



Legislation Details (With Text)

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Title:	PLN19-0047; Consideration of a Conditional Use Permit approval to allow Retail Sales in an existing 720 square-foot building at 1501 Clarke Street. Per Zoning Code 2-640.B.16, Retail Sales is allowed in the DA-3 zoning district, subject to the approval of a Conditional Use Permit. Zoning District: DA-3 Downtown Area-3; Alameda County Assessor's Parcel Number: 075-0021-006-00; Margie Diaz (applicant and property owner).				
Sponsors:	Tom Liao				
Indexes:					
Code sections:					
Attachments:	1. Vicinity Map, 2. Applicant Statement, 3. Public Comments Received, 4. Exhibits A-J				

Date	Ver.	Action By	Action	Result
10/3/2019	1	Planning Commission and Board of Zoning Adjustments		

PLN19-0047; Consideration of a Conditional Use Permit approval to allow Retail Sales in an existing 720 square-foot building at 1501 Clarke Street. Per Zoning Code 2-640.B.16, Retail Sales is allowed in the DA-3 zoning district, subject to the approval of a Conditional Use Permit. Zoning District: DA-3 Downtown Area-3; Alameda County Assessor's Parcel Number: 075-0021-006-00; Margie Diaz (applicant and property owner).

SUMMARY AND RECOMMENDATION

The applicant is requesting a Conditional Use Permit to allow retail sales within an existing 720 square-foot building at 1501 Clarke Street. The proposal includes minor modifications and upgrades to the building. Staff recommends conditions of approval to appropriately address the property's mixed use characteristics. The proposed tenant would be a flower shop for a locally-established floral designer. Staff believes that, with the recommended Conditions of Approval, the proposed use would operate in an orderly manner on the property without detriment or burden to the mix of uses in the immediate area and would be compatible with the purposes of the DA-3 zoning district.

Staff recommends that the Board of Zoning Adjustments adopt Resolution 2019-011, approving a Conditional Use Permit for 1501 Clarke Street, PLN19-0047, based on the Findings of Fact and subject to the recommended Conditions of Approval.

APPLICANT'S SUPPORTING STATEMENT

See attached applicant statement.

RELATIONSHIP TO SURROUNDING AREA

The subject parcel is a corner lot located at 1501 Clarke Street, at the corner with West Juana Avenue. It is approximately 8,381 square feet in size and contains a single family house (approx. 1,224 square feet), a garage, a garage/storage

building, and a 720 square-foot commercial building. The garages are accessory to the single-family house. The house faces Clarke Street and each garage and its driveway faces a different street. The commercial building is located at the corner of the property itself, with an angled entrance oriented toward the corner.

The property is located within the Downtown San Leandro Transit-Oriented Development Strategy (Downtown TOD Strategy) area, two blocks east of the San Leandro BART station, three blocks south of Davis Street, and three blocks west of East 14th Street. The property and adjacent properties to the north, east, and south are all zoned DA-3 Downtown Area-3 and they contain a mix of residential uses such as single-family houses, a few duplexes, and an assisted living facility. The property to the west is zoned DA-4 Downtown Area-4 and it contains a residential condominium complex spanning the entire city block.

BACKGROUND

According to a 2003 historical inventory prepared by Architectural Resources Group, the 720 square foot corner commercial building at 1501 Clarke St. was built in approximately 1880. It was relocated to this site from an unknown location sometime between 1918 and 1928. The adjacent house at 1511 Clarke Street was built in 1916. The corner commercial building at 1501 Clarke St. is not listed as a historic structure and is not in a historic district.

Available zoning maps and city records indicate that when the original Zoning Code was established in the early 1960's, the property was zoned for residential uses with prior designations of R-3-C and later RD, Residential Duplex. There is some historical evidence of a legal non-conforming commercial retail use operating in the building in the 1970's, but neither staff nor the applicant were able to find records of a business operating since that time and there is no record of a prior Conditional Use Permit having been approved for retail or other uses on the property.

