



City of San Leandro

Meeting Date: October 3, 2016

Ordinance

File Number: 16-460

Agenda Section: CONSENT CALENDAR

Agenda Number: 8.J.

TO: City Council

FROM: Chris Zapata
City Manager

BY: Cynthia Battenberg
Community Development Director

FINANCE REVIEW: Not Applicable

TITLE: ORDINANCE Amending Ordinance 2007-021 (to Create Special Review Criteria for Certain Properties within the Downtown Transit-Oriented Development Study Area Generally within ½ Mile Radius of the Intersection of East 14th Street and Davis Streets) to Remove Special Project Areas SP-1, Downtown South Gateway and SP- 8 BART/Westlake Properties; and to Modify the Special Review Criteria for SP-2, Washington Plaza Shopping Center and San Leandro Plaza; SP-3, Town Hall Square and Vicinity; and SP-5, North Alvarado Sites.

WHEREAS, the City of San Leandro recently adopted the 2035 General Plan, which states that “the San Leandro General Plan aspires to update its zoning regulations and zoning map to ensure consistency with the updated General Plan Map and Land Use categories. Furthermore, to comply with State General Plan Guidelines, the City has updated its General Plan to ensure that it remains relevant and reflects local physical and demographic patterns”; and

WHEREAS, the 2035 General Plan “aspires to update wording pertaining to the “S” Overlay Zones in the Downtown TOD Areas identified as SP-1, Downtown South Gateway, SP-2, Washington Plaza Shopping Center and San Leandro Plaza Special Policies, SP-3, Town Hall Square and Vicinity Special Policies, ...SP-5, North Alvarado Sites Special Policies and SP-8, BART/Westlake Properties Special Policies to encourage development of additional City gateway features and undertake public improvements”; and

WHEREAS, on September 17, 2007, the City Council adopted Ordinance 2007-021, to implement the Downtown TOD Strategy. The ordinance adopted Special Review Criteria for eight specified areas subject to the S-Overlay for Special Project Areas. Ordinance 2007-021 is incorporated herein by reference; and

WHEREAS, the following goals and policies in the new General Plan are implemented with the amendments to the Special Review Criteria for the “S” Overlay Zones: Goal LU-6

Foster the development of Downtown San Leandro as a vibrant pedestrian oriented destination; Policy LU-6.1 Downtown Plans; Action LU-6.1.B TOD Strategy Update; Policy LU-6.2 Downtown Sub-Districts; Policy LU-6.4 Office Development; Policy 6.6 Downtown Housing Diversity; Policy LU-6.13 BART Station Area Transit Village; Action LU-6.13.C. BART Area Housing; Policy LU-6.14 Downtown Open Space; Action LU-6.14.A. Thrasher Park and San Leandro Creek; Action LU-6.14.B Town Square Park; Policy ED-1.8 Expand the Local Office Market; Goal ED-4 Create attractive, economically vibrant commercial areas; Policy ED-4.5 Downtown San Leandro; and

WHEREAS, the City of San Leandro Planning Division was tasked with periodic updates to land use development ordinances; and the Zoning Code is required to be brought into conformity with the new 2035 General Plan. Accordingly, with respect to the S-overlay zones, staff prepared amendments to Ordinance 2007-021 text, as set forth in **Exhibit A**, and to the ordinance map as set forth in **Exhibit B**, both of which exhibits are incorporated herein by reference. All text and map provisions in Ordinance 2007-021 except those in Exhibits A and B would continue to be in effect; and

WHEREAS, the City prepared an Environmental Impact Report (EIR) for the new General Plan and related zoning amendments, including amendments to the S-overlay zones, in compliance with the California Environmental Quality Act; and

WHEREAS, between May 27 and July 25, 2016, staff held community meetings with Industrial Transition property owners, Downtown Area property owners, the San Leandro Improvement Association, the Downtown Association, the Chamber of Commerce, the Estudillo Estates Homeowners Association, and other interested parties to present proposed zoning text and map changes related to the new General Plan, including amendments to the S-overlay zones, and to receive public comments on the proposed amendments; and

WHEREAS, on June 16, 2016, the Planning Commission held a work session to receive public comments on the draft amendments and to review and provide recommendations. The City Council held similar work sessions on July 5, 2016 and July 25, 2016; and

WHEREAS, a staff report dated August 25, 2016 and incorporated herein by reference, described and analyzed the proposed S-overlay zone amendments for the Planning Commission; and

