

Exhibit B

**RECOMMENDED FINDINGS OF FACT
AND DETERMINATIONS FOR APPROVAL OF
PLN17-0069
874 Lewelling Boulevard, APN 80G-1114-3-2
G.K. Wong, GKW Architects (Applicant)
Bucheng Li and Zhu Yurong (Property Owners)**

The Planning Commission hereby recommends City Council approval of PLN17-0069, subject to the following findings:

CEQA ENVIRONMENTAL REVIEW

Pursuant to California Environmental Quality Act (CEQA) Guidelines, Article 19, Sections 15303 (b) and 15332, the project to construct six residential units is categorically exempt from CEQA. Section 15303(b). New construction in urbanized areas for not more than six units is categorically exempt from CEQA. Section 15332. A residential project is categorically exempt from CEQA if it is: Consistent with the general plan and the zoning code; Is located on a site with no more than five acres; Has no value for endangered or rare or threatened species; Would not result in any significant effects relating to traffic, noise, air or water quality; and All required utilities and public services can adequately serve the site.

ZONING AMENDMENT

- 1. The proposed zoning regulation or zoning map amendment is consistent with the policies of the General Plan and the purposes of this Code.**

The General Plan Land Use Map designates the subject property for Medium-High Density Residential (RMH) use. The current zoning is RS Residential Single-Family, which is not compatible with the General Plan land use category. The proposed zoning of RM-3000(PD) Residential Multi-Family District with a Planned Development Overlay (PD) would be conditionally compatible to the RMH land use category (General Plan page 3-33), which allows for multi-family residential development, such as garden apartments and townhomes. The proposed project has a density of 12.5 units per acre, which is below the maximum allowable net density of 29 units per acre in the land use category.

The rezone of the project site from RS to RM-3000(PD) District will align the zoning district with the General Plan. In addition, the rezoning of the project site will subject any proposal of the property to the City's discretionary review process, ensuring that the new development will be compatible with the vicinity. This carries out the following General Plan policies:

- **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.
- **Housing Element 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.

PLANNED DEVELOPMENT

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 proposal to locate a residential townhome development within a neighborhood with existing multi-family residential is in accord with the objectives of rezoning from RS to RM-3000(PD). The project site is located within a larger cluster of parcels that are also zoned RM for multi-family residential along both sides of Lewelling Boulevard. The RM zoning districts permit multi-family residential developments. With the proposed rezone from RS to RM-3000, the proposed use would be compatible with the zoning district as well as the surrounding neighborhood, which includes multi-family townhome and apartment developments.

The PD project provides an opportunity to create townhomes with landscaped open spaces for residents’ use per the specific purpose for RM Districts. (ZC §2-500). In addition, the proposal meets the base RM-3000 zoning district standards for site area, lot area, lot width, density, overall setbacks, height, coverage, landscaping, and parking.

Table 1 Zoning Development Standard Compliance

Development Standard	Requirement	Proposed	Comment
Min. Site Area	18,000 sq. ft.	20,830 sq. ft.	Meets Code
Min. Lot Area	6,000 sq. ft.	20,830 sq. ft.	Meets Code
Min. Lot Width	60 ft.	73 ft.	Meets Code
Max. Density	14.5 du/ac	12.5 du/ac	Meets Code

Min. Front Setback	20 ft.	20 ft.	Meets Code
Min. Side Setback	Avg. 10 ft.	Avg. 19 ft.	Meets Code
Min. Rear Setback	15 ft.	42 ft. 10 in.	Meets Code
Max. Height	40 ft.	36 ft. 5 in.	Meets Code
Max. Coverage	50%	29.3%	Meets Code
Min. Landscaping	1,200 sq. ft.	4,546 sq. ft.	Meets Code
Off-street Parking	12 covered 3 uncovered	12 covered 3 uncovered	Meets Code

- 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 General Plan anticipated medium-high density residential in this area and the proposal is consistent with the City goals, objectives, and policies related to housing and land uses. The residential project is of an appropriate density and use within the surrounding multi-family residential corridor. The development of six units will enhance the existing community atmosphere with a modest increase in residential population while provide an adequate level of safety and amenities for its residents. Sufficient off-street parking will be provided to prevent any significant impacts on-street parking in the vicinity. The development would result in an aesthetic improvement over the currently underutilized site containing one single-family residence. The infill site will be adequately served with public services, including utilities.

- 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 RM-3000(PD) designation allows for a Planned Development (PD) application. To accommodate two multi-family residential buildings in exchange for reduced rear yards that are functionally interior side yard setbacks along the eastern edge, the PD allows for the creation of a townhome development that would otherwise not be achievable on a relatively narrow parcel. In exchange, conditions of approval are imposed on the project to ensure higher quality housing, variety of building colors and materials, and incorporation of on-site improvements such as functional open spaces that exceed minimum requirements. The proposed six unit project has a density of 12.5 units per acre, which is below neighboring residential developments which range from approximately 17 to 32 units per acre.

