

**RECOMMENDED  
FINDINGS OF FACT**

**PLN2022-0051**

**1935 Washington Avenue, APN: 075-073-001-03  
(west side of Washington Avenue, south side of Castro Street)  
Salvador Soto (applicant), Christopher Dabit (property owner)**

The Board of Zoning Adjustment hereby approves the Conditional Use Permit, and Categorical Exemption from CEQA for a Type 20 license from the Department of Alcoholic Beverage Control for the sale of beer and wine for off-site consumption, subject to the following findings, in accordance with Section 4.04.228 of the Zoning Code.

**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 subject site is located in the CC, Commercial Community, zone. The addition of beer and wine sales the proposed location conforms to the purpose of the CC District, which is to provide sites for a wide variety of commercial establishments. Given that the proposed use is accessory in nature to the existing gas station and convenience store and is conditioned to comply with all City of San Leandro and State laws and regulations, the proposed use will not create adverse effects on adjacent areas and is appropriate to the existing commercial and residential neighborhood.

- 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 provision of the concurrent sale of motor vehicle fuel and the sale of beer and wine for off-site consumption from the existing convenience store is consistent with the General Plan and will not be detrimental to nearby residents, employees, or the community at large because it is accessory to—and wholly within—the existing convenience store and is expected to generate minimal additional traffic. The site is identified in a Retail Service District in the General Plan Land Use Element and has a Corridor Mixed Use (MUC) General Plan land use designation, which allows a range of commercial and office uses that serve neighborhood and community needs and encourage bicycling and walking (General Plan page 3-30). In addition, the proposal is consistent with the following General Plan policies:

**Policy ED-4.1 Retail Diversity.** Encourage a diverse range of commercial uses, offering goods and services that fully meet the needs of San Leandro residents and businesses. The City should recruit new businesses that: (a) fill gaps in the range of goods and services currently available; and (b) act as catalysts for attracting other retailers to the City.

**Policy ED-4.4 Business District Improvements.** Encourage upgrades to the appearance of businesses and the condition of properties in the city's business districts.

Compliance with state regulations and Conditions of Approval will further ensure the sale of beer and wine for off-site consumption is not detrimental to nearby residents, employees, or the community at large.

**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.**

The provision for sales of beer and wine for off-site consumption will comply with the requirements of the CC Commercial Community code requirements. The Department of Alcoholic Beverage Control and the City will require compliance with all regulations and Conditions of Approval.

**4. That the proposed use will not create adverse impact on traffic or create demands exceeding the capacity of public services and facilities, which cannot be mitigated.**

The existing property and convenience store is adequately served by streets, utilities and other public facilities without detriment to the surrounding area. The proposal, which is accessory to the established use, will not affect the public utilities and facilities already serving the site. The proposed project has been reviewed with respect to its impact on traffic and other facilities and public services. The San Leandro Police Department conducted a review of the proposal and added to the conditions of approval to address security concerns and operations at the subject property.

## **CEQA ENVIRONMENTAL REVIEW**

This project is categorically exempt from environmental review under the California Environmental Quality Act pursuant to Article 19, Section 15301 of the State CEQA Guidelines, as an Existing Facility with no expansion, interior alterations, and not located in an environmentally sensitive area.