

## **Exhibit A**

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

**PLN18-0013**

**915 Antonio Street**

**Alameda County Assessor's Parcel Numbers 75-57-12-1; 75-155-11; 75-155-12; 75-155-15; and 75-155-17**

**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 915 Antonio 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 multi-family residential development 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 of the Project is in the DA-4(S) Downtown Area District. The location of the Project 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 multi-family residential buildings. As new housing units including the Project are built around the San Leandro BART station, there will be both an increase in transit ridership and in the local population, enhancing the market for downtown shops and services, serving as a catalyst for downtown revitalization.

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-2.7 Location of Future Multi-Family Development. Concentrate new multi-family development in the areas near the BART Stations and along major transit corridors.

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 LU-3.5 Mixed Use on Transit Corridors. Encourage mixed use projects containing ground floor retail and upper floor residential uses along major transit corridors. Such development should be pedestrian-oriented, respect the scale and character of the surrounding neighborhood, and incorporate

architectural themes that enhance the identity of adjacent commercial districts.

Policy LU-3.10 Market-Rate Housing. Encourage the provision of a significant amount of market-rate ownership and rental housing as part of an effort to maintain and diversify the City's economic base.

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-6.6 Downtown Housing Diversity. Encourage a mix of market-rate and affordable housing in the Downtown area, including ownership and rental housing at a variety of price points. Recognize the opportunity to make future Downtown housing more affordable by reducing accompanying transportation costs and making it more feasible to use transit, bicycles, bicycle and car-sharing, and other innovative modes of transportation as these become viable.

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-6.13 BART Station Area Transit Village. Foster the development of the BART Station area as a mixed use "transit village," with a full complement of office, high-density residential, and retail uses, along with pedestrian plazas,

open space, BART parking, and other transit facilities. Development in this area should include a balance of new housing, office, and retail use, oriented in a compact form to make it more feasible to walk and use transit for most trips.

Action LU-6.13.C BART Area Housing. Strongly encourage the development of high-density housing on vacant and underutilized land at the northern terminus of Alvarado Street, and along the San Leandro Boulevard corridor to the north and south of the BART station. The City should continue to require minimum densities in these areas to ensure that the opportunity for transit-oriented development is maximized.

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.

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.

The following Housing Element actions, goals, and policies are relevant to this multi-family residential development:

GOAL 3 New Housing Opportunities. Provide housing opportunities and improve economic access to housing for all segments of the community.

Policy 3.02 Mix of Price Ranges. Encourage a mix of price ranges to provide housing choices for San Leandro residents of all incomes and ages. Opportunities to include affordable units and market rate units within the same development projects should be pursued.

Policy 3.09 Executive Housing. Encourage the provision of a significant amount of executive housing as part of an effort to maintain and diversify the City's economic base.

GOAL 53 Affordable Housing Development. Increase the supply of ownership and rental housing in San Leandro affordable to extremely low, very low, low, and moderate income households.

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.*

Action 53.06-B Encouraging Market Rate Rentals. Develop strategies to attract additional market rate rental apartment to San Leandro. *Since it has been more than 25 years since any substantial market rate rental apartment development has occurred, San Leandro will explore approaches to attract such development in the coming years. This could include direct outreach to major apartment developers, and incentives to encourage apartment development on key opportunity sites in Downtown San Leandro, along East 14<sup>th</sup> Street, and in the Bay Fair area. The City is particularly interested in market rate rentals that meet the needs of moderate-income and above moderate income professionals, given the limited range of options for such persons in San Leandro today.*

The Project will provide 687 new rental residential units that includes 129 studios units, 302 one bedroom units, 211 two bedroom units, and 45 three bedroom units. The proposed multi-family residential project will conform to the DA-4 District zoning requirements. The contemporary design of the Project creates visual interest and lessens the appearance of bulk and mass by splitting the Project into two buildings with a center driving aisle. The new apartment buildings will be constructed in a manner that the exterior appearance of the in-fill development is compatible with the immediate neighborhood. 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.

The 915 Antonio Street site is on a list compiled pursuant to Section 65962.5 of the Government Code, known as the Cortese List, due to the former operations of the now-demolished Caterpillar facility. Phase I and Phase II Environmental Site Assessments (ESA) have been performed to assess the environmental conditions of the site. The Phase II ESA concluded that trichloroethylene (TCE) and total petroleum hydrocarbon (TPH) concentrations found in soil vapor samples are above Environmental Screening Levels (ESL). Soil and groundwater samples did not have concentrations greater than the residential ESLs. To address this condition and ensure the project will not be detrimental to the public health, safety or welfare of persons residing or working on the project site, the project includes appropriate conditions of approval to address and improve upon these existing conditions, including a requirement to install a vapor barrier and a requirement that the developer enter into an agreement with the California Department of Toxic Substances Control to implement the California Land Reuse and Revitalization Act (CLRRRA) program

requirements, acknowledging the site's current status, and ensuring the site would be cleaned up, reused and redeveloped in accordance with all applicable laws and regulations. Therefore, the CEQA Infill Checklist determined that with the implementation of project design features, such as the vapor barrier, and standard regulatory compliance as described in the prior EIR, the impacts caused by the project would not be more significant than described in the prior EIR.

