



City of San Leandro

Meeting Date: September 28, 2020

Ordinance

File Number: 20-356 **Agenda Section:** CONSENT CALENDAR

Agenda Number: 8.F.

TO: City Council

FROM: Jeff Kay
City Manager

BY: Tom Liao
Community Development Director and
Andrew Mogensen
Planning Manager

FINANCE REVIEW: Not Applicable

TITLE: ORDINANCE of the City of San Leandro City Council approving a Zoning Map Amendment for a Planned Development at 903 Manor Boulevard, from CC Commercial Community to CC(PD) Commercial Community Planned Development Overlay District. Alameda County Assessor's Parcel Number 080H-1541-036-00 (PLN19-0037).

WHEREAS, ERC SC, LLC ("Applicant") submitted an application for a General Plan Map Amendment, Zoning Map Amendment, Planned Development, Site Plan Review, and Tentative Map to construct a 39-unit, three-story residential townhome condominium development at 903 Manor Boulevard (PLN19-0037) ("Project"); and

WHEREAS, in accordance with the California Environmental Quality Act, an Initial Study was prepared; and

WHEREAS, in accordance with the San Leandro Municipal Code Chapter 7-1, the Applicant is concurrently requesting approval of Vesting Tentative Tract Map 8519 to subdivide the 2.3 acre parcel into 7 lettered lots and 39 residential condominium units; and

WHEREAS, the Property has a General Plan land use designation of CN Neighborhood Commercial and is currently zoned CC Commercial Community; and

WHEREAS, the Applicant is concurrently requesting approval of a General Plan Map Amendment to change the General Plan land use designation for the Project site from CN Neighborhood Commercial to CG General Commercial to align the General Plan land use designation with the corresponding CC Zoning Code designation; and

WHEREAS, the Applicant is requesting approval of a Zoning Map Amendment to rezone the Project site from CC Commercial Community to CC(PD) Commercial Community Planned

Development Overlay District as identified in "Exhibit A"; and

WHEREAS, a Planned Development establishes a procedure for the development of larger parcels of land in order to reduce or eliminate the rigidity, delays, and inequities that otherwise would result from application of zoning standards and procedures designed primarily for small parcels; and

WHEREAS, the Planned Development Project complies with the minimum area, residential unit density, performance standards, and development regulation conditions required for approval under Section 3.04 of the Zoning Code; and

WHEREAS, the Planned Development Project includes adequate provisions for utilities, services, and emergency vehicle access; and that public service demands will not exceed the capacity of existing and planned systems; and

WHEREAS, the Planned Development Project contributes to the availability and affordability of much needed housing in the community, with provisions for market rate and affordable housing; and

WHEREAS, pursuant to the California Environmental Quality Act of 1970, Public Resources Code § 21000, et seq., as amended and implementing State CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations (collectively, "CEQA"), an Initial Study - Mitigated Negative Declaration (collectively, "Initial Study - Mitigated Negative Declaration" or "IS-MND"), dated March 2020, was prepared for the project by Rincon Consultants, Inc. (Rincon) on behalf of the City. The Initial Study determined that, although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because of the incorporated mitigation measures and revisions in the project that have been made by or agreed to by the project proponent and a Mitigated Negative Declaration was prepared and circulated for public and agency review and comment; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the Zoning Map Amendment and Project on July 2, 2020, at which time all interested parties had the opportunity to be heard; and

WHEREAS, on July 2, 2020, the Planning Commission, after consideration of all pertinent plans, documents, and testimony, recommended to the City Council by a 6-1 decision the approval and adoption of the Initial Study - Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, Zoning Map Amendment, and the Project; and

WHEREAS, following the public hearing, the Planning Commission adopted Resolution No. 2020-009 and 2020-010 recommending that the City Council approve the Initial Study - Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and the Project. Planning Commission Resolutions No. 2020-009 and 2020-010 dated July 2, 2020 are incorporated herein by reference; and

WHEREAS, a staff report for the City Council dated September 8, 2020 and incorporated herein by reference, described and analyzed the proposed Zoning Map Amendment and Project;

and

WHEREAS, the City Council held a duly noticed public hearing regarding the proposed Project on September 8, 2020, at which time all interested parties had the opportunity to be heard; and

WHEREAS, the City Council fully considered the Zoning Map Amendment, Project application, Initial Study - Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, entitlements, staff report, recommendations, findings of fact, conditions of approval, public comments, and all other testimony and evidence presented at the public hearing, prior to taking action on the Zoning Map Amendment for the Planned Development Overlay District; and

WHEREAS, the City Council finds that the staff report and standards for approval reflects the City's independent judgement and analysis of the Project; and

WHEREAS, the City's General Plan, Zoning Code, and Municipal Code are incorporated herein by reference, and are available for review on the City's website.

NOW, THEREFORE, the City of San Leandro City Council hereby **ORDAINS** as follows:

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

SECTION 2. ENVIRONMENTAL REVIEW. On September 8, 2020, the City Council adopted an Initial Study - Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program Resolution incorporated herein by reference.

SECTION 3. FINDINGS. Based on the entirety of the record, the City Council hereby finds that the proposed Zoning Map Amendment, as shown in the attached "Exhibit A" is consistent with the 2035 General Plan adopted September 19, 2016. The City Council further finds that consideration of the proposed Planned Development Overlay District compiles with the notice and hearing provisions of the Zoning Code.

SECTION 4. APPROVAL. The City Council hereby approves the Zoning Map Amendment for the Planned Development Overlay District as shown in attached "Exhibit A", incorporated herein by reference.

SECTION 5. EFFECTIVE DATE AND PUBLICATION. This Ordinance shall take effect thirty (30) days after adoption. The title thereof shall be published once and a complete copy thereof shall be posted on the City Council Chamber bulletin board for five (5) days prior to adoption.

Exhibit A

CITY COUNCIL ORDINANCE

Zoning Map Amendment (PLN19-0037)