WHEREAS, the Planning Commission reviewed the staff report and the proposed amendments to Ordinance 2007-021 and the City Zoning Map, as set forth in attached Exhibits A and B, at a duly noticed public hearing on August 25, 2016, at which time all interested parties had the opportunity to be heard. In addition to legally required notice, the City also sent courtesy notices to property owners affected by the amendments and other interested parties; and

WHEREAS, following the public hearing, the Planning Commission adopted Resolution 2016-002 recommending City Council certification of the Final Environmental Impact Report, Resolution 2016-003 recommending City Council approval of the new General Plan, and Resolution 2016-004 recommending City Council approval of the S-overlay zone

amendments, which resolutions are incorporated herein by reference; and

WHEREAS, a staff report dated September 19, 2016 and incorporated herein by reference, described and analyzed the proposed S-overlay zone amendments for the City Council; and

WHEREAS, the City Council held a duly noticed public hearing on the proposed S-overlay zone amendments on September 19, 2016, at which time all interested parties had the opportunity to be heard; and

WHEREAS, the City Council considered the staff report, the Planning Commission recommendation, the EIR, all oral and written testimony, and the materials in the record before taking action on the proposed S-overlay zone amendments; and

WHEREAS, following the public hearing, the City Council adopted Resolution 2016-____ certifying the EIR and making required CEQA findings for the 2035 General Plan and related zoning amendments, including the S-overlay zone amendments, and adopted Resolution 2016-____ adopting the San Leandro 2035 General Plan, which resolutions are incorporated herein by reference.

NOW, THEREFORE, the City Council of the City of San Leandro does **ORDAIN** as follows:

SECTION 1. Recitals. The above recitals are true and correct and made a part of this ordinance.

SECTION 2. CEQA. The S-overlay zone amendments are within the project analyzed in the Environmental Impact Report certified by the City Council in Resolution ____ on September 19, 2016.

SECTION 3. Findings. Based on the entirety of the record, the City Council hereby finds that the proposed S-overlay zone amendments to Ordinance 2007-021 as shown in Exhibits A and B are consistent with the policies of the recently adopted 2035 General Plan. The City Council further finds that consideration of the proposed S-overlay zone amendments complied with the notice and hearing provisions of the Zoning Code.

SECTION 4. Approval. The City Council hereby approves the S-overlay zone amendments as shown in attached Exhibits A and B, described as follows:

- Exhibit A: Proposed Amendments to Ordinance 2007-021 text
- Exhibit B: Proposed Amendments to Ordinance 2007-021 map

Attached Exhibits A and B are incorporated herein by reference and available for review in the City Clerk's office during normal business hours.

SECTION 5. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance

are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

SECTION 6. Publication and Effective Date. This Ordinance shall take effect thirty (30) days after adoption. The City Clerk of the City of San Leandro shall cause the Ordinance to be published in accordance with Section 36933 of the Government Code of the State of California.

2703518.1

**Ordinance _____, Exhibit A: Amendments to Ordinance 2007-021,
Special Review Overlay Criteria**

Bold and underlined indicates added text; ~~strikethrough~~ indicates deletions

Special Review Overlay Criteria

Implementation of the TOD Strategy also includes associated rezoning of certain properties within the ½ mile radius to S-Overlay to address the eight Special Policy Areas identified in the Strategy. The rezoning will result in the S-Overlay designation being added as follows: DA-1 (S), DA-4 (S), ~~DA-5 (S)~~, DA-6 (S), PS (S) and OS (S).

The following is language that will be provided in ordinance form for the City Council meeting that would provide policy guidance for the ~~eight (8)~~ **six (6)** Special Policy Zones:

The “S” Overlay Zone is hereby applied to certain areas as described herein to implement provisions of the Downtown San Leandro Transit-Oriented Development Strategy where flexibility is needed to allow for varying development scenarios on those Parcels. The guidelines set forth herein are in addition to those requirements set forth in the underlying DA District. Where a conflict arises between the provisions of the “S” Overlay and the underlying DA District, the provisions of the “S” Overlay shall prevail.

