

**Exhibit A**

**RECOMMENDED FINDINGS OF FACT  
Resolution 2020-011**

**PLN20-0010  
201 Foothill Blvd., APN 047-5580-003  
Plazita Schools Inc., c/o Krystell Guzman (Applicant)  
Plazita Schools Inc. (Property Owner)**

The Board of Zoning Adjustments hereby approves PLN20-0010, subject to the following findings:

**PARKING EXCEPTION FINDINGS**

- A. The strict application of the provisions of this Code would cause particular difficulty or undue hardship in connection with the use and enjoyment of said property.**

The strict application of the parking requirements of the Zoning Code would cause undue hardship because the community benefit of a child care facility far outweighs the localized inconvenience of reduced on-site parking. The current demand for child care far exceeds the available supply, as child care facilities in Alameda County are only able to meet about 1/3 of demand. Adequate street parking is readily available in the immediate vicinity of the Project to compensate for the shortage of eight required on-site parking spaces under the Zoning Code.

The Project site is located on a 6,334 square foot corner parcel developed with a 2,843 square foot building previously occupied by a fire prevention equipment manufacturer and distributor. The property is too small to accommodate both a parking lot and the proposed child care facility. State law requires 75 square of space per child for outdoor play areas. Approval of a Parking Exception in this instance is suitable because the required 8 parking spaces and loading/unloading areas can be accommodated within the existing public right of way.

The surrounding neighborhood has sufficient street parking that can reasonably accommodate the 8 required parking spaces and an area for dropping off and picking up children. Due to the Project site's developed area and footprint, imposing the required on-site parking would create an undue hardship as there are no practical alternatives to reasonably accommodate additional parking spaces without affecting adjacent established residential land uses, eliminating the existing building on-site, or compromising setbacks. Approval of the Parking Exception further

accommodates an overall project design that conforms to the residential character of the neighborhood.

The children will primarily be dropped off and picked up by their parents or designated guardians during the staggered drop off schedule proposed by the applicant, generating a limited-time demand for parking. The Project is conditioned to provide a passenger loading and unloading plan indicating where vehicles will queue for drop-off and pick-up of children. These provisions further reinforce the appropriateness of the Parking Exception.

**B. That the establishment, maintenance and/or conducting of off-street parking facilities as proposed are as nearly in compliance with the requirements set forth in this Chapter as are reasonably possible.**

The existing street parking is within the public right of way, as maintained by the City of San Leandro, CalTrans and the City of Oakland, is in compliance with the requirements of the Zoning Code, and would otherwise be available for the use of the patrons facility and residents of the neighborhood regardless of a Parking Exception. As conditioned, the Project will provide a loading and unloading plan to show the location of queuing areas for dropping off and picking up children during operating hours. The plan would assist with alleviating the potential for long-term parking on the street side and would be nearly in compliance with the requirements set forth in the Zoning Code.

The benefit of a child care facility outweighs the need for parking because of the high demand for child care centers in Alameda County and within California. Granting a parking exception to allow a new child care facility would contribute to the need of child care centers and the parking needs would minimally impact the surrounding area due to the drop off and pick up shift schedule. The lack of required parking spaces on-site are not considered as impactful as the need for available child care centers within Alameda County, thus, granting an exception to parking standards is considered feasible at this location.

**C. That the provision of additional parking measures for projects shall be allowed to include car share features, transit passes for tenants in residential, commercial, or mixed-use developments, and within one-quarter mile proximity to a transit corridor or other transit facility including a bus stop or BART station.**

The Applicant has submitted a Parking Exception request to accommodate the required parking for the 2,834 square foot building to operate a general day care facility. The Project would not include on-site parking, but the surrounding neighborhood has been evaluated and street parking has been found to be readily available. The general vicinity consists of residential and

directly adjacent to the Project site is a vacant strip of land before the Interstate 580 begins. Along that vacant strip of land, there is a substantial amount off-street parking that would be potentially available for proposed employees.

If the surrounding residents would utilize the daycare facility, they would be able to walk to the daycare and parking would not be required. The Project would be approximately 500 feet (northwest of Project site) from the nearest commercial shopping center located in City of Oakland's city limits, where a bus stop is available and walking distance to the daycare facility. Given the proximity of residences and a transit facility, the location for the proposed Project would be in an ideal location for the proposed childcare use.

**D. Parking exceptions may be granted to affordable housing and senior housing facilities, or mixed-use developments with shared parking.**

The proposed childcare use does not include affordable housing, senior housing, or mixed-use development with shared parking, but the City finds that the Project would be a substantial improvement from the existing conditions of the site. Granting a Parking Exception for the childcare use would assist the operation of the childcare and the City finds that the available street parking around the site would accommodate the proposed use.

**ADMINISTRATIVE REVIEW AND ADMINISTRATIVE EXCEPTION FINDINGS**

Pursuant to Section 2.04.212.C.2, the requested general day care facility that requires an Administrative Review has been evaluated and findings necessary for approval per Section 2.04.400.D.1 are as follows:

**A. Would not be detrimental to public health, safety or welfare.**

The proposed Administrative Review request would authorize the operation of a general day care facility in the RS Zoning District. The City has evaluated the proposal and does not anticipate the use to be detrimental to the public health, safety or welfare of the community, with implementation of recommended conditions of approval. The Project as conditioned, would be an improvement to the existing site and neighborhood. The Project would operate in accordance with the State of California's Child Care Licensing division and would be required to maintain a valid license.

