

Exhibit A

RECOMMENDED FINDINGS OF FACT AND DETERMINATIONS FOR APPROVAL OF

PLN17-0059

2181 Doolittle Drive

Alameda County Assessor's Parcel Number 077A-0697-001-11

Niknat Investors LLC (Applicant/Property Owner)

CEQA Environmental Review

This project to construct a new 3,539 square foot retail building is categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines, Article 19, Section 15303(c), for New Construction or Conversion 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 uses. The exemption also applies where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive. The project is proposed to be one commercial retail building less than 10,000 square feet in size and in an urban area with public utilities, services, and facilities available to allow for maximum development. The project replaces a prior retail commercial building. The proposed project site and the surrounding area are not located in an environmentally sensitive area.

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 retail building is in accord with the objectives of the Zoning Code and the Commercial Neighborhood (CN) zoning district in which the site is located. The purpose of the CN zoning district is to provide sites for businesses serving the daily needs of nearby residential areas, subject to development standards that prevent significant adverse effects on adjoining neighborhoods. The site historically contained a non-conforming 7,500 square foot grocery store with a zero front setback along Doolittle Drive that was destroyed in a fire in 2015. The proposed new retail building will be smaller in size than the previous building and will have three retail tenants to serve the nearby residential area.

- 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 Neighborhood Commercial (CN). This designation corresponds

to small shopping centers or clusters of streetfront buildings with local-serving businesses and services. Allowable uses include groceries, local-serving offices, pharmacies, laundromats, dry cleaners, restaurants, and other businesses that serve the daily needs of nearby residential areas. The following General Plan goals, policies, and actions will apply (note: LU-Land Use; ED-Economic Development):

Policy LU-7.2 - Adaptive Reuse. Encourage private reinvestment in vacant or underutilized industrial and commercial real estate to adapt such property to changing economic needs, including the creation of flex/office space and space for technology-driven businesses.

Action LU-7.6.C - Marina Boulevard West. Undertake improvements to Marina Boulevard between I-880 and the San Leandro Shoreline to enhance this area as a "gateway." Zoning for properties with frontage on Marina Boulevard should support the transformation of this corridor into an attractive, dynamic business district connecting Downtown San Leandro and the BART Station with new development at the San Leandro waterfront.

GOAL LU-8. Establish excellent community and neighborhood-serving retail and entertainment uses.

Policy LU-8.1 - Retail Hierarchy. Maintain a range of retail uses in the City, consisting of: (c) Neighborhood shopping districts located within subareas of the City, providing basic goods and services within easy access of neighborhood residents.

Policy LU-8.4 - Neighborhood Shopping Centers. Promote reinvestment in the City's neighborhood shopping centers, with an emphasis on new retail uses that serve the adjacent neighborhoods and contribute to the overall vitality of the centers.

GOAL LU-10. Ensure that commercial and industrial projects are attractively designed and are sensitive to surrounding areas.

GOAL ED-2. Create an environment in which local business can prosper.

Policy ED-2.7 - Small Businesses. Create a supportive environment for small businesses, particularly locally-owned retail and service businesses Downtown and in the city's neighborhood centers.

The Project will consist of a retail building that will be constructed in a manner such that the exterior appearance of the building is compatible with the adjacent and nearby commercial retail buildings on Marina Boulevard and Doolittle Drive. The proposed retail building will be constructed on a property that is currently vacant but previously had a non-conforming retail commercial building destroyed by a fire in 2015. The project will connect to and be part of an existing small shopping center that serves the neighborhood and the surrounding area. The project would improve the existing small shopping center with the new retail building, re-paved parking, landscaping and street improvements. 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

proposed retail building is consistent with the land uses permitted in the zoning district and because the proposed retail building will not result in a change from the historical use of the site.

- 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 proposed retail building will comply with most of the CN(S) Commercial Neighborhood District requirements and be compatible with the existing commercial development at the site. The proposed retail building conforms to the CN District development standards such as setbacks, height, lot coverage, floor area ratio (FAR), and landscaping. Exceptions are requested for parking and daylight plane and are discussed in their respective findings below.

In the CN District, the side and rear yard setbacks are permitted to be zero setbacks and front and corner setback is 10 feet. The retail building is proposed to be one-story and approximately 20'-5" in height, below the permitted 30' height limit, with a 10-foot front and 48-foot corner side yard setback. In the CN district, fifty percent site coverage is permitted and the maximum base FAR is 0.3. The retail building is for approximately 30 percent lot coverage and 0.3 FAR. A total of 14% site landscaping will be provided, meeting the 5% site landscape requirement.

- 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.**

The site is currently vacant and once contained a non-conforming retail building that was destroyed by fire in 2015. The previous non-conforming retail building was used as a grocery store, was larger in size than the proposed retail building and had a zero setback along the adjacent public right of way and a non-conforming rear setback. Trip generation for the project estimates that 3,539 square feet of retail and commercial uses will not exceed the City's established thresholds of significance and will not affect the existing level of service of existing surrounding street segments and intersections, nor would the project have an adverse impact on traffic at Doolittle Drive and Marina Boulevard. The project is designed to serve adjacent neighborhood residential land uses and provides access for bicyclists and pedestrians residing in the immediate vicinity to reduce vehicle trips. 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.

