



Legislation Text

File #: 19-516, **Version:** 1

RESOLUTION No. 2019-011 of the Board of Zoning Adjustments of the City of San Leandro, Approving a Conditional Use Permit for 1501 Clarke Street (PLN19-0047).

WHEREAS, Margie Diaz (“Applicant” and “Owner”) submitted an application for a Conditional Use Permit to allow Retail Sales in an existing 720 square-foot building at 1501 Clarke Street (PLN19-0047) (“Project”); and

WHEREAS, 1501 Clarke Street (“Property”) is a lot measuring 8,381 square feet and containing a single-family residence, two garages, and a 720 square-foot commercial building; and

WHEREAS, the Property is zoned DA-3 Downtown Area-3 and has a General Plan designation of Transit-Oriented Development Mixed Use (MUTOD); and

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

WHEREAS, in the Zoning Code, Retail Sales in the DA-3 zoning district is a conditionally permitted use; and

WHEREAS, the project qualifies as categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines, Article 19, Section 15301, because it is an Existing Facility that involves minor alterations and negligible expansion of use, it is in an area where all public services and facilities are available to allow for maximum development, and it is not located in an environmentally sensitive area; and

WHEREAS, the Board of Zoning Adjustments held a duly noticed public hearing regarding the proposed Project on October 3, 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, Downtown San Leandro Transit-Oriented Development Strategy, Downtown Design Guidelines and Principles, 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 IT IS RESOLVED THAT: The forgoing 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:

1. The Board of Zoning Adjustments of the City of San Leandro does hereby make the necessary findings and determinations required by Sections 5-2212 of the City of San Leandro Zoning Code to approve the requested Conditional Use Permit to allow Retail Sales in a 720 square-foot building at 1501 Clarke 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 PLN19-0047 to allow retail sales in a 720 square-foot building at 1501 Clarke Street, subject to the Conditions of Approval, as further set forth in "Exhibit B" attached hereto and incorporated herein by this reference.