

Exhibit B

RECOMMENDED FINDINGS OF FACT AND DETERMINATIONS FOR APPROVAL OF PLN17-0034

311 MacArthur Boulevard

APN's 76-311-30-1, 76-311-1-3, 76-311-3, 76-311-4, 76-311-5

David Langon (Applicant), 311 MacArthur Boulevard LLC (Property Owner)

The Planning Commission hereby recommends City Council approval of PLN17-0034, subject to the following findings:

CEQA ENVIRONMENTAL REVIEW

A Consistency Memorandum has been prepared in accordance with CEQA Guidelines, California Code of Regulations Section 15183, with the finding that the Proposed Project is consistent with a Community Plan or Zoning, that there are no project-specific significant effects which are peculiar to the project or its site, and therefore no additional environmental review is required.

ZONING AMENDMENT

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

The General Plan designates the majority of this site (approximately 93%) as Corridor Mixed Use, with a small spur (approximately 7%) identified as Low Density Residential. CC Commercial Community zoning is conditionally compatible within the Corridor Mixed Use designation, which allows for sufficiently dense residential uses to support major transit-served arterials designed to encourage walking and bicycle use. Projects incorporating housing are subject to a maximum floor area ratio (FAR) of 1.5 and there is no maximum residential density in this General Plan land use designation. Low Density Residential is intended for single-family homes, but is conditionally compatible with duplex development.

The proposed development is designed in a linear pattern along MacArthur Boulevard, a major transit arterial, and amounts to an FAR of 0.88, which is below the maximum allowed by the General Plan designation. No development is proposed for the Low Density Residential portion of the project site, which is planned for open space and on-site bio-retention.

The rezone of an approximately 3,900 square foot portion of the site from RS to CC will align the zoning district with the General Plan. In addition, the rezoning of the project site from CC and RS to CC(PD) and RS(PD) Districts will subject any

proposal on the property to the City's discretionary review process, ensuring that the new development will be compatible with the existing area. This carries out the following General Plan policies:

- ***Policy LU-2.7 Location of Multi-Family Development.*** Concentrate new multi-family development in the areas near the BART Stations and along major transit corridors.... Ensure that such development enhances rather than detracts from the character of surrounding neighborhoods.
- ***Policy LU-2.15 Usable Open Space.*** Require useable open spaces for community use in large new residential developments.
- ***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.

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

The majority of the project (approximately 84%) is zoned CC Commercial Community and the site is located within a larger CC zoning district that runs along MacArthur Boulevard. The CC zoning district conditionally permits two-family and multi-family residential developments. With the proposed rezone of a portion of the site from RS to CC, the development would be below the maximum allowable 24 units per acre in the base CC zoning district and below the 30 units per acre maximum recommended in the North Area Specific Plan. The proposed multi-family townhome use would be compatible with the surrounding neighborhood, which includes a mix of single-family and multi-family residential, as well as small-scale commercial retail.

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.

As part of the comprehensive plan to rezone and redevelop the subject property, the development will be improved with adequate public infrastructure such as utilities and other public facilities to properly serve it without overloading and without detriment to the immediate area. The amount of daily vehicle traffic is projected to decrease and street facilities accessing the project already exist.

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 an existing mixed-use corridor that includes single- and multi-family residential is in accord with the objectives of rezoning from CC and RS to CC(PD) and RS(PD). The proposal meets the base CC zoning district standards for lot area, width, height, coverage, floor area ratio, landscaping, and density. With the exception of the portion proposed to be rezoned from RS to CC, the base zoning districts will remain in place with a Planned Development Overlay District that allows for a high-quality development that would otherwise not meet all applicable zoning standards.

- 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 housing and land uses outlined in the General Plan. The residential project is of an appropriate density and use with the surrounding mixed-use residential neighborhood. With a modest projected increase of 57 residents in the 20 units, the development will enhance the existing community atmosphere and provide an adequate level of safety and security for its residents. The infill site will be adequately served with public services, including utilities.

The development results in an aesthetic improvement to the currently underutilized site, with two rows of homes totaling 14 units fronting on MacArthur Boulevard and a duplex fronting Herma Court. The attached residential parking garages would be designed with a ventilation system to minimize exposure of residents to vehicle exhaust emissions. With front doors on the street and garage parking tucked in the rear, the units are oriented in a manner that fosters a walkable environment and enhances the existing transit and bicycle infrastructure.

- 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 CC(PD) and RS(PD) designation allows for a Planned Development (PD) application. To accommodate the irregularly shaped corner lot, and in exchange for reduced setbacks and guest parking, the PD allows for the creation of a townhome development which would otherwise not be achievable, particularly on separate smaller parcels. Conditions of approval to ensure higher quality housing and on-site improvements include enhanced open spaces that exceed the minimum requirements and variety in building colors, materials, and articulation.

