

## **EXHIBIT A**

### **City of San Leandro Community Development Department Planning Services Division**

#### **RECOMMENDED FINDINGS OF FACT**

**PLN20-0030  
511 Estudillo Avenue, APN 077-0525-010-02  
T.D. Kieu (Applicant/Property Owner)**

The Board of Zoning Adjustments hereby approves PLN20-0030, subject to the following findings:

#### **CONDITIONAL USE PERMIT**

Per Zoning Code §2.08.252.B.13 a Conditional Use Permit is required for a mixed-use residential use in the P Professional Office District.

- 1. The proposed location of the project conforms to the objectives of the Zoning Code as well as the purposes of the district in which the site is located.**

Mixed-use residential is conditionally permitted in the P Professional Office District, which is an area zoned to provide opportunities for offices, mixed-use and multi-family residential uses at appropriate locations. While the proposed use would primarily be residential, a small commercial office use would remain at the front, which also serves as the face of the structure. The subject location is also directly adjacent to a multi-family residential use at the rear, and one residential unit would be an appropriate density at this location.

- 2. 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 harmful to the public health, safety or welfare of persons residing or working in, or nearby, to the neighborhood of the proposed use; and will not be detrimental to properties or improvements in the area or to the general welfare of the City.**

The General Plan designates this site within the Downtown Mixed Use area. Mixed use development with housing is encouraged in this area, with allowable residential densities ranging from 24 to 100 units per net acre. Regardless of unit size, a maximum FAR of 3.5 applies to mixed use development. The proposed conversion of an existing commercial use into mixed-use with one residential unit and a small front commercial office unit

amounts to a FAR of 0.33, which is consistent with the intended General Plan designation. The existing building was built in 1981 and was designed to be compatible with the adjacent commercial and residential buildings.

The proposed project maintains the existing development at the front and adds a one-car carport at the rear, ensuring the street character remains aesthetically pleasing. Additionally, the project will provide adequate on-site parking and access for both the one-bedroom residential unit and the 710 square foot commercial office unit.

The following General Plan policies are applicable to the proposed project:

- **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.
- **Policy LU-2.12 Off-Street Parking.** Ensure that a significant number of off-street parking spaces are provided in new residential development to minimize parking “overflow” into neighborhoods. The visual prominence of parking should be minimized in new development areas.
- **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 development, garden apartments, and medium to high density multi-family housing.
- **Policy LU-3.4 Promotion of Infill.** Encourage infill development on vacant or underutilized sites within residential and commercial areas.

**3. The proposed use will comply with the requirements of the Zoning Code, including any specific condition required in the district in which it will be located.**

The proposed project lot size, though legal nonconforming in its front setback due to a public improvement agreement for a property grant along Estudillo Avenue made to the City in 1981, meets the lot size, width, height, floor area ratio, coverage, open space, and landscaping of the P Professional Office District. The development of the attached carport conforms to all P District development standards for setbacks. The legal non-conforming front setback of the existing building will not be expanded. Given its conformance, the proposed project will maintain adequate availability of light, area, and privacy for the development as well as its adjacent neighbors.

**4. The proposed use will not create negative impacts on traffic or create demands exceeding the capacity of public services and facilities, which cannot be mitigated.**

The existing site is adequately served by streets, sidewalks, utilities, and other public facilities. Off-street parking is provided on the site, conforming to the Zoning Code §4.08.108 for a one-bedroom residential unit and one 710 square foot commercial office unit. The conversion of an existing commercial office building into a mixed-use residential development with one residential unit and one small office unit will result in a less intensive use of the property and generate fewer vehicle trips. Staff from the Alameda County Fire Department and the City's Engineering Department have reviewed the plans and found the circulation to be acceptable for emergency and regular vehicles.

### **CEQA ENVIRONMENTAL REVIEW**

This project is categorically exempt from environmental review under the California Environmental Quality Act pursuant to Article 19, Section 15301 for Existing Facilities and Section 15303 New Construction or Conversion of Small Structures, as an existing facility with interior improvements and construction of an accessory structure.