- 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 surrounding streets have adequate capacity to accommodate the traffic generated by this development. Per Institute of Transportation Engineers (ITE) Trip Generation Manual 10th Edition (2018), a six-unit townhome development would

generate approximately three trips in the PM peak hour and approximately 35 vehicle trips per day. In addition, the Route 35 AC Transit bus is within a two minute walk from the project site on Lewelling Boulevard, which runs from Bay Fair BART Station to Durant Square in Oakland via San Leandro Marina, West Gate, and San Leandro BART station with 30-minute headways on weekdays and one hour headways on weekends. An existing striped Class II bike lane runs in both directions along Lewelling Boulevard directly in front of the site.

There is adequate public service to the proposed development, including but not limited to: the gas and electric company, the water district, waste disposal, cable TV and police and fire department.

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

The Planned Development site plan allows for adequate overall front, side, and rear setbacks from neighboring developments while the townhome style is an efficient design, maximizing floor area with less coverage. The proposal provides for sufficient open and landscaped areas for usable community space and on-site stormwater retention.

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 subdivision, including but not limited to the gas and electric, the water, waste disposal, cable TV, and police and fire services. The Engineering and Transportation Department, and Fire Department have found the access to the site to be safe for vehicular, pedestrian and emergency vehicle access.

SITE PLAN REVIEW

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 two- and three-story townhome buildings would be compatible within the existing multi-family residential context of the immediate vicinity. With the rezone from RS to RM-3000, the two new buildings would comply with the development standards of the zoning district including a minimum 20-foot front setback, 10-foot and 28-foot side setbacks, and a large rear yard that accommodates on-site bioretention as well as community open space. Resident parking is accommodate in enclosed garages and the three surface guest parking spaces are tucked in the center of the site, away from direct view along the right-of-way.

- 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.**

Given the orientation of the relatively narrow lot, the three-story modern Craftsman style design orients north-south with a two-story duplex bookend. To address the street, the end unit along Lewelling Boulevard is modulated, with windows on each level and shutters on the ground floor to create visual interest and avoid blank walls. To lessen the appearance of bulk, the building elevation along the driveway varies in plane, with recessed balconies on the second floor and alternating projects on the upper level.

The buildings are composed of a varying arrangements of complementary colors and materials, including horizontal lap siding, a warm brick veneer accent on the ground floor, and shingle gable roof siding. The uniform standing metal seam roofing spans across each building, with cross gables adding variation across the roofline. Barn-style garage doors with window cut-outs enhance the architectural character of the townhomes and are broken up by main entryways to each unit.

- 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.**

The landscaping along the frontage and sides of the property complement the architectural design, with an appropriate balance of trees, low shrubs, and ground cover. The existing trees on the property will be removed and three Chinese pistache trees are proposed, with one in the front yard setback and two located on opposite corners of the rear open space, providing shade and fall colors in autumn. Italian cypress trees line the western edge of the property, transitioning to lower evergreen shrubs towards the rear of the property, creating privacy and screening between the neighboring townhomes' rear yards and the driveway of the proposed project. Low fortnight lily shrubs are proposed in the rear yards of the four units along the east edge of the property line, which is shared with the parking lot of a church.

- 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 are consistent with the site and building design. A single 3-foot 2-inch tall monument sign is proposed at the front of the property denoting the address "874 Lewelling Condos." The sign complies with the Sign Ordinance that freestanding signs for multi-family developments not exceed five feet in height ([ZC §4-1806.D.1](#))

Proposed fencing meets the zoning requirement, with a three-foot tall white wooden picket fence within the front yard setback along Lewelling Boulevard and a 6-foot tall wood fence along the side and rear property lines outside of the front setback.

Low 3-foot tall bollard lights are proposed along the perimeter of the rear common area. In addition, two downwards facing light fixtures are wall-mounted at the front of each unit, including one at each doorway. Conditions of approval are included that would prohibit light from the property spilling onto adjacent properties or creating off-site glare.

TENTATIVE MAP TRACT NO. 8542

The following findings indicate conformance with the State Subdivision Map Act and the City's Subdivision Ordinance.

- A. The proposed map will be consistent with the General Plan in that it provides for medium-high density residential use in an area with pre-existing medium-high density developments on adjacent properties and the immediate area. It is also consistent with the City's Subdivision Ordinance.
- B. The design and improvements of the proposed subdivision are consistent with the General Plan in that it includes an orderly division of the single parcel with six condominium units, which are adequately served by streets, and with drainage for townhouse condominium residential development.
- C. The site is physically suitable for residential development in that it is relatively flat, and there are no known problems regarding cultural, historical or scenic aspects. Soil stability will be reviewed thoroughly prior to issuance of building permits.
- D. The proposed density of development of one dwelling unit per 3,472 square feet (12.5 units/acre) will be compatible with adjacent existing medium-high density townhome and multi-family developments.
- E. The design of the subdivision or proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The existing subject property is a developed and improved property in an urban area. The proposed subdivision and related development will have no impact on the environment's flora or fauna.
- F. The design of the subdivision or type of improvements is not likely to cause serious public health problems. A residential subdivision will not involve significant amounts of hazardous materials or products.
- G. The design of the subdivision or type of improvements will not conflict with or affect any existing easement. The City reviewed the Title Report and existing maps for the subject property and found that the subdivision will have no conflicts with any easements.