

Exhibit B  
**RECOMMENDED**  
**FINDINGS OF FACT FOR APPROVAL OF**  
**PLN17-0049**  
**342 Marina Boulevard**  
**Assessor's Parcel Number 75-82-10**  
**G.K. Wong, GKW Architects, Inc. (applicant) c/o property owner**

**Rezone**

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

The General Plan Land Use Map designates the subject property for Medium-High Density Residential (RMH) use. The Zoning Map amendment is consistent with the General Plan as RM-1800 is the corresponding zoning designation in the RMH (General Plan page 3-33). Pursuant to Article 5 of the Zoning Code, multi-family residential is permitted, up to a maximum density of one unit per 1,800 square feet of developable land area (24 dwellings per acre).

The proposed rezone would permit six units with an overall site density that would equate to approximately 22 units per acre (six units on 12,000 square feet, or one unit per 2,000 square feet), which is compatible with the Zoning Code Section 2-500. The Code does not require a minimum development standard for residential uses in the RM-1800 Residential Multi-Family District. A residential development of less density than 24 units per acre or one unit per 1,800 square feet of land area would be compatible use to the adjacent apartments, mixed single-family homes and duplexes.

The rezoning of the project site from RM-1800 District to RM-1800(PD) District will subject any 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 polices listed below.

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; and

Policy LU-3.4 Promotion of Infill. Encourage infill development on vacant or underused 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 proposed six units proposed along with the Zoning Map amendment would have an overall site density equating to approximately 22 units per acre. The Zoning Code establishes a maximum allowable density; however, it does not specify a minimum. Thus, the proposed zoning district would be compatible with the existing multi-family adjacent to the north and the existing mix of various types (single-family, duplex, and apartments) of residential development in the immediate 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.**

As part of the comprehensive plan to rezone and redevelop the subject property, the subject property 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.

### **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 proposed location, with the approval of the rezoning from an RM-1800 District to RM-1800(PD) District, will be a residential subdivision within an existing residential neighborhood including, multi-story, multi-family residential, single-family residential and duplex development. The planned development is medium-high density residential equaling one unit per 2,000 square feet (six units on 12,000 square feet). Thus, the medium-density design will be compatible with the nearby multi-family and single-family zoning districts. The medium density of the development would be at a lower density than the current RM-1800 base district allows. The proposed residential use protects the character of the surrounding area by providing a density and massing of structures that is in the range of the surrounding development.

- 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 following General Plan actions, goals, and policies are relevant to this residential project (note: LU-Land Use; ED-Economic Development):

GOAL LU-2. Preserve and enhance the distinct identities of San Leandro neighborhoods

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.

GOAL LU-3. Provide housing opportunities and improve economic access to housing for all segments of the community.

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 developments, garden apartments and medium to high density multi-family housing.

Policy LU-3.4 Promotion of Infill. Encourage infill development on vacant or underused sites within residential and commercial areas.

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-5.2 Housing Production. Substantially increase the production of a variety of housing types meeting the needs of persons at all income levels.

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 project increases the housing supply in a manner that will be compatible with the existing area. The development will result in an improvement in appearance to the property, which is currently underutilized. In addition to aesthetic quality, the new townhouse condominiums will be designed, constructed and equipped to provide an adequate level of safety and security for the residents. The site, furthermore, will be adequately served with public services, including utilities.

The site planning, the use of exterior lighting and landscaping materials will allow for security and easy surveillance of the development. The application of current construction practices will prevent disturbances from significant levels of noise emanating from within the completed homes. Sufficient off-street parking will be provided to prevent any significant impact on the proposed on-street parking within the existing neighborhood.

**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-1800(PD) designation allows for a Planned Development (PD) application. In exchange for two-multi-family buildings and reduced rear yards that will actually be located in the interior side yard setbacks along the western and eastern edges of the site plan, higher quality housing and on-site improvements (landscaping, enhanced paving) are being imposed as conditions of approval.

**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. With its close proximity to public (bus) transportation, traffic generation may be less than developments in San Leandro that are not conveniently located close to public transportation. There are adequate public facilities in the area to serve this development.

