

## **Exhibit A**

### **RECOMMENDED FINDINGS OF FACT AND DETERMINATIONS FOR APPROVAL OF**

**PLN18-0047**

**844 Alvarado Street**

**Alameda County Assessor's Parcel Number 75-54-3**

**Maximus Antonio Alvarado LLC (Applicant/Property Owner)**

#### **CEQA Environmental Review**

An Infill Checklist has been prepared in accordance with Public Resources Code Section 21094.5. and the CEQA Guidelines, California Code of Regulations Section 15183.3 and Appendices M and N. The Infill Checklist tiers off the 2035 General Plan Update Environmental Impact Report (2016). This prior EIR was prepared as part of enacting the City's General Plan Update and zoning code which implemented the Downtown Transit-Oriented Development (TOD) Strategy (CEQA Guidelines 15183.3). This Infill Checklist demonstrates that any significant effects of the 844 Alvarado Street Project (the "Project") were analyzed in the prior EIR or would be substantially mitigated by the City's uniformly applicable development policies. The Infill Checklist also incorporates information from the Downtown TOD EIR (2007), which also qualifies as a prior EIR. Therefore, pursuant to Public Resources Code Section 21094.5, no additional environmental review is required under CEQA for the Project as an infill project.

#### **Conditional Use Permit Findings**

- 1. That the proposed location of the use is in accord with the objectives of this Code and the purposes of the district in which the site is located.**

The location of the proposed music conservatory is in accord with the objectives of the Zoning Code, the adopted Downtown Transit Oriented Development (TOD) Strategy and the district in which the site is located. The TOD Strategy provides the land use framework and development guidelines for new development in Downtown San Leandro. The purpose of the TOD Strategy is to focus growth and density in the transit-accessible downtown area and to enhance Downtown San Leandro. Downtown San Leandro is well served by multiple high quality public transportation services, including AC Transit, BART and San Leandro's LINKS shuttle, and has existing shopping and professional services. The Project would enhance the character of the adjacent commercial and residential neighborhood with the proposed urban design and landscaping. The location is in the DA-4(S) Downtown Area District. The location of the uses satisfies the purpose of the DA-4 District, which is to implement provisions of the Downtown San Leandro TOD Strategy on land located near transit facilities (i.e., AC Transit and BART) with the development of the music conservatory.

- 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 of San Leandro General Plan goals, objectives, and policies related to Transit-Oriented Development Mixed Use (MUTOD). The purpose of this designation is to provide for a mix of high-intensity land uses that capitalize on proximity to the San Leandro BART station. This designation maximizes the potential for transit-oriented infill development and emphasizes the vertical mixing of different uses. The Project will carry out the TOD Strategy by having new development that is attractive, high density, and creates a positive image of revitalization. The following General Plan goals, policies, and actions will apply (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-6 Foster the development of Downtown San Leandro as a vibrant pedestrian oriented destination that is the civic and social heart of the City.

Policy LU 6.1 Downtown Plans. In accordance with the adopted Downtown Plan and Urban Design Guidelines and the Downtown San Leandro Transit Oriented Development Strategy, ensure that new downtown development is attractive and creates an image conducive to revitalization.

Action LU-6.1A Downtown Plan Implementation. Use the Downtown San Leandro Transit Oriented Development Strategy as the primary guide for the future of Downtown San Leandro.

Policy LU-6.7 BART Accessibility. Maintain and strengthen pedestrian, bicycle, and transit connections between the BART Station, Downtown, and nearby neighborhoods.

Policy LU-6.8 Pedestrian-Friendly Environment. Provide public and private improvements that create a safe, friendly, and comfortable environment for pedestrians and bicyclists in Downtown.

Policy LU-6.9 Urban Design. Promote quality Downtown architecture that is well articulated, enhances the pedestrian setting, preserves the City's architectural heritage, and fits in with the scale and texture of existing historic structures. Discourage "franchise architecture" that will detract from creating a unique and distinctive Downtown setting.

Policy LU-6.11 Coordination. Fully involve and coordinate with local business owners, property owners, adjacent residents, and business organizations such as the Chamber of Commerce, San Leandro Improvement Association, and Downtown Association in all planning and development activities within the Downtown area.

Policy LU-6.14 Downtown Open Space. Develop a network of Downtown open spaces to serve the growing population and workforce. This network should include civic plazas, parks, a linear greenway along the former Union Pacific Railroad right-of-way (part of the East Bay Greenway), and a San Leandro Creek greenway along the northern edge of Downtown. In addition, streetscape improvements should include street trees and sidewalks that connect these spaces and increase greenery in the Downtown area.

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-5.1 Key Amenities. Support amenities that attract businesses and employees to the City, including a more vibrant downtown, walkable neighborhoods, better dining and entertainment options, quality education and public safety, and more diverse housing choices.

