

City of San Leandro Board of Zoning Adjustments

RESOLUTION NO. 2023-

**A RESOLUTION OF THE BOARD OF ZONING ADJUSTMENTS
OF THE CITY OF SAN LEANDRO**

**A RESOLUTION APPROVING
CONDITIONAL USE PERMIT PLN23-0011
561 LAFAYETTE AVENUE**

WHEREAS, the Alta Mira Club ("Applicant") submitted an application for Conditional Use Permit to modify an existing approval to host rental events at 561 Lafayette Avenue, zoned RS, Residential Single Family, (PLN23-0011) ("Project"); and

WHEREAS, 561 Lafayette Avenue ("Property"), comprises one parcel of approximately 0.44 acres (APN 075-0178-01) occupied by the Peralta House, with a floor area of 6,547 square feet; and

WHEREAS, the Property is zoned RS, Residential Single Family, and is designated Low Density Residential in the General Plan; and

WHEREAS, the Applicant applied for and received approval for an assembly use allowing up to four rental events per month (ZA-90-1); and

WHEREAS, the Zoning Code has been updated to conditionally permit assembly uses in the RS zone in accordance with Section 2.04.212.B of the Zoning Code and modifying the use requires approval of a Conditional Use Permit pursuant to current regulations; and

WHEREAS, this project is categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines, Section 15301, Existing Facilities; and

WHEREAS, the Board of Zoning Adjustments held a duly noticed public hearing on September 7, 2023, regarding the proposed project, at which time all interested parties had the opportunity to be heard; and

WHEREAS, the Board of Zoning Adjustments fully considered the Project application and entitlements, applicant's statements, staff report, findings of fact, conditions of approval, public comments, and all other testimony and evidence presented at the public hearing; and

WHEREAS, the Board of Zoning Adjustments finds that the staff report, Categorical Exemption from CEQA, and standards for approval reflect the City's independent judgement and analysis of the Project; and

WHEREAS, the Board of Zoning Adjustments finds that the evidence in the record constitutes substantial evidence to support the actions taken and the Project does satisfy the requisite Findings of Fact necessary for approval as further explained in the staff report and attachments, and that the Findings of Fact are supported by substantial evidence in the record, including testimony received at the public hearing, the staff presentations, the staff report and all materials in the project files. There is no substantial evidence, nor are there other facts, that negate the findings made in this Resolution. This Board of Zoning Adjustments expressly declares that it considered all evidence presented and reached these Findings after due consideration of all evidence presented to it; and

WHEREAS, the City's General Plan and the Zoning Code are incorporated herein by reference and are available for review at City Hall during normal business hours and on the City's website.

NOW, THEREFORE, BE IT RESOLVED THAT: The foregoing recitals are true and correct and made part of this resolution; and

BE IT FURTHER RESOLVED THAT: The Board of Zoning Adjustments thoroughly reviewed the evidence received to date and does hereby make the following Findings of Fact associated with this Resolution as required by Section 5.08.124.A of the City of San Leandro Zoning Code:

1. Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Existing Facilities involving negligible expansion of an existing structure.
2. That the proposed location of the use is in accord with the objectives of the Zoning Code and the purposes of the district in which the site is located.
3. 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.
4. That the proposed use will comply with the provisions of the Zoning Code, including any specific condition required for the proposed use in the district in which it would be located.

5. 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.

Based on the above findings and determinations, the Board of Zoning Adjustments of the City of San Leandro does hereby approve PLN23-0011 for a Conditional Use Permit authorization to modify an existing approval to host rental events at 561 Lafayette Avenue, subject to the following Conditions of Approval:

1. Rental Events by third-parties may include church services, receptions for social events, memorial services, meals, meetings and lectures, musical performances or art/cultural shows or events, bazaars and fundraisers, weddings, birthdays, civic organizational meetings, and events similar in nature at the determination of the Community Development Director. Rental Events do not include events hosted by the Applicant / Property Owner for members.
2. Operations and events on site shall comply with the San Leandro noise ordinance, Municipal Code Section 4-1-11.
3. The Applicant / Property Owner shall inform all Rental Event organizers of the availability of parking on the City parking lot at Peralta and Lafayette Avenues, and shall provide a street map showing the relationship of the Alta Mira Club to the parking lot as part of all rental agreements. The rental agreement shall: 1. note the community concern regarding parking 2. request all renters not to park in front of residences or to block driveways, and 3. note the risk of ticketing and tow-away for violations.
4. All Rental Events shall end not later than 9:00 p.m. Friday and Saturday, and 8:00 p.m. other weekdays and Sundays; clean up shall be completed and the premises entirely vacated within one hour after the scheduled end of the event.
5. The Applicant / Property Owner shall not rent the premises for more than seven hours (including set up and clean up) for any one event. Deliveries shall not be made prior to 9:30 a.m.
6. The Applicant / Property Owner shall be responsible for prompt pick-up of any litter or debris attributable to events at the club on the club site and on any residential property or street within 150 feet of the Club property.
7. A maximum of twenty Rental Events per month are allowed. The serving of alcoholic beverages shall be limited to beer, wine, and champagne. No alcoholic beverages may be carried or consumed out of the building. The Applicant / Property Owner shall comply with applicable California Department of Alcoholic Beverage Control requirements.

8. The Applicant / Property Owner shall have a representative on site at all times during a Rental Event, including during setup and cleanup. The Applicant / Property Owner is responsible for communicating to all Rental Event organizers requirements and the consequences if event requirements are violated. The Applicant / Property Owner representative is responsible for ensuring that the conditions of approval are adhered to and has the responsibility to call city police and/or terminate the event immediately upon becoming aware of any conditions of approval violations.
9. Rental agreements between the Applicant / Property Owner and Rental Event organizers shall incorporate these conditions. A copy of these conditions shall be posted in the Club building.
10. In accordance with Section 5.08.136 of the Zoning Code, this use permit shall lapse after two years unless the use is established; or the approval is granted a one-year extension by the Zoning Enforcement Official upon receipt of a written application with the required fee within the time period specified by the review authority, or two years from the date of the approval.
11. Furthermore, and in accordance with Section 5.24.108 of the Zoning Code, upon determination by the Zoning Enforcement Official that there are reasonable grounds for revocation of this use permit, a revocation hearing shall be set by the Zoning Enforcement Official before the Board of Zoning Adjustment.

PASSED, CONDITIONALLY APPROVED, AND ADOPTED, on this 7th day of September 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Litha Zuber
Chair of the Board of Zoning Adjustments

ATTEST:

Avalon Schultz, AICP
Secretary to the Board of Zoning Adjustments