

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

ORDINANCE NO. 2023-

ORDINANCE TO ADOPT A ZONING MAP AMENDMENT TO REZONE A 3.45-ACRE SITE LOCATED AT 14143-14273 WASHINGTON AVENUE FROM COMMERCIAL COMMUNITY WITH AN ASSEMBLY USE OVERLAY (CC(AU)) TO INDUSTRIAL GENERAL (IG) (PLN21-0031)

WHEREAS, Richard Poolis, on behalf of First Industrial Realty Trust ("Applicant" and "Property Owner") submitted an application, PLN21-0031 ("Project"), for a Zoning Map Amendment, Site Plan Review, Conditional Use Permit, and Administrative Exception (Height) to facilitate the construction and operation of a one-story, 47 feet tall, approximately 52,269 square-foot speculative warehouse structure, with up to 5,000 square-feet of office space, and associated site improvements and landscaping, on a vacant 3.45-acre property located at 14143-14273 Washington Avenue (APNs: 77B-1222-3-3, -4-3, -5-3, and 77B-1222-6-15, -6-17, -6-18, and -6-19) ("Property"); and

WHEREAS, the Property is zoned Commercial Community with an Assembly Use Overlay (CC(AU)) and has a General Plan land use designation of Industrial-Transition; and

WHEREAS, the applicant has requested approval of a Zoning Map Amendment to change the zoning of the Property from CC(AU) to IG; and

WHEREAS, the IG zoning district is identified in the General Plan Land Use Element as a "conditionally compatible" zoning designation with the Industrial-Transition General Plan Land Use designation; and

WHEREAS, the General Plan Land Use Element provides for property to be rezoned to a conditionally compatible zoning district when findings can be made that the types of development that would be allowed is consistent the underlying General Plan land use designation; and

WHEREAS, the City prepared an Initial Study and draft Mitigated Negative Declaration ("IS/MND") for the Project pursuant to the provisions of the California Environmental Quality Act (CEQA), incorporated herein by reference, which reflected the independent judgment of the City as to the potential environmental effects of the Project; and

WHEREAS, the IS/MND concluded that the project would not result in any significant impacts with the incorporation of mitigation measures; and

WHEREAS, the City prepared and circulated a Notice of Intent to Adopt a Mitigated Negative Declaration (NOI) for the project in accordance with the requirements of CEQA and provided a public review and comment period between October 6, 2023 and October 27, 2023; and

WHEREAS, the NOI was mailed to owners and occupants of real property adjacent to the project site and to individuals and/or organizations who had previously requested such notice, posted at the Alameda County Clerk's Office, and on-site at the Property, for the duration of the public review period; and

WHEREAS, the City prepared a Mitigation Monitoring and Reporting Program (MMRP) pursuant to the requirements of CEQA, incorporated herein by reference; and

WHEREAS, Zoning Code Section 5.16.116 states that the Planning Commission will make specific findings as to whether the proposed zoning regulation or zoning map amendment is consistent with the policies of the General Plan and the purposes of the Zoning Code, and shall recommend approval, conditional approval, or denial of the proposal as submitted or in modified form to the City Council; and

WHEREAS, the Planning Commission held a duly noticed public hearing regarding the proposed Project and IS/MND and MMRP on November 2, 2023, at which time all interested parties had the opportunity to be heard; and

WHEREAS, on November 2, 2023, the Planning Commission, after consideration of all pertinent plans, documents, project application, IS/MND and MMRP, staff report, findings of fact, conditions of approval, public comments, and all other testimony and evidence presented at the public hearing, voted 4-2-1 to adopt Planning Commission Resolution No. 2023-010, incorporated herein by reference, to recommend City Council adoption of the IS/MND and MMRP, and approval of the Project based on the Recommended Findings and Fact and subject to the Recommended Conditions of Approval; and

WHEREAS, a staff report for the City Council dated November 20, 2023, and incorporated herein by reference, described, and analyzed the proposed Zoning Map Amendment and Project and the IS/MND and MMRP; and

WHEREAS, the City Council held a duly noticed public hearing regarding the proposed Project and the IS/MND and MMRP on November 20, 2023, at which time all interested parties had the opportunity to be heard; and

WHEREAS, the City Council fully considered the Project application, IS/MND and MMRP, staff report, findings of fact, conditions of approval, public comments, and all other testimony and evidence presented at the public hearing; 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 Council determined that the proposed Project does satisfy the requisite findings of fact necessary for approval as described in the staff report and herein; and

WHEREAS, On November 20, 2023, the City Council adopted Resolution No. 2023-169, incorporated herein by reference, adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project in accordance with the requirements of CEQA and approving Site Plan Review, a Conditional Use Permit and Administrative Exception (Height) for the Project based on Findings of Fact and subject to Conditions of Approval; and

WHEREAS, the City Council desires to adopt a Zoning Map Amendment to rezone the Property from CC(AU) to IG; and

WHEREAS, the City’s General Plan, Zoning Code, and Municipal 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, 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. FINDINGS. The City Council hereby makes the following findings in support of adoption of this ordinance, based on the whole of the record:

- 1. The amendments to the Zoning Map will not be detrimental to the public interest, health, safety or welfare of the City.
- 2. The amendment to the Zoning Map is consistent with the City’s General Plan and all specific plans and the purposes of the Zoning Code.

SECTION 3. ENVIRONMENTAL REVIEW. On November 20, 2023, the City Council adopted Resolution No. 2023-169, incorporated herein by reference, adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project, including the rezoning of the Property from CC(AU) to IG, in accordance with the requirements of CEQA. The Mitigated Negative Declaration determined that the Project would have no significant effect on the environment with the incorporation of mitigation measures, and no further environmental review is required.

SECTION 4. AMENDMENT OF ZONING MAP. The San Leandro Zoning Map is hereby amended as shown in attached “Exhibit A” and 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.

Introduced by Councilmember Aguilar and passed to print on the 20th day of November 2023, by the following called vote:

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| AYES: | Councilmembers Aguilar, Azevedo, Ballew, Reynes, Simon and Mayor Gonzalez | (6) |
| NOES: | None | (0) |
| ABSENT: | Councilmember Bowen | (1) |

Passed and adopted the 4th day of December 2023 after publication on November 24, 2023 by the following called vote:

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| AYES: | () |
| NOES: | () |
| ABSENT: | () |

ATTEST:

Kelly B. Clancy, CMC
City Clerk

DRAFT