

City of San Leandro Planning Commission

RESOLUTION NO. 2023-004

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

**A RESOLUTION APPROVING A CONDITIONAL USE PERMIT
PLN22-0051
1935 WASHINGTON AVENUE**

WHEREAS, Salvador Soto ("Applicant") and Christopher Dabit ("Property Owner") submitted an application for a Conditional Use Permit to allow the sale of beer and wine at 1935 Washington Avenue for off-site consumption, zoned CC, Community Commercial, (PLN22-0051) ("Project"); and

WHEREAS, 1935 Washington Avenue ("Property"), comprises one parcel of approximately 0.36 acres (APN 075-073-001-03) occupied by an existing gas station and convenience store; and

WHEREAS, the Property is zoned CC, Community Commercial, and is designated MUC, Corridor Mixed Use, in the General Plan; and

WHEREAS, the existing service station received Conditional Use Permit approvals in 1964 (CU-64-28) and was constructed in 1966; and

WHEREAS, a Conditional Use Permit is required to allow the concurrent sales of motor fuel and alcohol in accordance with Zoning Code Section 4.04.228; and

WHEREAS, the Project is categorically exempt from the California Environmental Quality Act (CEQA) in accordance with California Code of Regulations, Section 15301 because it is an existing facility that will not be enlarged; and

WHEREAS, the Board of Zoning Adjustments held a duly noticed public hearing regarding the proposed Project on April 6, 2023, 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 reflects the City's independent judgement and analysis of the Project; and

WHEREAS, the Board of Zoning Adjustments finds that the proposed Project satisfies the requisite findings of fact necessary for approval as further explained in the staff report and the findings of fact associated with this Resolution, as described in "Exhibit A" attached to this Resolution; 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.

BE IT FURTHER RESOLVED THAT: The Board of Zoning Adjustments of the City of San Leandro does hereby make the following findings and determinations regarding the proposed Project PLN22-0051:

1. The proposed Project is categorically exempt from further environmental review pursuant to the California Code of Regulations Section 15301 – Existing Facilities.
2. The Board of Zoning Adjustments of the City of San Leandro does hereby make the necessary findings and determinations required by Section 5.08.124 of the City of San Leandro Zoning Code to approve a Conditional Use Permit to allow the sale of beer and wine at 1935 Washington Avenue for off-site consumption, further described in the staff report and findings of fact for approval as set forth in "Exhibit A" attached hereto and incorporated herein by this reference.
3. Based on the findings and determinations, the Board of Zoning Adjustments of the City of San Leandro does hereby approve the Conditional Use Permit to allow the sale of beer and wine at 1935 Washington Avenue for off-site consumption, subject to the Conditions of Approval, as further set forth in "Exhibit B" attached hereto and incorporated herein by this reference.

PASSED, CONDITIONALLY APPROVED, AND ADOPTED, on this 6th day of April 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dylan Boldt,
Chair of the Board of Zoning Adjustments

ATTEST:

Avalon Schultz, AICP
Secretary to the Board of Zoning Adjustments