- 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.**

Per Institute of Transportation Engineers (ITE) trip generation manual, a 20-unit townhome development would generate approximately 10 trips in the PM peak hour and approximately 116 vehicle trips per day. The ITE trip general manual does not include a specific land use category for social service uses, so the trip generation rates for Recreational Community Center are applied in this case. The existing use generates approximately 259 daily trips and 16 trips in the PM peak hour. Therefore, the proposed project is anticipated to generate approximately 143 fewer daily vehicle trips than the former use.

In addition, alternative travel modes are available and easily accessible from the subject property. Several AC Transit bus stops are located on MacArthur Boulevard directly in front of the proposed site (Routes 34, 35, and NX3), with routes that extend from Hayward BART to San Francisco Salesforce Transit Center, as well as a striped Class II bike lane in the southbound direction and a Class I shared bike lane in the northbound direction.

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.

Given the irregularly-shaped corner lot located at the nexus of a commercial corridor and single-family district, the Planned Development provides a design plan that allows for one congruous development on a site that contains two separate base zoning districts, CC and RS. The townhome development with semi-private yards and attached garage parking maximizes the concept of homeownership while providing for sufficient open and landscaped areas for community spaces and on-site storm water retention. Given its context along a major transit and bike arterial and existing nonconforming setbacks along MacArthur Boulevard, the project provides adequate parking and increased yards.

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 three-story townhome residential buildings would be harmonious and compatible within the existing mixed-use commercial and residential context of the immediate area. A landscaped bio-retention area replaces the highly visible corner of the property, where there is currently a 29-space surface parking lot. With the rezoned portion RS to CC, the four new buildings will be entirely in the CC District and comply with the following zoning requirements:

- Lot Area is 42,444 square feet, exceeding the minimum 10,000 square feet required in the CC zoning district.
 - The mean height is 34 feet, with a maximum roof ridge height of 37'-6", well below the maximum height of 50' for the CC zoning district.
 - Coverage is 35.7%, below the maximum coverage of 50% allowed in the CC and RS Zoning Districts.
 - FAR is 0.88, below the maximum FAR of 1.0 in the CC District and 1.5 allowed in the General Plan Mixed Use Corridor designation for projects with housing.
 - Landscaping is proposed on 16.7% of the project site, more than the 10% required in the CC District.
 - Density is 20 units per acre, below the 24 units per acre maximum in the CC District. No residential units are proposed in the portion zoned RS(PD).
- 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.**

To prevent a long continuous frontage, the units along MacArthur Boulevard are divided into two buildings, one with nine units and one with five units. To create visual interest, the building elevation proposes three different arrangements of similar and complementary colors and materials, including horizontal lap siding, wood-patterned shingles, and a warm brick veneer. The uniform gray shingle gable roofing consistently ties each building together, with layers of cross gables adding variation across the roofline.

The modern Craftsman style for this project includes an array of details and articulation that create visual interest. While architecturally consistent, the details

including modulation in the façade plane that provide visual shadow and relief, such as recessed second story balconies and projections in the third floor. The end units also incorporate changes in plane, windows, and material variation which provide texture and interest. These details are also provided for in the rear of the units that face the private driveway. The garages vary in wood panel patterning, breaking up the long row of garage doors in the interior of the site.

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 new and retained trees, low shrubs, swale planting, and ground cover. The project retains 11 existing street trees and proposes adding new trees along MacArthur Boulevard, surrounding and within the bio-retention areas, and along interior project site boundaries. The proposed trees are specified at 24-inch specimen in size, which are appropriate for the development. The shrubs are a minimum of five gallons and the ground cover plants are required to be a minimum of one gallon, allowing for the necessary spacing to cover the planter areas in growing season. The primary vehicular entrance includes decorative pavers and the central driveway is located in the interior of the lot, largely hidden from street view.

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.

No monument signs are proposed and conditions of approval are included that would prohibit signage which would brand the development or set it apart from adjacent residential. The fencing meets the Zoning Code requirements, with a three-foot tall brick veneer CMU patio wall within the front yard setback along MacArthur Boulevard and six-foot tall redwood perimeter fences beyond the 20-foot setback along Herma Court. Low 2'-7" bollard lights are proposed in the interior of the lot, adjacent to 6'-0" fencing, and are located along footpaths that lead from MacArthur Boulevard to the two community spaces. Conditions of approval are included that would prohibit light from the property spilling onto adjacent properties or create off-site glare.

TENTATIVE MAP TRACT NO. 8422

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

The proposed map will be consistent with the General Plan in that it provides for sufficiently dense residential use in an area with pre-existing low and medium-high density residential and commercial uses on adjacent properties and the immediate area. It is also consistent with the City's Subdivision Ordinance.

The design and improvements of the proposed lot merger are consistent with the General Plan in that it includes an orderly merger of five parcels to create a 20-unit subdivision, which are adequately served by streets, and with drainage for townhouse condominium residential development.

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. The site is located in a moderate liquefaction susceptibility zone and development standards and compliance with the California Building Code (CBC) would ensure structures are constructed to accommodate unstable soils.

The proposed density of development of 20 units per acre will be compatible with adjacent existing medium-high density and low-density single-family and duplex development.

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.

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.

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.