

## Exhibit C

**RECOMMENDED FINDINGS OF FACT  
AND DETERMINATIONS FOR APPROVAL OF  
PLN19-0037  
903 MANOR BOULEVARD  
APN 080H-1541-036-00  
ERC SC, LLC (Applicant/Property Owner)**

The Planning Commission hereby recommends City Council approval of PLN19-0037, subject to the following findings:

### CEQA Environmental Review

Pursuant to Section 15063 of the California Environmental Quality Act (CEQA) Guidelines, an Initial Study (preliminary environmental analysis) was completed by the City to determine what form of environmental review is required for a Project. The Initial Study contains the project description, description of environmental setting, identification of environmental effects by checklist, explanation of environmental effects, discussion of mitigation for significant environmental effects, and evaluation of the Project's consistency with existing and applicable land use controls. On the basis of this initial evaluation: The City as lead agency finds that, although the proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because conditions and revisions in the project have been made or agreed to by the applicant. A Mitigated Negative Declaration was prepared.

### Zoning Map Amendment

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

The proposed zoning map amendment Planned Development overlay designation from CC Commercial Community to CC(PD) Commercial Community Planned Development Overlay District is appropriate, consistent and in agreement with the General Plan because the underlying Commercial Community zoning district conditionally permits multi-family residential developments at a maximum density of 24 units per acre. In addition, the zoning map amendment will subject any development proposal on the property to the City's discretionary review process, ensuring that the new development will be compatible with the existing area.

The General Plan Map Amendment to change the General Plan land use designation for the site from CN Neighborhood Commercial to CG General Commercial will align the General Plan to the CC Zoning Code designation (General Plan page 3-33). The CG General Commercial General Plan land use designation permits residential uses and allows for residential densities up to 24.2 units per acre. The project density of 17 units per acre is below the maximum density allowance of the CG General Commercial General Plan land use designation. The following General Plan policies are applicable to the proposed project (note: LU-Land Use):

**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-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 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 Planned Development is compatible with the existing and proposed uses in the surrounding neighborhood because multi-family residential is a conditionally permitted land use in the CC Commercial Community zoning designation and the project's multi-family residential land use is compatible and consistent with other land uses found in the surrounding mixed-use neighborhood, which consists of a variety of single and multi-family residential properties and commercial businesses. The project site is located in the middle of a block that contains both single family homes and commercial businesses. Adjacent to the site towards the northwest is an apartment complex. Across the street from the project site are single family homes and townhomes. A residential Planned Development at the subject property appropriate and compatible with the surrounding land uses in the general neighborhood.

**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 plan to rezone and redevelop the subject property, the 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. The Planned Development is adjacent to and fully accessible to all required utilities. The Planned Development will replace Manor Bowl, a commercial bowling center with a 39-unit residential multi-family/townhome development that has been found to have less impact on traffic than the existing facility. Utility providers have sufficient capacity to accommodate the project and the project will contribute development impact fees in order to compensate for the cost of schools and parkland.

The Planned Development zoning overlay will not deviate from the permitted land use of the underlying Commercial Community zoning district and, based on the analysis identified in the staff report, the Initial Study – Mitigated Negative Declaration prepared in accord with CEQA, and all plans and reports submitted to the City with the project application, it has been determined that the Planned Development overly will not overload or pose a detriment to the full use and availability of streets, utilities and other public facilities. The Planned Development project includes adequate provisions

for utilities, services, and emergency vehicle access and public service demands imposed by the project will not exceed the capacity of existing and planned systems.

## **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 of the multi-family/townhome residential Planned Development, with the approval of the rezoning from CC Commercial Community to CC(PD) Commercial Community Planned Development Overlay District, is consistent with the objectives of the Zoning Code and the purposes of the CC Commercial Community zoning district since the site is located within a mixed-use neighborhood. The surrounding area to the development consists of a variety of single and multi-family residential properties and commercial businesses.

The Planned Development provides high quality urban design in comparison with development under the base district zoning regulations while preserving the character and quality of the surrounding neighborhood because the use and design of the Planned Development is similar to and consistent with the type and character of land uses found among the surrounding areas. The proposal meets the base CC Commercial Community zoning district standards for lot area, width, height, coverage, floor area ratio, density, daylight plane, and landscaping. With the exception needed for open space, the base zoning district 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. Therefore, it can be found that the proposed location of the multi-family/townhome residential Planned Development is in accord with the objectives of the Zoning Code and the purposes of the CC Commercial Community zoning district.

**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 designation for the location of the multi-family/townhome residential Planned Development will be CG General Commercial. This land use designation allows a range of uses and permits residential uses. The development has been evaluated for impacts to traffic, air quality, and public health and, based on analysis identified in the staff report, the Initial Study – Mitigated Negative Declaration prepared in accord with CEQA, and all plans and reports submitted to the City with the project application, and it has been determined the project will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of the Planned Development project, and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City because the residential project is consistent with similar residential land uses in the surrounding neighborhood. Any potential impacts have been mitigated to a less than significant level through the mitigation measures and conditions of approval. The project has

been appropriately designed and will fully comply with all fire, safety, and building codes.

With the application of grading and construction best practices, the effects of noise and dust emanating from the project site will be mitigated to a less than significant level. It has been determined to not generate an increased level of traffic over the current land use and sufficient off-street parking has been provided. Further, the project's site planning, use of exterior lighting, and landscaping materials will allow for security and easy surveillance of the development. The development will enhance the existing community atmosphere and provide an adequate level of safety and security for its residents. The project will contribute to improved air quality through green building construction methods and by providing three parking spaces with electric vehicle charging stations as well as garage charging stations for residents. Also, the infill site will be adequately served with public services, including utilities. The following General Plan action, 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.