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 3,539 square foot retail building as shown in the plan set is in conformance with the underlying CN District, except for the exceptions requested for parking and daylight plane. The proposed setbacks, height, lot coverage, floor area ratio, and landscaped areas are in conformance with the Zoning Code. The placement of the proposed new building in line with and next to the existing retail building at the shopping center provides for a harmonious and orderly development that maintains the required setbacks from the Doolittle Drive and Marina Boulevard. The trash enclosure will be located between the new and existing retail building and the colors and materials will match the new retail buildings façade. Mechanical equipment is conditioned to be fully screened from view in compliance with the Zoning Code requirements.

- 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 one-story retail building design provides adequate articulation as it is well articulated by the use of different façade materials (stucco, horizontal shiplap siding, trellis) and varying roof lines and building planes. The use of the color and materials scheme, window glazing, and metal canopies above the entrances enhances the appearance of the elevations. All roof mounted equipment is designed and conditioned to be screened. The design is modern which complements the existing immediate area and enhances the Marina Boulevard Gateway.

- 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 proposed landscaping for the site and along the Doolittle Drive and Marina Boulevard frontages complements the architectural design with an appropriate balance of trees, shrubs, and vines as demonstrated in the landscape plan. The trees are appropriate and specified at 24 inch box size. The minimum size for the shrubs will be required to be five gallons and the ground covers (such as grasses and vines) will be required to be one gallon or from flats with the necessary spacing to cover the planting areas in a growing season. The landscaping will be fully compliant with State Model Water Efficient Landscaping irrigation and water use standards. Currently, no landscaping exists at the site and the addition of landscaping will greatly enhance the site. A total of 14% site landscaping will be provided, meeting the 5% site landscape requirement for the CN District.

- 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 proposed project are visually consistent with the architectural and landscape design. The proposed retail building is designed with appropriate signage, lighting, fencing, wall, and landscaping as demonstrated in the plan set. The detail features will minimize off-site glare as the conditions of approval for the proposed retail building would prohibit light from spilling onto adjacent properties or creating off-site glare.

Parking Exception Findings

- 1. The strict application of the provisions of this Chapter would cause particular difficulty or undue hardship in connection with the use and enjoyment of said property.**

The project proposal of a retail building along with the existing retail building uses in the CN District requires 46 off-street parking spaces with the 5% bicycle parking reduction (Zoning Code Section 4-1704 and 4-1714). Bicycling parking will be provided in front of the proposed retail building with a rack and locker. The applicant is proposing 31 off street parking spaces, which includes two ADA parking spaces. Due to the current parking lot configuration, setback and landscape requirements, and due to the limitations of the location of the existing retail building which was constructed in 1951, the proposed project is unable to provide additional required off-street parking spaces. Providing additional required off-street parking spaces would cause particular difficulty as there is no location on the corner lot property to place additional parking spaces without losing landscaping, being within required setbacks, and affecting line of sight visibility by having driveways too close to the street intersection.

- 2. That the establishment, maintenance and/or conducting of off-street parking facilities as proposed are as nearly in compliance with the requirements set forth in this Chapter as are reasonably possible.**

The proposed retail building has been designed to be to be nearly in compliance with the CN District development requirements such as setbacks, height, lot coverage, floor area ratio, and landscaping. The site will be improved with a revised parking area with improved circulation. A total of 31 off-street parking spaces are being proposed as part of the project, a deficit of 15 parking spaces since the CN District requires 46 off-street parking spaces for the proposed retail building along with the existing retail uses at the shopping center. In April 2018, a parking impact analysis was conducted that reviewed existing parking conditions and expected parking demand. The parking analysis concluded that the peak parking demand is 32 parking spaces. When the parking analysis was conducted the proposed retail building was estimated to be 3,700 square feet. However, the proposed size has been revised down to 3,539 square feet. The 31 proposed parking spaces is reasonable to demand expected at the site for employee and customer parking. The parking analysis also indicated that there is sufficient on-street parking available on Doolittle Drive and Marina Boulevard. The project will serve the immediate adjacent neighborhood where trips are more conveniently made by foot and bicycle rather than by car and the project has been adequately designed to provide access for bicyclists and pedestrians residing in the immediate vicinity.

Administrative Exception Findings

- 1. The proposal would not be detrimental to public health, safety or welfare and would not cause undue damage, hardship, nuisance or other detriment to persons or property in the vicinity.**

The daylight plane regulations for commercial parcels next to a residential district require a 15-foot side or rear yard setback. The applicant's request of a 10-foot side yard setback for the daylight plane on the western side of the property that can be supported based on the physical setting of the existing parking lot, driveways, and retail shops at the site. The 10-foot side yard setback would allow for a compatible design with the existing physical improvements at the site and would be greater than the zero setback of the previous retail building that was destroyed by fire. The 10-foot daylight plane setback will create a greater space and buffer between the adjacent multi-family residential property than what was historically at the site and with what is currently at the site, as a portion of the existing retail building also has a zero setback. The adjacent multi-family residences 10-foot driveway into the complex is adjacent to the project site. With the adjacent 10-foot driveway and the proposed 10-foot daylight plane setback, the proposed retail building would be approximately 20 feet away from the multi-family residential apartment building. Based on analysis identified in the findings above, staff report for the project, all plans and reports submitted to the City with the project applications, it has been determined that the project will not be detrimental to public health, safety or welfare and will not cause undue damage, hardship, nuisance or other detriment to persons or property in the vicinity.