~~Special SP-1 – Downtown South Gateway Policies. To implement specific provisions of the Downtown San Leandro Transit-Oriented Development Strategy where special flexibility is needed to allow for policies that may result in varying development scenarios at the 1.7 acre site fronting on the east side of East 14th Street between Juana and Dolores Avenues. Development requirements for this site shall be consistent with the Downtown Area 1 District with the exception that mixed-use development is required with residential use on the upper floors and retail use on the ground floors fronting East 14th Street. A minimum front setback of seven feet is required along East 14th Street to create a minimum 15-foot wide pedestrian zone; and an additional 10-foot setback is required at the proposed BRT station to allow for transit related facilities and patron waiting areas.~~

~~SP-2 - Washington Plaza Shopping Center and San Leandro Plaza Special Policies. To implement specific provisions of the Downtown San Leandro Transit-Oriented Development Strategy where special flexibility is needed to allow for policies that may result in varying development scenarios at the 7.5 acre site fronting on Davis Street, East 14th Street, Hays Street, Washington Avenue, and West Juana Avenue. Development requirements for this site shall be consistent with the Downtown Area 1 District with the exception that ground floor retail is required on all parcels and residential use is desired on the upper floors. Furthermore, any expansion of square footage North of Estudillo Avenue ~~must~~ **should** include a mixed-use component with either office or residential on upper floors. Office uses are only allowed when in conjunction with retail or residential uses. West Joaquin Avenue between Hays Street and Washington Avenue shall be re-established as a pedestrian paseo as a part of any new development. The northern area of the site bounded by Davis Street, East 14th Street, Hays Street~~

and the West Estudillo Avenue paseo is the preferred location for a new 1.0 – 1.5-acre City Square.

SP-3 - Town Hall Square and Vicinity Special Policies. To implement specific provisions of the Downtown San Leandro Transit-Oriented Development Strategy where special flexibility is needed to allow for policies that may result in varying development scenarios of the 3.7-acre area excluding the East 14th Street right-of-way. Development requirements for this site shall be consistent with the Downtown Area 1 District with the exception that ~~mixed-use development is required with residential use on the upper floors;~~ ground floor retail is encouraged along Davis Street and Callan Avenue; **and the** minimum building height is 24 feet or two stories; ~~the building setbacks along the west side of East 14th Street shall be approximately 12 feet to align with the Civic Center and create a minimum 25-foot wide sidewalk/pedestrian amenity zone.~~ **Reconfiguration and/or narrowing of Dan Niemi Way (Hays Street) will be closed is encouraged** between East 14th Street and Davis Street to create a ~~pedestrian open space connector~~ **an improved pedestrian experience, outdoor plazas, and increased interaction with the creek. A building setback shall be provided to encourage development of a creek trail along the San Leandro Creek.** The area adjacent to San Leandro Creek with direct visibility from Davis Street and East 14th Street provides an alternative location for the proposed 1.0 – 1.5 acre City Square.

SP-4 - Toler Parking Lot Special Policies. To implement specific provisions of the Downtown San Leandro Transit-Oriented Development Strategy where special flexibility is needed to allow for policies that may result in varying development scenarios at the City-owned 0.4 acre surface parking lot between Root Park and the Civic Center to create a linkage between City center and Downtown. If developed, this parcel shall be used for mixed-use residential facing East 14th Street at a minimum density of 45 units per acre for residential uses and 35 units per acre where ground floor retail is proposed. Ground floor retail is encouraged along East 14th Street. Office uses are allowed as a component of a mixed use development at a maximum FAR of 1.0. In this area, the maximum building height is 50 feet. ~~The building setbacks along East 14th Street shall be 15 feet from the existing property line to align with the Civic Center and create a minimum 25-foot wide sidewalk/pedestrian amenity zone.~~

SP-5 - North Alvarado Sites Special Policies. To implement specific provisions of the Downtown San Leandro Transit-Oriented Development Strategy where special flexibility is needed to allow for policies that may result in varying development scenarios at the 10.4 acre site. Development for this site shall be consistent with the Downtown Area 4 District requirements with the exception that the re-use of the site should capitalize on the close-in underutilized land and provide improvements that will be beneficial to the general Downtown area and meet stated community needs. Residential development as well as the relocation of Thrasher Park or similar recreational open space are permitted uses. If developed, the maximum building height is 75 feet, with the building height and scale reduced adjacent to the Cherrywood residential area. A building setback ~~of 150 feet~~ from San Leandro Creek shall be provided **to encourage development of a creek trail and open space along the San Leandro Creek** ~~for a linear park connection.~~ New development shall provide sound protection from the adjacent BART and Union Pacific Rail Road rail lines.