There is adequate public service to the proposed subdivision, including but not limited to: the gas and electric company, the water district, City sanitary district, solid waste disposal and recyclable materials collection services, cable television, and police and fire departments.

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

The site planning for the Planned Development allows for adequate front yard and rear yard setbacks, vehicular parking, and private backyards that maximize the concept of home ownership. The height of the townhouse condominiums and the coverage of the units do not exceed the maximum allowable in the RM-1800 District. In addition, the design of the project contains architectural patterns and elements that contribute to the character of the Planned Development, including the use of colors, exterior materials, and landscaping for the areas contiguous to the street. The overall design and features included within Planned Development enhances the development's long-term livability and value retention in this new residential development.

**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 Findings**

**A. 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 multi-family residential buildings would be harmonious and compatible within the existing and residential context of the immediate area. The proposed multi-family development complies with the RM-1800 District requirements for minimum setbacks. The building height of 34.75 feet (average of 29.5 feet to the plate line and 40 feet to the ridge) is below the 50 foot maximum height. The resulting total lot coverage would be approximately 35% where 70% is the maximum allowed in the RM-1800 District. The required off-street parking would be satisfied with the six two-car garages and the three visitor spaces at the rear of the property. In addition, the site planning and architectural design deemphasizes vehicle parking, storage areas and service areas, where they are not prominent from Marina Boulevard or adjacent properties.

**B. 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 proposed three-story development is provided articulation to all four sides of the two buildings especially the street frontage and the interior facing elevations which includes varying wall planes and roof lines, using multiple colors, materials and finishes. The design creates visual interest and lessens the appearance of bulk and mass of the project. This articulation enhances the Marina Boulevard streetscape. In addition, the frontage elevations includes covered porches facing Marina Boulevard to complement the context of the existing neighborhood. Parking is kept out of sight to in the design to de-emphasize the automobile. The driveway access is minimized along the Thornton Street frontage. The proposed design features of the residential development will contribute in enhancing the immediate Marina Boulevard corridor.

**C. 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 rear of the property complements the architectural design, with an appropriate balance of trees, shrubs, and ground cover. The trees are appropriate and specified at 24-inch specimen in size. The minimum size for the shrubs will be required to be five gallons and the ground covers be one gallon or from flats with the necessary spacing to cover the planter areas in a growing season. Access to the parking garages and spaces are minimized to one central driveway.

**D. 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.**

Inherent to the project orientation in a north-south axis and the three-story design, the limited amount of visitor parking to the north and the central driveway will not produce excessive off-site glare due to the shadows of the buildings on the central driveway and on the visitor spaces at the northern portion of the site. Conditions of approval are included that would prohibit light from the property spilling onto adjacent properties or create off-site glare. The fencing and signage will be required to meet the Zoning Code requirements that apply to them. The perimeter of the subject property and the separation of the proposed backyard areas would be improved with new six foot tall solid wood fencing. The Code permits up to seven foot tall fencing for residential projects (Z.C Section 4-1682 A.). A low profile monument sign was designed along the frontage with similar materials and colors of the townhouses so it appears architecturally integrated and complementary to the new development. The proposed four-feet, 10-inch tall monument sign complies with the Sign Ordinance that for multi-family that freestanding signs shall not exceed five feet in height (Z.C. Section 4-1806 D. 1.).

**Vesting Tentative Map Tract No. 8475**

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 and low-density residential development uses 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 2,000 square feet (22 units/acre) will be compatible with adjacent existing medium-high density and low-density single-family and duplex development.
- 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.

### **California Environmental Quality Act Categorical Exemption Findings**

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) provides that new construction in urbanized areas for not more than six units is categorically exempt from CEQA. Moreover, Section 15332 provides that if a project is consistent with the general plan and the zoning code, is located on a site with no more than five acres, and has no value for endangered or rare or threatened species, and if approval of the project would not result in any significant effects relating to traffic, noise, air or water quality, and if all required utilities and public services can adequately serve the site, the residential project is categorically exempt from CEQA.

In this case, the base residential multi-family designation is not changing. The level of density conforms to the maximum density.