**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 multi-family residential project for dwelling purposes will comply with the DA-4(S) Downtown Area District requirements and be compatible with existing adjacent development. The residential development 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 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. The north building will be six stories tall with a building height of approximately 67'-9" and the south building will be five stories tall with a building height of approximately 57'-7", both below the maximum height limit of 75' for the Project. In the DA-4 district, one hundred percent site coverage is permitted and there is no maximum base FAR. The Project is proposed for approximately 85 percent lot coverage and 3.6 FAR. 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 multi-family residential development buildings will have approximately 11-foot front and 31-foot rear yard setbacks. The multi-family residential development heights will be approximately 67'-9" for the north building and approximately 57'-7" for the south building with approximately 11-foot front and 31-foot rear yard setbacks. The appropriate conditions of approval will ensure that the Project will comply with the Zoning Code.

The Project complies with the City's Inclusionary Housing Ordinance by proposing an Alternative Inclusionary Housing Plan as allowed under City of San Leandro Zoning Code Section 6-3016(B) whereby the applicant will pay a substantive in lieu fee to the City's Affordable Housing Trust Fund. By significantly enhancing the Trust Fund, the City will be able to invest in or leverage funding for future affordable housing projects, while also enabling the City to address its shortfall of *above moderate income* housing per its regional housing needs allocation (RHNA) goal and Senate Bill (SB) 35. Due to the demise of redevelopment state-wide in 2012, the ongoing decline in federal affordable housing funding, and the minimal in lieu fee revenue into the Affordable Housing Trust Fund since the Great Recession of 2008, this project provides a much needed injection of affordable housing funds into the Trust Fund. The project site

reflects a major, and the largest remaining, opportunity site identified in the 2007 Downtown TOD Strategy, that has remained vacant for a long period of time.

The following Housing Element goals and actions are relevant to this residential project:

GOAL 53 Affordable Housing Development. Increase the supply of ownership and rental housing in San Leandro affordable to extremely low, very low, low, and moderate income households.

Action 53.04-B Revisions to Inclusionary Housing Ordinance. Revise the Inclusionary Housing Ordinance (Zoning Code Article 30) to incorporate “lessons learned” since its adoption. *It* may be desirable to amend the Ordinance so that it is more responsive to market fluctuations. The aim of the revision should be to increase the production of affordable units while still achieving geographic dispersal of affordable housing across the City. Changes to the Ordinance should consider:

- Making it easier to contribute to the Affordable Housing Trust Fund rather than incorporating inclusionary units on site. Such a change could enable deeper levels of subsidy for affordable housing development and increase the supply of very low and extremely low income units when above moderate income housing is built.

**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 multi-family residential development. The off-street parking requirement being one-quarter mile from BART in the DA District is one parking space per unit for the Project. The 892 off-street parking spaces proposed for the 687-unit development would exceed the off-street parking requirement by 195 off-street parking spaces. A Transportation Impact Study (TIS) prepared by CHS Consulting Group, dated October 2018, determined that the Project would result in no significant impacts with respect to the additional traffic. Specifically, from the TIS, under Baseline plus Project conditions, the study intersections are anticipated to continue to operate within City level of service (LOS) standards of LOS D or better. For intersections located in the Priority Development Area for the TOD Strategy, the acceptable level of service is LOS E. Anticipated 95th percentile queue lengths would result in traffic volumes that exceed the southbound left-turn turn pocket storage capacity at the intersection of Davis Street and Alvarado Street due to Project generated vehicle trips. The TIS recommended extending the southbound left-turn turn pocket by 30 feet to accommodate the additional traffic volumes generated under Baseline plus Project Conditions. Thus, the conditions of approval require extending the southbound left-turn pocket at the intersection of David Street and Alvarado Street to accommodate the additional traffic volumes, resulting in no adverse impacts on traffic. Under Baseline plus Project Conditions, neither the AM nor PM peak hour traffic volumes would warrant a left-turn pocket at the Project driveway at Alvarado Street and Antonio Street.

On-site circulation is expected to be adequate for the Project. Access to and from the site has been appropriately designed and the TIS shows that vehicle turning movements and volumes will not adversely affect traffic conditions along Alvarado Street. Adequate stacking has been provided for residents entering and existing the parking garage. Loading and delivery vehicles will be accommodated with dedicated parking and loading areas, including two 24-minute time restricted on-street parking spaces, dedicated loading zones for trash pick-up and residents' moving trucks along the northwestern portion of Building B. Additional provisions to actively manage on-site circulation, such as permitting and enforcement, are further outlined in the project's Parking Management Plan dated November 6, 2018. The Project meets all requirements for vehicle and bicycle parking outlined in the City of San Leandro Zoning Code and the TOD Strategy. Pedestrian, bicycle, and transit facilities adequately serve the Project site. The project will improve current conditions by connecting some existing network gaps including Alvarado Street sidewalk segments and non-ADA compliant curb ramps within the area. Adequate bicycle parking will be provided for residents to encourage greater use of active transportation options.