SP-6 - Thrasher Park Special Policies. To implement specific provisions of the Downtown San Leandro Transit-Oriented Development Strategy where special flexibility is needed to allow for policies that may result in varying development scenarios at the 4.5 acre area currently used for a 4.0 acre park and 0.5 acre parking lot. Development with office uses will only be allowed if and when an equivalent or larger replacement park is provided. Office uses shall be the dominant land use with limited support retail only. The maximum building height shall be 50 feet, with the scale and height reduced adjacent to the Orchard Street residential neighborhood.

SP-7 - St. Leander's School Special Policies. To implement specific provisions of the Downtown San Leandro Transit-Oriented Development Strategy where special flexibility is needed to allow for policies that may result in varying development scenarios at the 1.7-acre site. The site shall remain in open space, recreational, and educational uses unless the property owner desires to develop the property. To serve as both a school resource and a neighborhood amenity, St. Leander's School and the City could consider a public/private agreement to redesign the area and allow public use during non-school hours. In the event the property owner desires to develop the property, development shall be consistent with the Downtown Area 4 District with the exception that residential parking shall not exceed a maximum of 1.0 spaces per unit and no parking will be required for retail uses.

~~SP-8 - BART/Westlake Properties Special Policies.~~ To implement specific provisions of the Downtown San Leandro Transit-Oriented Development Strategy where special flexibility is needed to allow for policies that may result in varying development scenarios within the Downtown Area 5 District at the BART/Westlake Properties.

~~Site A is a 1.9 acre parcel. Development of Site A shall be consistent with the Downtown Area 4 District with the exception that residential parking shall not exceed a maximum of 1.0 spaces per unit and no parking will be required for retail uses. Retail uses shall be limited to 5,000 square feet or less.~~

~~Site B comprises 6.8 acres, and shall be developed consistent with the requirements of the Downtown Area 5 District, with the exception that sound protection shall be provided from the BART and UPRR uses and in the event City and/or BART are unable to acquire the Western Pacific right-of-way, pedestrian and bicycle crossings of the tracks shall be incorporated into any new development plans.~~

~~Site C (West Parrott Sites) comprises 3.1 acres. Limited retail uses are allowed if determined to be feasible. The primary intended use is parking. Residential use is allowed if alternative means to providing BART replacement parking is provided. Restrictions related to residential development under Site B shall apply to Site C as well.~~

~~Site D (North BART Parking Lot) comprises 1.8 acres. If redeveloped to capitalize on its commercial frontage, development shall be consistent with the Downtown Area 6 District requirements, with the exception that only office and support retail uses are allowed. Support retail use is limited to a maximum of 5,000 square feet. A maximum of 2.0 parking spaces shall be provided for each 1,000 gross square feet of office space and no parking is required for retail uses. There is no maximum building height.~~

~~Site E (South BART Parking Lot) comprises 2.1 acres. If redeveloped to capitalize on its commercial frontage, development shall be consistent with the Downtown Area 6 District requirements, with the exception that only office, residential, and support retail uses are allowed. Support retail use is limited to a maximum of 2,500 square feet. A maximum of 2.0 parking spaces shall be provided for each 1,000 gross square feet of office space and no parking is required for retail uses. Residential parking shall be provided at a maximum of 1.0 space per unit. There is no maximum building height. New development shall also provide for an extension of the “East Bay Greenway” (as defined in the Downtown San Leandro Transit Oriented Development Strategy) to the BART station.~~

SP-1 – Downtown South Gateway Special Policies

~~In all new development, mixed-use development is required with residential use on upper floors and retail use on ground floors fronting East 14th Street. SP-1 also requires that new development provide adequate space to accommodate pedestrian access to a proposed BRT transit stop.~~

SP-2 - Washington Plaza Shopping Center and San Leandro Plaza Special Policies

The following exceptions to the requirements of the underlying Downtown Area 1 District apply to all development on the approximately 7.5-acre area fronting on Davis Street to the north; the west side of East 14th Street between Callan Avenue and Estudillo Avenue, and the west side of Washington between Estudillo Avenue and Juana Avenue, and to the east of Hays Street between Davis Street on the north and Juana Avenue on the south:

1. In all new development, retail uses are required on the ground floor. Residential uses are desired on the upper floors. Any expansion of square footage North of Estudillo Avenue ~~must~~ **shall** include a mixed-use component with either office or residential on upper floors.
2. Office uses are only permitted in mixed-use developments.
3. New development proposals shall include provisions for:
 - a. Increasing the intensity of use on-site by providing required parking in structures.
 - b. Re-establishing West Joaquin Avenue between Hays Street and Washington Avenue as a pedestrian paseo.
 - c. Incorporating a 1.0 – 1.5-acre public open space in the northern portion of the block bounded by Davis Street, East 14th Street, Hays Street, and the West Estudillo Avenue paseo.