In 2007, the Downtown TOD Strategy was adopted and the current Downtown Area 3 (DA-3) zoning district was established. This process re-zoned the subject property from RD Residential Duplex to DA-3, Downtown Area 3, effectively "up-zoning" the property from residential and opening up the possibility of legally establishing a retail use on the property. Per Zoning Code Section 2-640.C.16, the current DA-3 zoning designation allows retail uses with an approved Conditional Use Permit.

The commercial building was damaged in a vehicle collision and repaired in 2017. Earlier this year, the property owner and an interested future tenant asked City staff about the process of re-establishing the retail use within the corner commercial building.

DETAILS OF PROPOSAL

The applicant is requesting approval of a Conditional Use Permit to allow retail uses within the corner building at 1501 Clarke St. The applicant proposes to make minor modifications and upgrades to the building. In the interior, a counter and a backroom would be built to create front-of-house and back-of-house areas. At the exterior, main door and the display windows would remain where they are and an accessible side door and walkway would be added. Two new business signs would be painted on the street-facing walls and they would be lit by two existing single-pendant gooseneck lights. The store would operate Monday through Saturday from 7:00 a.m. to 8:00 p.m. No significant structural changes would be made to the building. The applicant requests that an existing on-street angled parking space be designated as a limited-time parking (green curb). The interested future tenant is a locally-established floral designer seeking to open a flower shop. The proposed plans include painting matching artwork on the side of the building, which does not require a permit and has already been completed.

STAFF ANALYSIS

In the DA-3 zoning district, "Retail Sales" is a conditionally permitted use, which is a use which the city has deemed could be compatible with the surrounding area when approved with appropriate conditions of approval. The applicant's proposal has been analyzed by staff to be appropriate and compatible with the surrounding area with the recommended conditions of approval.

The purpose of the DA-3 zoning district is "To implement specific provisions of the Downtown San Leandro Transit-Oriented Development 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.” The surrounding neighborhood in close proximity to the San Leandro BART station and the Downtown Retail Core, which includes the commercial uses along E. 14th Street nearby. The neighborhood is a mix of a variety of residential and some commercial uses, including single-family houses, multi-story apartment buildings, an assisted living facility, senior apartments, a medical office with a surface parking lot, an office building, and a gas station.

This permit approval would allow for the operation of the proposed flower store, whose size and scale is in keeping with these surrounding uses. In the future, any retail sales uses would have to comply with the definition of “Retail Sales”, which explicitly excludes liquor stores, convenience stores, and tobacco stores. The definition of “Retail Sales” does allow for the sales of consumer goods such as hobby supplies, gift items, books, hardware, antiques and vintage clothing, and office supplies. Therefore, this permit approval would make available a low-impact retail building within walking distance to residents, while limiting the scope of possible tenants to those that would not create land use conflicts.

The proposed hours of operation would also be in keeping with the surrounding neighborhood because it would be compatible with the existing level of activity near the San Leandro BART station and the Downtown Retail Core.

Architecture and Fencing

The proposal will not substantially modify the corner commercial building. The building would remain a 720 square-foot one-story building with an entry oriented toward the corner, transparent display windows at eye-level, horizontal wood siding, and single-pendant gooseneck light fixtures. The proposed signage includes two wall signs, one at 7 square feet and another at 5 square feet, both under the gooseneck lights. The existing and proposed architectural features are compliant with the sign guidelines detailed in the Downtown Design Guidelines and Principles. The commercial building will effectively remain pedestrian-oriented and compatible with the adjacent residential uses. Therefore, staff believes the overall proposal, with minor modifications and upgrades to the building, complies with the Downtown TOD Strategy and fits within the surrounding neighborhood.

The proposed designs for the fences and the trash enclosure would match nearby the residential streetscape. The separating fence would be a 5-foot high redwood fence, except in the first 20 feet of the front yard of the house, where it would be 3 feet high. The staggered heights match what is typically allowed in a residentially-zoned property. Likewise, the refuse enclosure would also be made of wood, with a gate, and a roof that resembles a trellis. The design would functionally keep refuse out of the public view without imposing a commercial architecture on a street block that is mostly residential.