The Project would benefit the surrounding area and would increase the available child care centers within Alameda County. The current demand for child care far exceeds the available supply. Prior to COVID-19, child care facilities in Alameda County could only meet about 1/3 of the local demand. Child care is a critically important need for many families in Alameda County

and the availability/access to child care does not meet the demand. In addition to the scarcity of available child care facilities, finding affordable, high-quality child care is also a major challenge for many families. Permitting the proposed child care facility at this location would provide another option for enrollment to the residents in the surrounding area and support the need for licensed and professional child care centers in Alameda County.

**B. Would not cause undue damage, hardship, nuisance, or other detriment to persons or the property in the vicinity.**

The proposed childcare facility would operate between the hours of 7:00 AM and 7:00 PM from Monday through Friday, which are common hours of operation for many childcare centers or businesses within San Leandro. The Project as conditioned, would not be anticipated to become a nuisance or other detriment to persons or the property in the vicinity as the operation of the day care would have a structured agenda and defined shifts of when children arrive and depart the facility.

Pursuant to Section 2.04.400.A.2, the requested exception to the provisions for minimum setbacks of Accessory Structures in the RS District to allow for an accessory structure to be located in the front yard of the property has been evaluated and findings necessary for approval per Section 2.04.400.D.1 Administrative Exceptions are as follows:

**A. Would not be detrimental to public health, safety or welfare.**

The proposed Administrative Exception request would authorize the installation of a 14-foot, 20x20 accessory structure used as a shade structure for the proposed playground area for the childcare center. The proposed shade structure would be located in the front yard of the parcel and for use to shade the children's outdoor play area, which is not anticipated to be detrimental to the public health, safety, or welfare of the community. The shade structure is approximately, 15-feet from the front yard property line, 11-feet from the corner side yard property line and screened by the proposed fencing. Since the structure is setback from the property lines and screened, the structure would minimize massing impacts from the public right-of-way and would not be deemed detrimental to the safety of the community.

**B. Would not cause undue damage, hardship, nuisance, or other detriment to persons or the property in the vicinity.**

The proposed Administrative Exception request is not anticipated to cause undue damage, hardship, nuisance, or other detriment to persons or the property in the vicinity, in that, the accessory structure would be used as a shade structure for a playground and outdoor play time is restricted to specific times during the day as outlined in the school agenda. Given the structure of

the day care facility, the childcare would be required to follow the agenda and would not become a nuisance to the surrounding neighborhood.

## **FENCE MODIFICATION STANDARDS FOR APPROVAL**

Pursuant to the Standards for Approval criteria outlined in Section 4.04.364.C.3 of the San Leandro Zoning Code, the following analysis of Standards for Approval of a Fence Modification request are as follows:

**A. The fence is not detrimental to adjacent property.**

The fence is an existing legal non-conforming fence that will be further improved by the removal of 6 inches of spikes at the top of the fence and the insertion of wooden slats for privacy and improved noise reduction. As the fence is existing and will not be modified from its current location, it can be determined that it has not been detrimental to adjacent properties. Although, the fencing, in its current location exceeds the maximum height allowed in the front or corner side yard setback per the Zoning Code, a portion of the top is being reduced and it has been determined that it does not create or result in negative sight distance effects on adjacent properties, driveways and intersections. The alterations to the fence would be a compatible design with existing residential properties in the vicinity.

**B. The fence is compatible with the neighborhood in terms of aesthetics.**

The existing fence is a metal material with 6" spikes, painted white and is not compatible with the surrounding neighborhood fencing material. The existing fence would be modified to remove the 6" spikes and add wooden slats to the metal fencing that faces the street along Foothill Blvd. and Durant Avenue. The proposed fencing as modified would be compatible with the neighborhood in terms of aesthetics.

**C. The fence does not create a sight distance hazard.**

The subject property is a corner lot, located on the southwest corner of Foothill Blvd. and Durant Avenue. The existing metal fence with 6" metal spikes is 7-feet tall and located within the required front street yard (Durant Avenue) and corner street side yard setback (Foothill Blvd.). Modifications to the fence would include removing the 6" metal spikes and adding wooden lattice across the existing metal fencing to increase privacy and the location of the metal fencing will remain the same. The proposed fence design and location has been reviewed by the City's Engineering and Transportation Department and has determined that it is located outside the standard 15-foot vision triangle, necessary to

safely accommodate pedestrians walking the site and visibility of vehicles while traveling on Foothill Blvd. or Durant Avenue.

**D. The fence is not detrimental to the public health, safety, or welfare.**

The location of the existing fence is not anticipated to pose any dangers to the public's health, safety, or welfare, in that, it would be minimally altered, and the base of the metal fencing would not be changed. There are no sight restrictions created by the existing location and/or height of the fence and would be an improvement compared to the existing fencing material on-site.

**CEQA ENVIRONMENTAL REVIEW**

- A. The Board of Zoning Adjustments finds that this item (PLN20-0010) is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Article 19, Section 15301 Existing Facilities, Class 1 (a) and (e)(1), which involves minor alterations to the interior and exterior of the existing building. A child care facility in the RS Single Family Residential Zoning is an administratively reviewed use that does not normally trigger discretionary review and would otherwise not be subject to the California Environmental Quality Act.