

RESOLUTION NO. 19-002

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

**A RESOLUTION APPROVING CONDITIONAL USE PERMIT, SITE PLAN
REVIEW, ADMINISTRATIVE REVIEW PLN18-0047
844 ALVARADO STREET**

WHEREAS, Maximus Antonio Alvarado LLC (“Applicant”) submitted an application for Conditional Use Permit, Site Plan Review, and Administrative Review to build Filarmonica Artista Amadora de San Leandro (FAASL) Music Conservatory, a new 4,326 square foot building at 844 Alvarado Street (PLN18-0047) (“Project”); and

WHEREAS, 844 Alvarado Street (“Property”) is comprised of a 12,750 square foot vacant parcel; and

WHEREAS, the Property is zoned DA-4 (S) Downtown Area 4 (Special Policy Area 5) and has a General Plan designation of Transit-Oriented Development Mixed Use (MUTOD); and

WHEREAS, the Property is within one-quarter mile of the San Leandro BART Station and situated in the City’s Downtown San Leandro Transit-Oriented Development Strategy (TOD Strategy) area; and

WHEREAS, Conditional Use Permit is required for the establishment of any new land use and/or structure within an S Overlay District (Zoning Code Section 3-1306.A). Site Plan Review is required for development plans in the DA-4 district for general consistency with the Design Guidelines for the TOD Strategy (Zoning Code Sections 2-698.C and 5-2502). Administrative Review is required for Instruction and Improvement Services for the music conservatory use (Zoning Code Section 2-642.C.6); and

WHEREAS, an Infill Checklist has been prepared in accordance with Public Resources Code Section 21094.5. and the CEQA Guidelines, California Code of Regulations Section 15183.3 and Appendices M and N. The Infill Checklist tiers off the 2035 General Plan Update Environmental Impact Report (2016). This prior EIR was prepared as part of enacting the City’s General Plan Update and zoning code which implemented the Downtown Transit-Oriented Development (TOD) Strategy (CEQA Guidelines 15183.3). This Infill Checklist demonstrates that any significant effects of the 915 Antonio Street and 844 Alvarado Street Project (collectively, “Project”) were analyzed in the prior EIR or would be substantially mitigated by the City’s uniformly applicable development policies. The Infill Checklist also incorporates information from the Downtown TOD EIR (2007), which also qualifies

as a prior EIR. Therefore, pursuant to Public Resources Code Section 21094.5, no additional environmental review is required under CEQA for the Project as an infill project; and

WHEREAS, the Board of Zoning Adjustments held a duly noticed public hearing regarding the proposed Project on March 7, 2019, 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, finds 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 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 does satisfy 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 identified 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 above and forgoing recitals are true and correct and made a 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 regarding the proposed Project:

1. The Board of Zoning Adjustments of the City of San Leandro does hereby make the necessary findings and determinations required by Section 5-2212 of the City of San Leandro Zoning Code to approve the requested Conditional Use Permit, Site Plan Review, and Administrative Review for a music conservatory at 844 Alvarado Street, as further explained in the staff report and findings of fact for approval as set forth in "Exhibit A" attached hereto and incorporated herein by this reference.
2. Based on the findings and determinations, the Board of Zoning Adjustments of the City of San Leandro does hereby approve Conditional Use Permit, Site Plan Review, and Administrative Review PLN18-0047 allowing a music conservatory at 844 Alvarado Street

subject to the Conditions of Approval, as further set forth in "Exhibit B" attached hereto and incorporated herein by this reference.

PASSED, APPROVED, AND ADOPTED, on this 7th day of March, 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chair of the Board of Zoning Adjustments

ATTEST:

Andrew J. Mogensen, AICP
Secretary to the Board of Zoning Adjustments