



Variations

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CITY OF SAN LEANDRO Community Development Department

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General Information

All Variance applications are required to comply with California Government Code Section 65906 in order to be eligible for consideration.

Variance applications requesting special privileges or relief due to a self-imposed condition are ineligible for consideration.

Does CEQA Apply?

Variations applications are usually found to not have a significant effect on the environment and may be eligible for a categorical exemption from the requirements of the California Environmental Quality Act (CEQA). But this isn't always the case. Applicants may be required to submit a deposit for an initial study if their request could involve potential environmental impacts or if their request is associated with a larger development project.

Zoning Code and map available online here: <http://sanleandro.org/depts/cd/plan/zonecodemap.asp>

HOURS: MON / TUE / THUR 8 AM–4 PM, WED 8 AM–3 PM, FRI BY APPOINTMENT

What is a Variance?

A Variance is a permit issued by the Board of Zoning Adjustments intended to resolve practical difficulties or unnecessary physical hardships that may result from the size, shape, or dimensions of a site; or from topographic or other physical conditions on the site or in the immediate vicinity of the site. A Variance is used to restore a property right, not grant an exception to a rule. Variations are rare and most situations do not qualify for consideration under State law.

In general, a Variance can not grant special privileges or permit land uses not otherwise allowed by the Zoning Code in a particular zoning district. A failure to obtain a building permit or economic hardship do not qualify as eligible criteria for a Variance. Variations can not be used to resolve self-imposed problems. In addition, a Variance can not change the essential character of a neighborhood or pose a conflict with the General Plan.

What findings must be made in order to approve a Variance?

Approval of a Variance can *only* be made if the proposal can meet ALL of the following findings [as per Zoning Code Section 5.08.124(B)] based on the application, plans, materials and testimony presented at the meeting:

1. That because of special circumstances or conditions applicable to the subject property – including narrowness and shallowness or shape, exceptional topography, or the extraordinary or exceptional situation or conditions – strict application of the requirements of this article would result in peculiar and exceptional difficulties to, or exceptional and/or undue hardships upon, the owner of the property;
2. That the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources; and without significant detriment or injury to property or improvements in the vicinity of the development site, or to the public health, safety and general welfare; and
3. That granting the application is consistent with the purposes of this Code and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district.

Who approves a Variance application?

The Board of Zoning Adjustments is the designated review board for Variations. The Board consists of six residents of San Leandro appointed by the City Council by District, with one additional member appointed at large. The Board meets and holds public hearings on the first and third Thursdays of every month at 7:00 p.m. in the City Council Chambers of City Hall. The applicant or a designated representative must be present at the public hearing.

What do I need to submit if I want to apply for a Variance?

If you believe that your circumstances may qualify for a Variance, then your next step is to contact a planner. Every situation is unique and Variance application requirements depend on the nature of the request.

At a minimum, the following items are required for submittal in order for the City to begin processing a Variance application:

- 1.) Applicant's supporting statement clearly identifying the reason and justification for the Variance request.
- 2.) Application fee and a completed "Agreement for Payment of Fees for Application Processing" with deposit. A deposit for CEQA may also be required.
- 3.) Fifteen (15) sets of scaled plans with an accurate representation of the Variance being requested. Required plans may include, but are not limited to, accurately dimensioned site plans, floor plans, cross-sections, and elevations (ARCH B/D or ANSI B/D).
- 4.) A recently prepared Title Report (within 90 days)

Other items which may be required could include:

- 5.) Building materials sample and/or color board
- 6.) Stormwater management plans
- 7.) Preliminary landscaping plans
- 8.) Special studies (Traffic, Geotechnical, Biological, Cultural Resources, Parking, Lighting, etc.)
- 9.) Photosimulations and/or view studies
- 10.) Site photographs and/or aerials
- 11.) Survey or boundary map

Please review the qualifying criteria with a staff planner before considering any variance application.