

Exhibit B

**RECOMMENDED
FINDINGS OF FACT**

**PLN19-0047
1501 Clarke Street
Alameda County Assessor's Parcel Number 075-0021-006-00
Margie Diaz (applicant and property owner)**

The Board of Zoning Adjustments hereby approves the Conditional Use Permit to allow retail sales in an existing 720 square-foot building at 1501 Clarke Street, and finds the project categorically exempt from CEQA subject to the following findings:

The Board of Zoning Adjustments hereby approves the Conditional Use Permit, subject to the following findings:

- 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.**

The property is situated within the DA-3 Downtown Area-3 zoning district, whose purpose is "To implement specific provisions of the Downtown San Leandro Transit-Oriented Development Strategy (Downtown TOD Strategy) in areas adjacent to the Downtown retail core. Infill development shall respect the scale and fabric of the neighborhood while increased building height and higher residential densities are allowed." More specifically, the property is at the corner of Clarke Street and West Juana Ave. The commercial building itself is sited on the most visible street-facing corner of property, with an angled entrance oriented toward the corner.

In the Downtown TOD Strategy, Clarke Street is designated as Downtown Pedestrian Connector streets, along with a handful of other nearby streets that connect the San Leandro BART station to the Downtown Retail Core.

The purpose of the DA-3 zoning district is also to respect the scale and fabric of the neighborhood. Even though there is a multi-story apartment building across West Juana Avenue, most uses on this side of the street are single-story residential buildings. The upgraded retail building would continue to match size and scale of these smaller buildings, as no changes to the building height are proposed. The building would continue to contribute to a uniform and harmonious streetscape.

Therefore, the siting of this re-established retail use in accord with the objectives of the Downtown TOD Strategy and its corresponding zoning district, DA-3, specifically because the use would improve this pedestrian-friendly street and the design of the upgraded retail building would respect the fabric of the neighborhood.

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 subject property is designated Transit-Oriented Development Mixed Use (MUTOD) in the City's General Plan Land Use Map. MUTOD areas are designated to "provide for mix of land uses that capitalize on proximity to the San Leandro BART station." This designation "maximizes the potential for transit-oriented infill development and achieves compatible transitions to adjacent residential districts through design standards and zoning" (General Plan page 3-29). The upgraded retail building would provide a neighborhood-oriented commercial use convenient to both the residents of the area and the users of the nearby BART station.

The siting of Retail Sales at this location would not be detrimental to persons residing or working nearby. Activity related to the retail use would remain largely inside the building; refuse would be required to be stored on-site, within a roofed refuse enclosure; and the project would be required to build a fence separating the property's residential activities from commercial activities. Improvements to the building itself would be minor, thereby reducing the scale of construction. Any future signage would be required to comply with the Downtown Design Guidelines and Principles, which explicitly prohibits internally illuminated cabinet box sign and flashing or moving lights.

Therefore the location of the re-established retail use would be consistent with the General Plan and would not cause detriment neighboring properties, the vicinity, or the general welfare of the city.

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 upgraded retail building would generally comply with the purpose for of the DA-3 zoning district and the general design patterns called for in the Downtown Design Guidelines and Principles. The commercial building would be minimally modified, maintaining its pedestrian-friendly architecture, comprised of ground-level display windows, minimal signage, gooseneck lighting, and a welcoming entrance. These pedestrian-friendly features would continue to be oriented away from the residential uses on the property and away from residential uses on adjacent properties.

The proposed use would be conditioned to provide a separating fence, demarcating the boundaries between commercial and residential activity on the property.

Likewise, any refuse generated by the commercial use would be conditioned to be stored out of public view, in a roofed refuse enclosure.

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.

As analyzed in the Downtown TOD Strategy, commercial uses of this size do not need much parking because they capitalize on their proximity to transit. Correspondingly, per Zoning Code Section 4-1704, commercial and retail uses in the DA districts sized under 5,000 square feet are not required to provide parking. The applicant requests that an existing on-street angled parking space be designated as a limited-time parking (green curb). This would accommodate the occasional brief trip by vehicle. Likewise, the site already has access to improved sidewalks with bulb-outs, which accommodate increased and more visible pedestrian activity. Therefore, it is not expected that the upgraded retail building would create adverse impacts on vehicular traffic or traffic by other means of transportation.

Approximately four years ago, special paving and sidewalk bulb-outs were constructed by the City at this intersection and several nearby others. The commercial building improvements and related activity capitalizes on these pedestrian-friendly improvements. The siting of the building and reuse of the angled main entry reestablishes a neighborhood-oriented point of interest in a pedestrian-oriented district, increasing and emphasizing pedestrian traffic and deemphasizing vehicle traffic.

The proposed retail use would also not create demands exceeding the capacity of public services. The building already contains its own separate electrical and gas meters from prior commercial uses at the site.

California Environmental Quality Act Categorical Exemption Findings

This item is categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines, Article 19, Section 15301, as it is an Existing Facility that involves minor alterations and negligible expansion of use; is in an area where all public services and facilities are available to allow for maximum development; and is not located in an environmentally sensitive area.