Further, the Project site and immediate area are currently and will continue to adequately be served by public utilities and infrastructure, including but not limited to the gas and electric services, the water district, waste disposal, parks and recreation, and police and fire departments. The Project will contribute both physical improvements and development impact fees to the City, including parkland, school and DFSI fees. Utility and infrastructure agencies serving the project, including the City's Water Pollution Control Division, have identified that the project will be adequately served and will not burden existing utility capacities.

The State of California has made affordable housing a mandate and public policy priority state-wide in recent years by passing an increased volume of housing-related legislation to help local jurisdictions increase their supply of new housing for a variety of income levels (i.e., very low, low, moderate and above moderate) to alleviate the rising costs of housing due to high demand. Under Senate Bill (SB) 35, which became effective on January 1, 2018, the State determined in Summer 2018 that San Leandro was complying with efforts to meet its RHNA goals for very low and low income housing units, but was not meeting its RHNA above moderate income housing goal. Therefore, the Project assists the City in meeting its RHNA above moderate income housing goal per SB 35, but also complies with the City's Inclusionary Housing Ordinance by contributing a substantive in lieu fee to the City's Affordable Housing Trust Fund that can be invested in future new affordable housing projects.

### **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 multi-family residential building is in compliance with the minimum requirements of the Zoning Code and would be harmonious and compatible within the existing commercial and residential context of downtown San Leandro because the project has been designed appropriately and because the project provides adequate features, amenities and services. The Project includes the following amenities and design criteria that enhance the quality of residents' living or the appearance of the Project: 1) Open space where approximately 30% of the units have private balconies; 2) Common areas that are not private balconies where the project includes outdoor courtyards, rooftop gardens/terraces, play area, parklet, and dog area; 3) Tenant activity areas where the Project includes a fitness area, shared working lounge, indoor cooking & dining areas, BBQ areas, and a pool & spa; 4) Use of three or more colors where there will be three colors; 5) Use of three or more materials on the façade where there will be three materials; 6) Practical and usable furniture in common areas where the project includes tables, chairs, lounge furniture for the courtyards and rooftop gardens/terraces; 7) Bicycle lockers where secured bicycle parking will be provided in the parking structure for 520 bicycles; and 8) Public Art where the applicant is proposing public art on the north building. The proposed multi-family development complies with the DA-4 District requirements for minimum setbacks. The highest levels of the rooflines would be a range of approximately 57'-7" to 67'-9" between the two buildings which is less than 75 feet maximum allowed. The resulting total lot coverage would be approximately 85% where 100% is the maximum coverage allowed in the DA-4 District. The required off-street parking would be met with the 892 spaces in the parking area and parking stalls that will be accessed off of Lola Street. In addition, the site planning and architectural design deemphasizes vehicle parking, storage areas and service areas which are not prominent from Alvarado Street.

- 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 multi-family residential development provides adequate articulation to all sides of the building and the street frontage along Alvarado Street by utilizing varying wall planes and roof lines, and multiple colors, materials and finishes. The design of the Project creates visual interest and lessens the appearance of bulk and mass by splitting the Project into two buildings. This articulation satisfies the TOD development guidelines and enhances the Alvarado Street streetscape as the Project includes facades that are articulated with design elements that provide shadow lines and scale create visual interest from the street and sidewalk. In addition, the frontage elevations include entrances and stoops facing Alvarado Street and Lola Street and the main entry to the apartment lobby and the cafe faces Alvarado Street. Together these features encourage pedestrian use of the sidewalk. The proposed design features of the multi-family residential development will contribute in enhancing the immediate area near Alvarado Street and Antonio Street.

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 multi-family residential development 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 design of the multi-family residential project with at and below grade parking effectively conceals the vehicle parking. 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 proposed multi-family residential development is designed with appropriate signage, walls, fencing, lighting, landscaping, and at and below grade parking areas with 882 parking spaces that will not be visible from the public right-of-way. The detail features will minimize off-site glare, which will not be an issue since most parking areas are in an enclosed garage. Conditions of approval for the multi-family residential development would prohibit light from spilling onto adjacent properties or creating off-site glare. Additional existing regulations ensure that sign area and design is appropriate for the scale and architecture of the project, equitable and visually consistent with the surrounding downtown area. The architectural design and features of the building, including fences and walls, lighting, sign area, parking lots and driveways, conform to the Downtown Design Guidelines, the TOD Strategy and the Zoning Code.

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