



Legislation Text

File #: 19-178, **Version:** 1

PLN17-0059; Consideration of a Conditional Use Permit, Site Plan Review, Parking Exception, and Administrative Exception to allow for a new 3,539 square foot retail building at 2181 Doolittle Drive. Pursuant to the Zoning Code the following code sections apply 2-680.B.3.a & e, 2-699, 3-1306.A, 4-1704, and 5-2502.A & B.3.a. Zoning District: CN(S) Commercial Neighborhood District (Special Review Overlay District); Alameda County Assessor's Parcel Number 077A-0697-001-11; Niknat Investors LLC (applicant/property owner).

SUMMARY AND RECOMMENDATIONS

The applicant proposes to construct a new 3,539 square foot retail building at 2181 Doolittle Drive. The site previously contained a retail building that was destroyed by fire. The subject property is zoned CN(S) Commercial Neighborhood District (Special Review Overlay District). The new retail building requires approval of a Conditional Use Permit, Site Plan Review, Parking Exception, and Administrative Exception from the Board of Zoning Adjustments. Staff recommends that the Board of Zoning Adjustments:

Adopt Resolution 2019-003, approving a Conditional Use Permit, Site Plan Review, Parking Exception, and Administrative Exception for 2181 Doolittle Drive, PLN17-0059, based on the Findings of Fact and subject to the Conditions of Approval.

RELATIONSHIP TO SURROUNDINGS AREA

The subject property is located at 2181 Doolittle Drive, between Marina Boulevard and Barrow Street. The small shopping center sits on two parcels. The subject parcel site is approximately 20,519 square feet in size. The adjacent parcel (2117 Doolittle Drive) to the north is approximately 9,364 square feet in size. The applicant has applied for a lot merger with the City's Engineering Department to merge the two lots into one parcel.

The subject parcel and the adjacent properties to the south (retail shopping center) and east (gas station) are all similarly zoned CN(S) Commercial Neighborhood District (Special Review Overlay District). The adjacent shopping center parcel is zoned CN Commercial Neighborhood District and contains retail uses and a cafe. The adjacent property to the west is a multi-family residential apartment building zoned RM-1800, Residential Multi-Family District (24 dwellings per gross acre).

PROPOSAL

The applicant is proposing to construct a new one-story 3,539 square foot retail building at 2181 Doolittle Drive. The proposed project site previously contained a non-conforming 7,500 square foot grocery store that was destroyed by fire in 2015. The prior structure destroyed by the fire had a zero front setback along Doolittle Drive and at the rear of the property, and was separated from the remainder of the shopping center by a breezeway used as a trash enclosure. The site is currently

vacant and the remaining adjacent shopping center has four tenant spaces. The proposed new retail building will have three tenant spaces. A new trash enclosure will be located between the proposed retail building and the existing retail building.

A total of 31 parking spaces are proposed for the entire shopping center and will be provided by extending the existing parking lot along the Doolittle Drive frontage. Circulation for the parking lot will be one way with cars entering from Barrow Street and existing Doolittle Drive. A bike locker and bike racks are proposed to be located in front of the new retail building. Landscaping and a monument sign facing the corner of Doolittle Drive and Marina Boulevard will be added to the site. The proposed new retail building is modern in design and will incorporate stucco, horizontal wood siding, metal canopies, and metal framed windows.

STAFF ANALYSIS

The subject property is zoned CN(S) Commercial Neighborhood District (Special Review Overlay District). The new retail building requires approval of a Conditional Use Permit, Site Plan Review, Parking Exception, and Administrative Exception. A Conditional Use Permit is required for establishment of a new structure in the Special Review Overlay District (Zoning Code Section 3-1306.A). Site Plan Review is required for a commercial development that requires a use permit and development of a non-residential new structure that is greater than 2,500 square feet (Zoning Code Section 5-2502.A & B.3.a). A Parking Exception is required for not meeting the parking requirement set by Zoning Code Section 4-1704. Administrative Exception is required for not meeting the daylight plane regulations for commercial parcels located adjacent to residential districts (Zoning Code Section 2-680.B.3.a & e. and 2-699). An Administrative Exception is considered by the Zoning Enforcement Official unless other aspects of the project require consideration by the Board of Zoning Adjustments.