The Project will consist of a music conservatory that will be constructed in a manner such that the exterior appearance of the in-fill development is compatible with the immediate neighborhood. The project will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood because the music conservatory is currently in operation across the street at 857 Alvarado Street and the proposed relocation to 844 Alvarado Street will not result in an expansion or change in use from the current operation. The project would improve the existing facility with a new building, paved parking, landscaping and street improvements. Moreover, with the necessary conditions relating to: Building/Fire Code compliance; landscaping; and property maintenance, the appearance and upkeep of the property will be maintained. Based on analysis identified in the staff report, the Infill Checklist prepared in accord with CEQA, and all plans and reports submitted to the City with the project applications, it has been determined that 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 Project and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City.

**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.**

Development of the music conservatory will comply with the DA-4(S) Downtown Area District requirements and be compatible with existing adjacent development. The music conservatory conforms to all DA-4 District development standards (i.e., setbacks, height, density, lot coverage, and parking, with the various design enhancements

including use of multiple paint colors and multiple materials on the facade, and well-articulated elevations). Conformance to the DA-4 District's setback requirements and Fire Department access will provide adequate availability of light and air for the development and adjacent properties. The existing music conservatory is currently located within the DA-4 zoning district and project proposes to relocate the facility in a new building across the street.

The associated DA Downtown Area zoning development standards, which implement the TOD Strategy plan, include greater building height limits, higher residential densities and reduced parking standards than in surrounding areas, to provide guidance for future development. In the DA-4 District, the side and corner yard setbacks are permitted to be zero setbacks and front and rear yard setback is based on prevailing conditions on the block, six feet and zero respectively. The music conservatory is proposed to be one-story and approximately 21'-6" in height, below the permitted 75' height limit, with a 10-foot front and 66-foot rear yard setback. In the DA-4 district, one hundred percent site coverage is permitted and there is no maximum base FAR. The music conservatory is proposed for approximately 34.5 percent lot coverage and .34 FAR.

The appropriate conditions of approval will ensure that the Project will comply with the Zoning Code.

- 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.**

Adequate on-site parking and access will be provided for the music conservatory. The 15 off-street parking spaces provided for the music conservatory would meet the parking requirement for the proposed use. The music conservatory currently exists at 857 Alvarado Street and, by relocating the facility across the street, the Project does not result in changed conditions that could create adverse impacts on traffic or public services and facilities. A Transportation Impact Study prepared by CHS Consulting Group, dated October 2018, determined that the Project would result in no impact on peak hour traffic conditions since the majority of FAASL operations are in the evening and with the relocation, the existing traffic patterns would remain the same as existing conditions. Further, the Project site and immediate area are currently served by adequate public utilities and infrastructure, including but not limited to the gas and electric company, the water district, waste disposal, and police and fire departments. The Project will contribute both physical improvements and development impact fees to the City.

### **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 layout of the proposed new 4,326 square foot music conservatory building as shown in the plan sets is in conformance with the underlying DA-4 District. The proposed setbacks, lot coverage, landscaped areas, and parking, are in conformance with the Zoning Code. The placement of the building closer to Alvarado Street, the single driveway, and rear parking areas provide for a harmonious and orderly development that maintains the required setback from the Alvarado Street frontage. The site planning and the architecture place the parking area and trash enclosure to the rear of the building, to provide architectural attention and aesthetic features to the front and north elevations.

- 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 one-story music conservatory building design provides adequate articulation as it is well articulated by the use of different façade materials and varying roof lines. The use of the color and materials scheme, window glazing, and metal awning above the entrance enhances the appearance of the elevations. All roof mounted equipment is designed and conditioned to be screened. The design is modern and it complements the existing immediate area.

- 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 for the Project and along the frontage for the music conservatory complements the architectural design, with an appropriate balance of trees, shrubs, and ground cover as demonstrated in the landscape plans. The trees are appropriate and specified at 15 gallons and/or 24 inch box size. The minimum size for the shrubs will be required to be five gallons and the ground covers will be required to be one gallon or from flats with the necessary spacing to cover the planter areas in a growing season. The 15 parking spaces for the music conservatory will located at the rear of the building adequately screened and removed from the public right of way. The landscaping will be fully compliant with State Model Water Efficient Landscaping irrigation and water use standards. In the DA District, landscaping is reviewed on a case-by-case basis and at the discretion of the reviewing body of the Site Plan Review.

- 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 for the project are visually consistent with the architectural and landscape design. The music conservatory is designed with appropriate signage, fencing, lighting, and landscaping as demonstrated in the plan set. The 15 parking

spaces for the music conservatory will located at the rear of the building and would have minimal off-site glare. The detail features will minimize off-site glare as the conditions of approval for the music conservatory would prohibit light from spilling onto adjacent properties or creating off-site glare.

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