed. The proposed development, which includes civil engineering plans provide all necessary and required streets, utilities and other public facilities of sufficient capacity to properly serve it without overloading and without detriment to other areas presently zoned in contemplation of full use and availability of such facilities.

### **Findings for Planned Unit Development (Zoning Code Sections 3-1018 and 3-1020)**

- 1. That the proposed location of the use is in accord with the objectives of the Zoning Code and the purposes of the district in which the site is located.**

The proposed office development is located within the DA-5(S) District which permits office use and its related improvements such as off-street parking, landscaping, paths, walkways driveways, etc. The proposed parking garage is located within the PS(S) District which identifies the southern portion of the site is best suited for a parking reservoir due to its narrow shape and being bound by the railroad on the east and west sides.

- 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 proposal is consistent with City goals, objectives and policies related to high-density office development downtown and near BART, as outlined in the General Plan. The development will carry out the TOD Strategy by having new development that is attractive high density and

creates a positive image of revitalization. The proposed use includes improvements that appear to be safely planned for pedestrians. The development will have a 'Paseo' which is a convenient connection to the BART Station fare gates. In addition, the development will have a north-south bicycle and pedestrian path to connect the southern portion of the development site to Davis Street at the north. Adjacent properties to the development site includes an office building parking lot to the north, a railroad line and BART parking lot to the east, very little frontage on the south fronting Thornton Street, and a railroad line and Alvarado Street to the west. Because of the existing site conditions, there is no adjacent development or persons residing adjacent to the site that would be affected by taller structures and the related site improvements.

**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 Planned Development provides a mechanism for considering that the large development project and its use can be made compatible by application of careful and imaginative treatment; ensure orderly and thorough planning that will result in high-quality urban design; and encourage the assembly of properties that might otherwise be developed in unrelated increments to the detriment of the surrounding area. The appropriate conditions of approval and proposed Development Agreement will ensure the proposed use will comply with the code.

**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 proposed development and use was reviewed by the City Engineering and Transportation Department and Public Works Department. First, the City Engineering and Transportation Department concluded that the significant impact at San Leandro Boulevard and Parrott Street intersection during the PM peak hour can be mitigated by restriping the eastbound approach to two lanes: a shared left through lane and a shared through-right lane. These improvements would occur within the existing right-of-way. This mitigation measure results in the intersection operating at Level of Service (LOS) E during the peak-hour. Therefore this impact would be less than significant and the use will not create demands exceeding the capacity of the existing streets. The site and immediate area is already served by adequate public utilities and infrastructure, including but not limited to: the gas and electric company, the water district, waste disposal, and police and fire departments. Per the civil engineering plans for the proposed use there will be rerouting, relocation and enhancements to some of the existing utilities to adequately service the new development.

**5. The Planned Development Project Plan will provide superior urban design in comparison with the development under the base district zoning regulations.**

The site plan elements (including building placement, size and location of landscape areas, parking facilities, bicycle and pedestrian paths, areas for public art, and on-site active and passive recreational amenities) create a harmonious and orderly development that is compatible with its surroundings. The landscaped setbacks, off-street parking spaces and parking garage, and the modern design of the multi-story office buildings will improve a site and revitalize the adjacent BART station area which is currently underutilized and vacant. In that context, the

new Planned Development project will provide superior urban design versus the existing site conditions.

**6. The Planned Development Project includes adequate provisions for utilities, services, and emergency vehicle access; and that public service demands will not exceed the capacity of the existing and planned systems.**

There is adequate public service provided to the proposed Planned Development, including but not limited to gas, electric, water, waste disposal, and police and fire services. The Engineering and Transportation Department and Alameda County Fire Department have found that the access to the site and internal circulation to be safe for vehicular, pedestrian and emergency vehicle access.

**Findings for Site Plan Review (Zoning Code Sections 5-2512)**

**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 master site plan for the office campus is in conformance with the underlying DA-5(S) and PS(S) Districts. Although the DA-5 promotes high density development without maximum height or maximum floor to area (FAR) requirements, and permits 100 percent coverage of the building site, the site plan provides adequate off-street parking, active and passive open space improvements such as recreational game courts, bicycle and pedestrian paths, and landscaping. The placement of the buildings, driveway, and parking areas provide for a harmonious and orderly development that relates well with the Alvarado Street frontage.

**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. Visually incompatible elements, such as roof mounted utilities, are fully screened from public view.**

The proposed buildings will have a landmark presence being up to five- to six-stories tall. Their exterior design will have a modern appearance that incorporates clean, straight lines and square and rectangular forms. The office buildings will be 90 feet tall to the roof parapet and 102 feet tall to the top of the penthouse on the roof, which contains mechanical equipment.

The north elevations of the office buildings will have the grid design of glass and steel to maximize the availability of indirect light into those sides of the buildings. The east, south and west elevations will have greater use of a building-skin (i.e., brick, stone, or cementitious material) and lesser amount of glass. The design regulates the amount of direct sunlight into these sides and provides visual interest in the varying window and exterior wall design.

The parking structure is proposed to be concrete and painted steel construction. Some corner sections of the parking structure will be accented and enhanced with tile-like material and signage identifying it as a parking garage. The parking structure at two-story would be approximately 25 feet tall above the ground where at five-stories it would be approximately 55 feet tall. The potential photovoltaic frame and shade structure would have a height of 65 feet tall. The materials and exterior design of the parking garage would be compatible with the modern and taller design of the multi-story office buildings.

**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.**

Details on type, size and location of proposed tree and plant species have been submitted as part of the project submittal. The landscaping provided on the plan is an assorted list of trees, flowering shrubs, ground covers and vines. The selected trees appear to have large canopies and they are specified as 24-inch box (or specimen size) to have substantial size for a project on an expansive site and multi-story buildings. Approximately one-quarter (25%) of the project site will be landscaped. In the DA Districts, landscaping is reviewed on a case-by-case basis and at the discretion of the reviewing body of the Site Plan Review. (Note: In other commercial districts the minimum landscape requirements range from five to 10 percent.).

**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 proposed sign program on the buildings and the parking structure appear to fit well aesthetically at their designated locations and in size and scale. Additional signage such as the monument signs in the landscaped planter areas and directional signs on the site will be reviewed by the Community Development Director to ensure they also fit in the development. The proposed lighting will be a new composition of outdoor lighting for security and surveillance of the site. There is a recommended condition of approval that the exterior lighting should blend in with the new architecture and landscaping. The design and materials used for any freestanding or exterior trash enclosure will be required to be designed to blend in and complement the office building or parking structure.

## **CEQA ENVIRONMENTAL REVIEW**

This project and the associated Mitigated Negative Declaration tiers off of an Environmental Impact Report prepared for the Downtown San Leandro Transit-Oriented Development (TOD) Strategy that was certified on September 4, 2007. The Mitigated Negative Declaration encompasses a Planned Development, Site Plan Review, and Development Agreement for the proposed project (PLN2013-00045). Project-specific impacts other than those identified in the TOD Strategy EIR are evaluated in the Mitigated Negative Declaration. The 22 mitigation measures identified in the Mitigated Negative Declaration would address all potentially significant project-related impacts resulting in no significant impacts. Therefore, there is no substantial evidence, in light of the whole record before the Commission, that the project may have a significant effect on the environment.