Conditional Use Permit

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 proposed retail building replaces a retail building destroyed by fire and will be part of a small shopping center that serves the immediate 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 new retail building 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.

As mentioned earlier in this report, the site previously contained a 7,500 square foot non-conforming grocery store 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. In this instance, staff is able to recommend approval of reduced setbacks and parking due to the historical circumstances and spatial limitations of the project site. The San Leandro Zoning Code contains provisions to restore a legal non-conforming structure totally destroyed by fire with certain conditions, but the City previously advised the applicant against this course of action because replacing the prior building exactly as it was posed a life-safety hazard due to the former non-conforming structure's zero front setback on Doolittle Drive, a five-lane major arterial street, and zero rear setback facing an existing two-story apartment building, separated by a narrow one-lane

driveway. During the fire that occurred in 2015, the adjacent apartment building was damaged but saved due to the rapid response and efforts of the Alameda County Fire Department.

The proposed new building has been designed with appropriate setbacks and will be constructed in accord with current building and fire codes. The layout of the proposed new 3,539 square foot retail building as shown in the plan exhibits is in conformance with the underlying CN District, except for the exceptions requested for parking and daylight plane, which are discussed 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. The proposed setbacks, height, lot coverage, floor area ratio, and landscaped areas are in conformance with the Zoning Code.

Site Plan Review

The proposed design for the new retail building is a contemporary aesthetic design that complements the existing commercial area and enhances the Marina Boulevard Gateway. 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 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 facing Doolittle Drive and Marina Boulevard. All roof mounted equipment is designed and conditioned to be screened. 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. The proposed retail building is designed with appropriate signage, lighting, fencing, wall, and landscaping as demonstrated in the plan exhibits.

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 exhibit. 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.

Parking Exception

The project proposal of a new 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. With the 31 off-street parking spaces that are being proposed, there would be a deficit of 15 required parking spaces. In April 2018, a parking impact analysis was conducted by Aliquot 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. Staff believes that the 31 proposed parking spaces are reasonable to meet the demand expected at the site for employee and customer parking. Staff also recognizes that the project is well situated to serve pedestrian and bicycle traffic from the immediate adjacent residential neighborhood and is in close proximity to a San Leandro Links shuttle across the street.

Further, due to the current parking lot configuration, setback and landscape requirements, and 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 be difficult 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. Overall, the small shopping center, with the new extended parking lot along the Doolittle Drive frontage and new one-way circulation pattern will be an improvement from the existing site conditions.

Administrative Exception

The daylight plane regulations for commercial parcels next to a residential district requires a 15-foot side or rear yard setback. The applicant is proposing a 10-foot daylight plane side yard setback for the new retail building. 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. The granting of the Administrative Exception for the daylight plane is appropriate based on the analysis identified above, the findings of fact for the project, and the plan exhibits submitted for the project.

GENERAL PLAN CONFORMITY

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. Creative a supportive environment for small businesses, particularly locally-owned retail and service businesses Downtown and in the city's neighborhood centers.

PUBLIC OUTREACH

This item received standard noticing for the April 4, 2019 Board of Zoning Adjustments hearing, including a legal advertisement in the East Bay Times Daily Review newspaper, the posting of notices at City Hall and on the property, and mailing notification to business and property owners within 500 feet of the subject property. No public comments were received regarding this proposal at the time of the filing of this report.

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 proposed project site and the

surrounding area are not located in an environmentally sensitive area.

RECOMMENDATION

The uses as proposed conform both to the City Zoning Code and to the General Plan. Any potential issues associated with the applications will be addressed by the implementation of the recommended Conditions of Approval. Staff therefore recommends that the Board of Zoning Adjustments motion to adopt Resolution 2019-003, approving a Conditional Use Permit, Site Plan Review, Parking Exception, and Administrative Exception for 2181 Doolittle Drive, PLN17-0059, based on the Findings of Fact and subject to the Conditions of Approval.

ATTACHMENTS

Vicinity Map

Applicant Statement

Applicant Parking Exception Justification

Parking Impact Analysis

Plan Exhibits A - J

Resolution 2019-003 with Recommended Findings and Conditions of Approval (19-179)

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