

RECOMMENDED FINDINGS OF FACT

PLN16-0030

712 Lewelling Boulevard (southwest corner of Lewelling Boulevard and Washington Avenue)
H. Alam, Faizan Corporation (Applicant and Property Owner)

The Board of Zoning Adjustments hereby approves PLN16-0030, subject to the following findings:

CONDITIONAL USE PERMIT

1. **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.**

A modification of an existing Conditional Use Permit, CU-84-5, to redevelop the subject property with a new self-service gasoline station and convenience store, is conditionally permitted in the CC Community Commercial District, providing the City the ability to place various conditions on the operation to ensure conformance with development regulations for the commercial district, including, but not limited to: landscaping and structural improvements on- and off-site (e.g. sidewalk repair, undergrounding of utilities, enhanced architecture and site improvements, etc.), placing performance conditions for alcohol beverage sales, policing for litter, prohibiting persons from loitering on the site, and restricting excessive and extraneous exterior signs such as advertising and temporary signs on the property. The recommended conditions of approval will enhance and maintain the character of the area, promote improvements to the existing commercial area, and prevent impacts to the nearby persons and properties. The proposed use will fit and be compatible with the other regional- and community serving uses in the immediate area of the regionally important intersection of Washington Avenue and Lewelling Boulevard.

2. **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 goals and policies are served by the proposed project:

GOAL 8: RETAIL AND SERVICE DISTRICTS – Establish excellent community and neighborhood-serving retail and entertainment uses.

Policy 8.01: Retail Hierarchy – Maintain a range of retail uses in the City.

Policy 8.02: Retail Diversity – Encourage a diverse range of commercial uses in the City, offering goods and services that fully meet the needs of San Leandro residents...and act as a catalyst for attracting other retailers to the City.

Policy 8.03: Aesthetics - Upgrade the City's commercial corridors by building upon their existing strengths and improving their aesthetic qualities. The City should implement programs to underground utilities, abate weeds and graffiti, eliminate litter, improve buffers to adjacent residential uses, control excessive signage, and provide streetscape amenities and landscaping along the corridors.

GOAL 43: QUALITY CONSTRUCTION AND DESIGN - Ensure that new construction and renovation contributes to the quality and overall image of the community.

Policy 43.01 Promoting Quality Design - Use the development review and permitting processes to promote high quality architecture and site design. Design review guidelines and zoning standards should ensure that the mass and scale of new structures are compatible with adjacent structures.

Policy 43.06: Architectural Interest - Encourage new structures to incorporate architectural elements that create visual interest such as trellises, awnings, overhangs, patios, and window bays. Avoid solid or blank street-facing walls.

Policy 43.07 Commercial And Industrial Standards - Improve the visual appearance of the City's commercial and industrial areas by applying high standards of architectural design and landscaping for new commercial and industrial development and the re-use or remodeling of existing commercial and industrial buildings.

Policy 44.01 Greening San Leandro - Promote landscaping, tree planting, and tree preservation along San Leandro streets as a means of improving aesthetics, making neighborhoods more pedestrian-friendly, providing environmental benefits, and creating or maintaining a parklike setting.

Policy 44.05 Street Beautification - Upgrade the City's commercial thoroughfares by building upon their existing strengths and improving their aesthetic qualities. The City should implement programs to underground utilities, abate weeds and graffiti, eliminate litter, improve buffers to adjacent residential uses, prohibit excessive or out-of-scale signage, remove billboards, and provide streetscape amenities and landscaping along these thoroughfares.

This project meets the objectives of these goals and policies by providing a new and modernized retail business, including an expanded convenience store and efficiently planned self-service fueling station. The conditions to provide enhanced site amenities and to implement improvements such as new building, fueling canopy, sign program and landscaping will further enhance this prominent site's visual appearance and contribute to the overall commercial vitality of the Washington Avenue corridor and the Washington Manor neighborhood.

3. 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 redevelopment and expansion of the existing convenience store and self-service fuel station is determined as a new conditionally permitted use in the CC District. The Board of Zoning Adjustments, in considering the conditional use application for the convenience store and self-service fuel station, will require specific conditions of approval for site planning for adequate circulation and off-street parking, necessary site improvements, quality exterior building design and construction, sign control, maintenance of the property, and appropriate lighting for security and surveillance, ABC and City performance requirements for alcohol beverage sales, to ensure the new business will be compatible with the existing adjacent development.

- 4. 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 existing site is adequately served by streets, utilities and other public facilities. The site is conveniently accessible by vehicle via Interstates 238 and 880, Washington Avenue and Lewelling Boulevard. Adequate off-street parking is provided on-site.

SITE PLAN REVIEW

- 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 building, fueling canopy, trash enclosure, and landscaped areas shown on the proposed site plan is in conformance with the underlying CC Community Commercial District. The proposed building setbacks, height, FAR, lot coverage, as well a parking and proposed landscaping areas are in conformance with the Zoning Code. The placement of the building, driveways, fuel pump dispensers and parking areas provide for a harmonious and orderly development that relates well with the Lewelling Boulevard and Washington Avenue frontages.

- 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. Visually incompatible elements, such as roof mounted utilities, are fully screened from public view.**

The proposed architecture contains a variety of visual elements that provide interest, including varying wall planes and roof lines that face directly to the streets intersection. In addition, the building elevations are enhanced with metal awnings, aluminum accents, and corniced trimmed rooflines. These elements will provide visual interest with the shadows they will create on the building and they will also break up the expanse of the elevation. Furthermore, the three structures including the convenience store, fueling canopy and monument sign are all detailed with stone at their base to give them a well-conceived and coordinated design appearance. The design includes a roof-well where the roof-mounted equipment will be placed and screened by the parapet which conceals the well-area. Thus rooftop equipment will not be visible from street level.

- 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.**

Details on type, size and location of proposed tree and plant species have been submitted as part of the Site Plan Review submittal. The landscaping provided on the plan is an assorted list of trees, flowering shrubs, ground covers and vines that are drought tolerant once they are

established. Ten percent (10%) of the project site will be landscaped where 10% percent is the minimum required.

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 proposed sign program which includes the wall sign on the convenience store, the canopy signs, and the freestanding monument sign in the corner landscaped planter complies with the City's Sign Ordinance. The design and materials used for the trash enclosure will be required to be similar to those of the proposed store building.

CEQA ENVIRONMENTAL REVIEW

This project to construct and operate new 2,900 square-foot convenience store and a 3,243 square foot canopy over the fueling island is categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines, Article 19, Section 15303, as new construction of small structures. In urbanized areas, the exemption applies to up to four commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use store, office, restaurant or similar structure.