Parking

As analyzed in the Downtown TOD Strategy, commercial uses of this size do not require much parking, as 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 any parking. The owner is requesting a green curb on an on-street angled parking space to designate it as a limited-time parking space, which will add to the variety of means by which patrons may visit the upgraded retail building.

Recommended Conditions

In addition to the proposed minor building modifications and upgrades, staff recommends conditions of approval to ensure that the use is compatible at this location. The recommended conditions of approval would require that the owner:

- Add a five-foot high redwood fence to separate the commercial use from the residential use on the property and demarcate the boundaries of activity for each use;
- Add a roofed refuse enclosure to store refuse receptacles out of the public view, in compliance with health and safety and water quality regulations;
- Remove the nonconforming chain-link (cyclone) fence along the W Juana Avenue property line to improve the overall image of the community;

- Maintain the building and keep the surrounding landscaping in a healthy and growing condition at all times; and
- Make the conditional use permit conditions of approval accessible to all business operators and employees on the property.

Staff recommends these conditions of approval in order to maintain the character of the neighborhood, separate the residential and commercial uses on the property, and for the use to be compatible with adjacent properties. Noise impacts are not anticipated and the proposed use will be subject to the City's noise ordinance. Staff has visited the site and surrounding area, reviewed exhibits and description of the proposed use and believes that with the recommended conditions of approval, the use will be compatible with the surrounding neighborhood.

GENERAL PLAN CONFORMITY

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." The 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). This permit approval would allow for the re-use of a commercial building that already meets the Downtown Design Guidelines and Principles, which calls for pedestrian-friendly architectural features and minimal signage. A retail sales store would be consistent with the General Plan for this land use designation. In addition, the following General Plan goals and policies would apply (note: CD-Community Development; ED-Economic Development; LU-Land Use; T-Transportation):

Goal CD-6 - Ensure that new construction and renovation contributes to the quality and overall image of the community.

Policy CD-6.2 - Recognizing Architectural Context. In areas without a well-established architectural aesthetic or consistent design palette, encourage contemporary and cutting edge design. In areas which have an established or more traditional design theme or rhythm, encourage infill development that increases architectural cohesion and reinforces the prevalent style or styles.

Goal ED-2 - Create an environment in which local businesses 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.

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

Policy T-1.5 - Land Use Strategies. Promote land use concepts that reduce the necessity of driving, encourage public transit use, and reduce trip lengths. These concepts include live-work development, mixed use development, higher densities along public transit corridors, and the provision of commercial services close to residential areas and employment centers.

PUBLIC OUTREACH

This item received standard noticing for the October 3, 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. Public comments received regarding this hearing item are attached to this report.

ENVIRONMENTAL REVIEW

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.

RECOMMENDATION

With the recommended conditions of approval, the proposed use conforms to the Zoning Code and General Plan. Staff recommends that the Board of Zoning Adjustments adopt Resolution 2019-011, approving a Conditional Use Permit for 1501 Clarke Street, PLN19-0047, based on the Findings of Fact and subject to the Conditions of Approval.

ATTACHMENTS

Resolution 2019-11 Attachments

- Recommended Findings of Fact

- Recommended Conditions of Approval

Staff Report Attachments

- Vicinity Map

- Applicant Statement

- Public Comments Received

- Exhibit A - Cover Sheet (Sheet 1)

- Exhibit B - Existing Site Plan (Sheet 2)

- Exhibit C - Proposed Site Plan (Sheet 3)

- Exhibit D - Proposed Floor, Accessible Route, and Refuse Storage Plan (Sheet 4)

- Exhibit E - Elevations, Store Building (Sheet 5)

- Exhibit F - Elevations for Refuse Enclosure (Sheet 6)

- Exhibit G - Elevations, Store Section of Property with Fencing (1 of 2) (Sheet 7)

- Exhibit H - Elevations, Store Section of Property with Fencing (2 of 2) (Sheet 8)

- Exhibit I - Proposed Signs (Sheet 9)

- Exhibit J - Photos of Existing Building (Sheet 10)

PREPARED BY:

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