SP-3 - Town Hall Square and Vicinity Special Policies.

The following exceptions to the requirements of the underlying Downtown Area 1 District apply to all new development on the approximately 3.7-acre area fronting on the west side of East 14th Street

between San Leandro Creek on the north, Hays Street on the west; and Davis Street on the south

1. Ground floor retail uses are encouraged along the Davis Street and Callan Avenue frontages.
2. ~~Mixed use development is required, with residential uses on the upper floors and ground floor retail encouraged along Davis Street and Callan Avenue frontages in all new development.~~
3. New Development shall **consider reconfiguration and/or narrowing of Dan Niemi Way (Hays Street) between East 14th Street and Davis Street to create an improved pedestrian experience, outdoor plazas, and increased interaction with the creek.** ~~include provisions for the closure of Hays Street between East 14th Street and Davis Streets to be used as a pedestrian open space connector.~~ **A building setback shall be provided to encourage development of a creek trail along the San Leandro Creek.**
4. Consideration shall be given to providing 1.0 – 1.5-acre public open space adjacent to San Leandro Creek with direct visibility from Davis Street and East 14th Street.

SP-4 - Toler Parking Lot Special Policies

The following shall be incorporated in any new public or private development other than public uses proposed on the 0.4-acre City-owned parking lot fronting on East 14th Street:

1. The site shall include design elements creating a linkage between Civic Center and Downtown.
2. Mixed-use residential shall face East 14th Street. Ground floor retail is encouraged along East 14th Street.
3. Residential density shall be a minimum of 35 units per acre with ground floor retail and 45 units per acre if stand-alone residential is proposed.
4. Office uses are allowed only if a component of mixed-use residential development. Office uses shall be limited to a maximum floor area ratio of 1.0.
5. Replacement parking shall be provided in close proximity prior to the occupancy of any new development on the site.

SP-5 - North Alvarado Sites Special Policies

The following exceptions to the requirements of the underlying Downtown Area 4 District apply to all development on the approximately 10.4-acre area fronting on San Leandro Creek, Alvarado Street, and the UPRR and BART lines:

1. Building setbacks of ~~150 feet~~ shall be provided from San Leandro Creek **to encourage development of a creek trail and open space along the San Leandro Creek.**
2. Maximum building height in this area is 75 feet. Building height, massing, and scale shall be

- ~~1. Residential parking shall be provided at a maximum of 1.0 spaces per unit.~~
- ~~2. No parking is required for retail uses in mixed use developments.~~

~~Site B: The 6.8 acre area known as the Westlake Parcels. Development requirements for this area shall comply with the provisions of the Downtown Area 5 District with the following exceptions:~~

- ~~1. Sound protection from BART and UPRR shall be provided.~~
- ~~2. In the event the City and BART are unable to acquire the Western Pacific right-of-way, pedestrian and bicycle crossings of the tracks shall be installed in conjunction with any new development.~~

~~Site C: The 3.1-acre site known as the West Parrott Sites.~~

- ~~1. This area shall be utilized as a major parking reservoir to capitalize on the location adjacent to BART and AC Transit facilities.~~
- ~~2. This site may be used to relocate existing BART parking on the East side of San Leandro Boulevard.~~
- ~~3. Parking in excess of BART replacement requirements is allowed to support new commercial development on surrounding properties or to create a shared parking strategy that serves BART and other users.~~
- ~~4. Visitor parking for new mixed use residential developments on surrounding properties may be provided at this site.~~
- ~~5. Limited retail is allowed on this site if determined to be feasible.~~
- ~~6. Residential use is allowed if alternative means to providing BART replacement parking is provided.~~

~~Site D: The 1.8 acre North BART Parking Lot. New development on this site shall conform to the requirements of the Downtown Area 6 District with the following exceptions:~~

- ~~1. All new development is limited to office and retail uses only.~~
- ~~2. Retail space is limited to 5,000 square feet of floor area.~~
- ~~3. Office parking shall be limited to a maximum of 2.0 spaces per 1,000 square feet of floor area.~~
- ~~4. No parking is required for permitted retail uses.~~
- ~~5. New development shall coordinate in design with the Open Space Framework set forth in the Downtown San Leandro Transit-Oriented Development Strategy in order to provide for the~~