**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.

- 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) Commercial Community Planned Development Overlay District designation allows for a Planned Development application. The project complies with

the provisions of the Zoning Code because the Planned Development project complies with all but one of the applicable underlying land use and development provisions required under the CC Commercial Community zoning district. The project meets the overall community density and land use goals. The Planned Development project appropriately accommodates the unit density and setbacks by providing a project that incorporates high quality urban design with height and massing that provide an appropriate transition between the commercial businesses and the surrounding residential areas. The Planned Development allows for the creation of a townhome development which would otherwise not be achievable, particularly on separate smaller parcels. The project contributes to the City's market rate and affordable housing needs by providing 39 residential dwelling units and does not contribute to a net loss of housing units. The project is not subject to the Housing Accountability Act because it is a Planned Development approved with exceptions from the underlying standards of the Zoning Code. Conditions of approval to ensure higher quality housing and on-site improvements include landscaping 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.**

Following an evaluation of traffic, as noted in the staff report and the Initial Study – Mitigated Negative Declaration prepared in accord with CEQA, the project will not generate an increased level of traffic over the current commercial bowling center land use. Manor Boulevard has adequate capacity to safely and reasonably accommodate the traffic generated by the development. In addition, there are AC Transit bus stops (Route 34) located near the intersection of Farnsworth Street and Manor Boulevard, with a route that extends from Foothill Square in Oakland to Hayward BART, including a stop at San Leandro BART.

There are adequate public facilities in the area to serve this residential development. There is adequate public service to the proposed subdivision, including but not limited to gas and electric, the water district, the sanitary district, solid waste disposal and recyclable materials collection services, cable television, schools, and police and fire protection. The project will contribute both physical improvements and development impact fees to the community.

**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, attached garage parking, and private balconies/decks that maximize the concept of homeownership. The height of the townhouse condominiums and the coverage of the units do not exceed the maximum allowable in the Commercial Community zoning 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 and through the project site. The overall design and features included within Planned Development enhances the development's long-term livability and value retention in this new residential development. In exchange for a

reduced open space, the project provides higher quality urban design and increases the City's supply of available housing.

**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 gas and electric, 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. The project will contribute both physical improvements and development impact fees to the community.

### **Site Plan Review Findings**

**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. The site planning and architectural design for the development deemphasizes vehicle parking by providing screening through landscaping. The proposed development complies with most of the CC Commercial Community zoning district requirements for setbacks, daylight plane, parking, except for open space. The CC Commercial Community zoning district requires 200 square feet of useable open space per unit for exclusive use by the residents and their guests. The Planned Development is providing 107.5 square feet of open space per unit with balconies/decks and a common open space. The development will additionally comply with the following zoning requirements:

- Lot Area is 2.3 acres, exceeding the minimum 10,000 square feet required in the CC zoning district.
- Height is 37.5 feet, well below the maximum height of 50' for the CC zoning district.
- Lot Coverage is 32%, below the maximum coverage of 50% allowed in the CC zoning district.
- FAR is 0.74, below the maximum FAR of 1.0 in the CC zoning district and 1.0 allowed in the General Plan CG designation.
- Landscaping is proposed on 10.7% of the project site, which meets the 10% required in the CC zoning district.
- Density is 17 units per acre, below the 24 units per acre maximum in the CC zoning district.

- 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.**

The proposed three-story residential development provides adequate articulation to all four sides of the buildings. The project appropriately provides varying wall planes and roof lines, using multiple colors, materials, and finishes. The building elevation proposes different arrangements of similar and complementary colors and materials, including horizontal lap siding, stucco, metal garage doors, and concrete tile roof. The design of the project creates visual interest and lessens the appearance of bulk and mass of the building. The details including modulation in the façade plane that provide visual shadow and relief and include balconies/decks to break up the plane. The end units also incorporate changes in plane with projections, windows, and balconies which provide variation and interest. The articulation and design satisfies the Planned Development criteria and enhances the streetscape.

In addition, the building facing Manor Boulevard include entryways, balconies, and windows facing the street. These elements encourage pedestrian use of the sidewalk. Parking is kept towards the interior of the property to also enhance the pedestrian and residential neighborhood environment. The driveway access to the site is minimized and limited to reusing the existing driveway location on the eastern side of the property. With the architectural and design elements provided, the overall design of the building is compatible with the surrounding neighborhood.

- 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, sides, and through the property complement the architectural design with an appropriate balance of new trees, shrubs, vines, grass/sedge, and ground cover. The project provides two street trees and proposes adding 111 new trees to the site. The driveway and parking area has adequate planting on either side and with trees lined along the side border. The landscaping will be fully compliant with State Water Efficient Landscaping Ordinance irrigation and water use standards.

- 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 project has been designed with appropriate residential signage, lighting, and parking areas. Proposed new fencing and perimeter walls have been conditioned and will meet the Zoning Code and Building Code requirements, to provide separation, noise attenuation, and privacy to the adjacent properties. Only one driveway is proposed for the development and there sufficient landscaping to visually blend in the improvements. Conditions of approval are also included that would prohibit light from the property spilling onto adjacent properties or create off-site glare.

## **Vesting Tentative Map Tract No. 8519**

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 sufficiently dense residential use in an area with pre-existing low, medium-high, and high density residential and commercial 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 subdivision are consistent with the General Plan in that it includes seven lots and creation of a 39-unit townhome condominium subdivision, which are adequately served by streets, and with sufficient drainage for the 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. The site is located in a high liquefaction susceptibility zone and development standards and compliance with the California Building Code (CBC) would ensure structures are constructed to accommodate any unstable soils.
- D. The proposed density of development of 39 units per acre will be compatible with adjacent and neighboring existing high density, medium-high density and low-density, single-family, townhome, and apartment 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 significant 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.